

Illinois Program in Law and Economics
The Future of the Commons and the Anticommons
June 2-3, 2006

Conference Reading List

Session I: Commons and Semicommons

Garrett Hardin, *The Tragedy of the Commons*, 162 SCIENCE 1243 (1968)

ELINOR OSTROM, GOVERNING THE COMMONS: THE EVOLUTION OF INSTITUTIONS FOR COLLECTIVE ACTION 8-23 (1990)

Thráinn Eggertsson, *Open Access versus Common Property*, in PROPERTY RIGHTS: COOPERATION, CONFLICT, AND LAW (Terry L. Anderson & Fred S. McChesney, eds., 2003)

Carol Rose, *The Comedy of the Commons: Custom, Commerce, and Inherently Public Property*, in PROPERTY AND PERSUASION 105-62 (1994)

Henry E. Smith, *Semicommon Property Rights and Scattering in the Open Fields*, 29 J. LEGAL STUD. 131 (2000)

Session II: Anticommons

Frank I. Michelman, *Ethics, Economics, and the Law of Property*, in NOMOS XXIV, ETHICS, ECONOMICS, AND THE LAW 3, 6, 9 (J. Roland Pennock and John W. Chapman, eds. 1982)

Michael Heller, *The Tragedy of the Anticommons: Property in the Transition from Marx to Markets*, 111 HARV. L. REV. 621 (1998)

James M. Buchanan & Yong J. Yoon, *Symmetric Tragedies: Commons and Anticommons*, 43 J.L. & ECON. 1 (2000)

Abraham Bell & Gideon Parchomovsky, *Of Property and Antiproperty*, 102 MICH. L. REV. 1 (2003) (excerpt)

Lee Fennell, *Common Interest Tragedies*, 98 NW. U. L. REV. 907 (2004) (excerpt)

GARY D. LIBECAP, CONTRACTING FOR PROPERTY RIGHTS 10-21 (1989)

Session III: Real Property and Natural Resource Applications

Robert C. Ellickson, *Property in Land*, 102 YALE L.J. 1315 (1993) (excerpt)

Carol M. Rose, *Rethinking Environmental Controls: Management Strategies for Common Resources*, 1991 DUKE L.J. 1

Dean Lueck, *The Extermination and Conservation of the American Bison*, 31 J. LEGAL STUD. 609 (2002) (excerpt)

Gary D. Libecap, *The Problem of Water* [draft book chapter]

Session IV: Intellectual Property Applications

Robert P. Merges, *A New Dynamism in the Public Domain*, 71 U. CHI. L. REV. 183 (2004)

Anupam Chander & Madhavi Sunder, *The Romance of the Public Domain*, 92 CAL. L. REV. 1331 (2004)

Mark A. Lemley, *Property, Intellectual Property, and Free Riding*, 83 TEX. L. REV. 1031 (2005)

Michael A. Heller & Rebecca S. Eisenberg, *Can Patents Deter Innovation? The Anticommons in Biomedical Research*, 280 SCIENCE 698 (1998)

Session V: Theoretical Extensions

Stephen R. Munzer, *The Commons and the Anticommons in the Law and Theory of Property*. Reprinted from THE BLACKWELL GUIDE TO THE PHILOSOPHY OF LAW AND LEGAL THEORY (Martin P. Golding and William A. Edmundson, eds. 2005)

Hanoch Dagan & Michael A. Heller, *The Liberal Commons*, 110 YALE L.J. 549 (2001)

Michael Heller, *The Boundaries of Private Property*, 108 YALE L.J. 1163 (1999) (excerpt)