

# Infrastructure: The Social Value of Shared Resources

By Brett M. Frischmann

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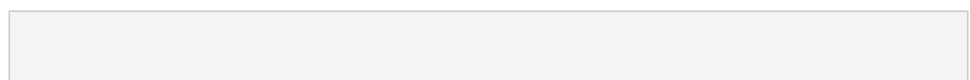
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**Infrastructure: The Social Value of Shared Resources** By Brett M. Frischmann

Infrastructure resources are the subject of many contentious public policy debates, including what to do about crumbling roads and bridges, whether and how to protect our natural environment, energy policy, even patent law reform, universal health care, network neutrality regulation and the future of the Internet. Each of these involves a battle to control infrastructure resources, to establish the terms and conditions under which the public receives access, and to determine how the infrastructure and various dependent systems evolve over time.

*Infrastructure: The Social Value of Shared Resources* devotes much needed attention to understanding how society benefits from infrastructure resources and how management decisions affect a wide variety of interests. The book links *infrastructure*, a particular set of resources defined in terms of the manner in which they create value, with *commons*, a resource management principle by which a resource is shared within a community. The infrastructure commons ideas have broad implications for scholarship and public policy across many fields ranging from traditional infrastructure like roads to environmental economics to intellectual property to Internet policy.

Economics has become the methodology of choice for many scholars and policymakers in these areas. The book offers a rigorous economic challenge to the prevailing wisdom, which focuses primarily on problems associated with ensuring adequate supply. The author explores a set of questions that, once asked, seem obvious: what drives the demand side of the equation, and how should demand-side drivers affect public policy? Demand for infrastructure resources involves a range of important considerations that bear on the optimal design of a regime for infrastructure management. The book identifies resource valuation and attendant management problems that recur across many different fields and many different resource types, and it develops a functional economic approach to understanding and analyzing these problems and potential solutions.



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## Infrastructure: The Social Value of Shared Resources By Brett M. Frischmann Bibliography

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### **Editorial Review**

#### Review

"In *Infrastructure: The Social Value of Shared Resources*, Brett Frischmann's argument is timely and important. What he is attempting here is nothing less than a reimagining of how economics thinks about infrastructure. His argument ranges from intellectual property to telecommunications to the case for government investment in roads and bridges."

--Mark A. Lemley

William H. Neukom Professor, Stanford Law School

Director, Stanford Program in Law, Science, and Technology

Partner, Durie Tangri LLP

"Faculty and students across the social sciences and engineering will all find Brett Frischmann's new book to provide essential guidance for the analysis of diverse types of infrastructure resources and how policies affect the effectiveness, efficiency, fairness, and sustainability of outcomes. Rarely can one find such a broad and useful foundation for digging in and understanding the complexities of modern infrastructures. An extraordinary book."

--Elinor Ostrom, Indiana University, Co-Recipient, the Sveriges Riksbank Prize in Economic Sciences in Memory of Alfred Nobel, 2009

"In *Infrastructure: The Social Value of Shared Resources*, Brett Frischmann persuades us that infrastructure in its many guises is probably our most important national asset. Looking to law, economics, and regulatory structures, he helps us to define it, and illuminates the many ways it is funded and shared. This book might change the way you look at the economy."

--Suzanne Scotchmer, Faculty Director, Berkeley Center for Law & Technology

Professor of Law, Economics and Public Policy

"Brett Frischmann's excellent contribution to the policy debate surrounding the development and management of shared infrastructure is original, nuanced, and, in keeping with his own principles, accessible. It is important reading for anyone interested in economic policy and regulation."

--Howard Shelanski, Professor of Law, Georgetown University

"Read *Infrastructure* and you will never see the world quite the same again."

--Tim Wu, Professor of Law, Columbia Law School (Concurring Opinions)

"The student of infrastructure policy will benefit from Frischmann's excellent treatment of public goods and

social goods; spillovers and externalities; proprietary versus commons systems management; common carriage policies and open access regulation; congestion pricing strategies; and the debate over price discrimination for infrastructural resources. Infrastructure deserves a spot on your shelf whether you are just beginning your investigation of these issues or if you have covered them your entire life."

--Adam Thierer, Senior Research Fellow, The Mercatus Center at George Mason University (Concurring Opinions)

"Brett Frischmann's excellent new book has crafted an elaborate theory of infrastructure that creates an intellectual foundation for addressing some of the most critical policy issues of our time: transportation, communication, environmental protection and beyond."

--Laura DeNardis, Associate Professor, School of Communication at American University (Concurring Opinions)

"Frischmann's book is an important contribution across a wide range of fields. It is a terrific achievement and I think its influence will continue to grow as we grapple with the implications of its analysis."

-- Michael Burstein, Cardozo School of Law, PatentlyO.com

"It's unlikely that we are ever going to get a book as rigorous and comprehensive in its treatment of infrastructure as a commons than Professor Brett Frischmann's recently published *Infrastructure: The Social Value of Shared Resources* (Oxford University Press). This book is a landmark in the study of the social value of infrastructure, a theme that is generally overlooked or marginalized."

--David Bollier, Bollier.org

"The book provides a new and productive way of analyzing all forms of infrastructure, especially those that are sources of major social value. Frischmann helps us recognize the importance of understanding how different types of policies balance provision and use. With its many fresh ideas, *Infrastructure* itself is likely to generate social value through additional research and the creation of innovative policies."

--Edella Schlager, *Science* (July 13, 2012)

"A well-motivated, fundamental call for action. I hope that subsequent work will integrate the ideas developed in this book for the purpose of cost-benefit analysis and policy decisions on governance and market structure...Professor Frischmann has put the spotlight on the demand side. It is my hope and wish that his book will lead to more comprehensive debates and policy decisions."

--Paul W.J. de Bijl, Department of Competition and Regulation, CPB Netherlands Bureau for Economic Policy Analysis

*Journal of Information Policy* (2012)

"Brett Frischmann, a professor at the Cardozo School of Law in New York, provides a thorough look at the issues in his book *Infrastructure: The Social Value of Shared Resources*. Infrastructure-both digital and otherwise-is used by many for all kinds of activities, and is often to some extent 'non-rival', meaning one person's use does not forestall another's. Limiting their use, for instance by pricing them depending on who uses them and for what, can limit their value and slow innovation."

--The Economist

"This book is highly recommended and makes an essential reading for policy makers, politicians, social workers and interdisciplinary research scholars (i.e. both engineering and social science) who are interested and involved in analyzing demand-side opportunities and challenges of infrastructure management."

--International Journal of the Commons

"Frischmann's principle thesis is that concerns over infrastructure are at the heart of many policy debates with one side arguing for private property solutions and the other opposing it. However, those embracing the idea of the 'commons' as a means of managing infrastructure have lacked robust economic theory for their position. His goal with this book is to help fill that gap. While the book covers a lot of ground, its analytical framework is a useful tool to reflect on the limitations of some economic approaches which simply treat infrastructure as a public good or a natural monopoly."

--The Information Technology & Innovation Foundation

"Using and critiquing economic theory, Frischmann innovatively connects the interdisciplinary concepts of "infrastructure" and "the commons," emphasizing demand-side microeconomics." -Zahr K . Said, Tulsa Law Review

#### About the Author

**Brett M. Frischmann** is Professor of Law at the Benjamin N. Cardozo School of Law, Yeshiva University, where he teaches intellectual property and internet law. After clerking for the Honorable Fred I. Parker of the U.S. Court of Appeals for the Second Circuit and practicing at Wilmer, Cutler & Pickering in Washington, DC, he joined the Loyola University, Chicago law faculty in 2002. He has held visiting appointments at Cornell, Fordham, and Syracuse. He is a co-author of one of the leading internet law casebooks entitled: *Cyberlaw: Problems of Policy and Jurisprudence in the Information Age, 4th Edition*, along with Patricia L. Bellia, Paul Schiff Berman, and David G. Post. Professor Frischmann has written articles for the *Columbia Law Review*, *Cornell Law Review*, *University of Chicago Law Review*, *Review of Law and Economics*, and many other leading journals.

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