13 Labor and/as Love: Exploring the Commons of Roller Derby

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I. Introduction

My contribution to this volume on knowledge commons is about roller derby. It is about how and why people create and draw from the shared body of knowledge and close-knit community that make up the heart of roller derby. It is also about what their compulsion to engage in that creation on a largely share-alike, volunteer basis means for our understanding of commons and about production of cultural artifacts in the absence of pecuniary motivation more generally. I cannot begin exploring these issues, though, without saying a few descriptive words about what roller derby is, in order to familiarize the uninitiated.

Roller derby is an American-born sport in which two teams of competitors on quad skates careen counterclockwise around a (banked or flat) oval track.[1] Derby was first developed in the 1930s, and enjoyed brief but always temporary bursts of popularity

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[1] The rules of derby are complex enough that it is often difficult for first-time observers to understand game action and strategy. Here are some basics: In most current styles of derby, two teams of five skaters each compete. The teams consist of one jammer and four blockers. Points are scored when a jammer laps (passes twice) one of the opposing team's blockers. The bouts are broken down into four quarters of varying lengths, and the units of play are "jams" of sixty or more seconds. Full contact is legal subject to hockey-style rules (e.g., lateral hits are allowed but tripping, elbowing, or pushing from the rear are not). This brief description is a mere incomplete sketch of the game's rules, which vary more than a little among regions, leagues, and surfaces (e.g., banked versus flat track).

throughout the twentieth century. In the past ten-odd years, though, the sport has undergone a reinvention as an edgy subcultural phenomenon. As initially reconceived in Austin, Texas, back in 2001, the new derby combines compelling (and real[2]) athletic competition as well as a performance spectacle tinged with equal parts punk and camp. Skaters are serious athletes, but they also sport fishnets, tattoos, and names like Tara Armov, Raven Seaward,[3] and Gori Spelling. Skaters are almost all women,[4] and they (in combination with the many men and women who do not skate but are crucial to making derby happen) have created something extraordinary: not only a series of entertaining bouts for public consumption but also a distinctive countercultural community that provides a sense of belonging and identity for those who are part of it.[5]

This case study seeks to add to the growing discussion about commons governance strategies by focusing on the world of roller derby itself, rather than the bouts that are exhibited for the public.[6] In 2001, the contemporary roller derby world was born spontaneously and without any overriding pecuniary motivation. The main motivation appears to have been a desire for stardom and community rather than profit. At one of the first gatherings at which the contemporary version of roller derby was hatched, the event's organizer observed, "There's gonna be live music, midgets, fire breathers, and multimedia presentations, all sponsored by bars, that will battle it out through roller derby. We're all gonna be superstars!" (Barbee & Cohen 2010). Just over a decade later, roller derby continues to thrive thanks to the ongoing collaborative efforts of the thousands of people who devote themselves to derby without any expectation of financial reward. This case study discusses not only how this particular commons is constructed and governed. It also provides an opportunity to think more generally about why such commons arise in the first place, and about what the emergence of such commons means for our understanding of what motivates creative goods as well as what motivates the choice of the property regimes that govern them.

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[2] I add this note because many people wrongly believe roller derby to be a "fake" sport like pro wrestling. It is not. The outcomes of bouts are unplanned, and the action is unscripted.

[3] Get it? See Caroline on Crack, *5 Tips for How to Create Your Derby Name*, http://carolineoncrack.com/2010/07/13/tips-on-how-create-your-roller-derby-name/ (quoting Raven as saying, "Granted, not everybody understands the true genius of this name the first time they read it, but the look on people's faces when it finally comes together is priceless.").

[4] But see http://www.mensderbycoalition.com/ (providing an overview of MRDA, the Men's Roller Derby Association). There are sixteen men's roller derby leagues nationally, as opposed to hundreds of women's roller derby leagues.

[5] This paragraph is of necessity a very brief and incomplete sketch of the sport. I provide a longer (several-page) description and history of roller derby in a related paper (Fagundes 2012a). Two great books that recount in detail the development, culture, and play of contemporary roller derby are Barbee & Cohen (2010) and Mabe (2007).

[6] As I explain in more detail below, derby bouts are not commons from the perspective of the consuming public. Rather, they are standard private entertainment goods, like movies or baseball games, to which access is limited and parceled out on a for-pay basis.

The ensuing discussion proceeds in three parts. In Part I, I reflect on the meaning of commons in light of both property theory as well as Madison, Frischmann, and Strandburg's knowledge commons framework (Madison, Frischmann, & Strandburg 2010). In Part II, I pose and answer three descriptive questions that frame an examination of roller derby through the lens of a knowledge-commons analysis: What resources related to roller derby are governed as commons, how are those resources governed, and who has access to those resources? In Part III, I turn to questions that are immanent in the preceding discussion: What causes roller derby people to devote themselves so passionately to their sport on an entirely volunteer basis, and how is this related to the decision to regulate many of roller derby's cultural resources as commons? Roller derby adds yet another case to the growing litany of examples illustrating the flaws in the traditional assumption of much property and intellectual property law that financial incentives are the key to more and better creative production. The emergence and continued thriving of roller derby further illustrates linkage between the status of an information good as a labor of love and the choice of a commons to govern it.

II. Of Commons and Commonsiness

In this part, I explore the notion of commons, with the aim of providing a framework for assessing how and whether it makes sense to think of roller derby in these terms. I begin by exploring the more formal meanings of commons that have predominated in the physical property literature, and then move on to consider Madison, Frischmann, and Strandburg's more flexible definition of the term used in their treatment of knowledge commons. The notion of commons is familiar in popular usage. Despite this familiarity, though, the term is used in divergent and often confusing ways (Eggertsson 2000).[7] In particular, two conflations have obscured understanding of this term. The first is that the word "commons" is often used to refer to both a physical place as well as the property law strategy used to govern that place. Consider Hardin's classic example, the English village green. In one colloquial usage, this space itself was referred to as "the commons." This usage persists to date and has also crossed the Atlantic. Denizens of Boston know that "let's go to the Common" means "let's go to our city's central public park." The plots of land popularly identified as "commons" are also typically regulated by governance schemes understood in property law as "commons" governance schemes (although, as I explain in the next paragraph, the term "commons" is used to refer to several different governance schemes). So it may be accurate to say that "Boston Common is governed as a commons," and it is not a coincidence that place and the legal strategy used to govern it share the same name. But this overlap illustrates the challenges of negotiating the meaning of "commons."

[7] Cited in Dagan & Heller (2001).

The second conflation relates to the meaning of the commons property-law governance strategy itself. The legal literature deploys the term "commons" to refer to at least three different property governance schemes. One such usage refers to a strategy whereby no public or private entity holds title to a resource, so that any individual can access the resource under virtually any conditions. Examples include the air we breathe, the high seas, and works of authorship that have fallen out of copyright protection and into the public domain. No one can exercise a right to exclude others from accessing these resources, and few if any regulations restrict their use.[8] Frank Michelman has referred to such resources as "commons" in the sense that "there are never any exclusionary rights. All is privilege. People are legally free to do as they wish, and are able to do, with whatever objects… are in the [commons]" (Michelman 1982).

A second regime sometimes referred to as a form of "commons" governance strategy arises where title in a resource is held by some entity (a private owner or the state[9]), but the title holder decides to make the resource broadly available to the public with no or few conditions on its use. A municipal park fits this bill. The state owns the land and could exercise its authority to close it off to the public, but instead chooses to allow general access conditioned only on compliance with basic, generally applicable rules (evening curfews, bans on alcohol or fires). Copyrighted works of authorship shared pursuant to Creative Commons licenses falls into this category as well. Copyright owners could keep their work secret or only release copies of it for sale, but many owners choose to share them with the public via some variation of a Creative Commons license. This "commons," though, arises at the discretion of the work's owner and is not limitless. Rather, it is subject to at least one of four use conditions: that users attribute the author, that they make the work available on a share-alike basis, that they make it available noncommercially, and/or that they not make any derivative works.[10]

In still a third variation of property governance that is often described as a "commons," a demarcated and relatively limited number of people are freely entitled to use a resource and cannot exclude other group members from doing so (Dagan & Heller 2001). Yet nonmembers of the group may not access the resource, and group members have the right to exclude nonmembers. Many historical examples of English village greens adhere to this definition: All villagers had the right to use the commons, but outsiders did not and were subject to villagers' rights to exclude. Consider also modern condominium

[8] International waters are governed by the United Nations Convention on the Law of the Sea (UNCLOS), but this agreement confirms the basic proposition that "the high seas are open to all states, whether coastal or landlocked." UNCLOS Art. 87(1).

[9] Public and private entities may warrant a further distinction within this category. The state's decision to render its property open to the public flows from its obligations vis-à-vis the public, especially insofar as the state is often regarded as owning land in trust for the public. By contrast, a private actor's choice to make its property freely available is a discretionary choice that is not a product of any quasi-fiduciary obligation, and so could be revoked at any time.

[10] See About the Licenses, http://creativecommons.org/licenses/.

developments, where residents have equal (albeit regulated) access to the development's shared spaces such as pools or hallways (often called "common areas"). Nonresidents, by contrast, have no rights of access to these areas, and residents can kick out any unauthorized outsiders found in the community pool or gym. Rose has characterized this latter form of governance as "commons on the inside, private property on the outside" (Rose 1998: 155). Many, perhaps most, of the "commons" governance strategies detailed in Elinor Ostrom's *Governing the Commons* fall into this third category, rather than being governed on an the more open-access bases of the first two categories (Ostrom 1990).

This disconsensus about the precise meaning of "commons" does not suggest that the term lacks coherence. Rather, it may indicate that it is more useful to think of commons as occupying some territory along a continuum of property governance schemes (Smith 2002). Madison, Frischmann, and Strandburg draw from Ostrom's multivalent account of commons in inviting us to consider what it means to govern cultural rather than physical resources as commons. The authors define commons broadly as "environments for developing and distributing cultural and scientific knowledge through institutions that support pooling and sharing that knowledge in a managed way" (Madison, Frischmann, & Strandburg 2010). The authors have construed the term capaciously by design, seeking to invite discussion about different governance strategies rather than focusing on the formal definition of the term (Madison, Frischmann, & Strandburg 2009). Their approach thus does not regard information goods in terms of whether they are or are not governed as commons in a binary sense, but rather in terms of which aspects of a commons governance strategy they possess—that is, their "commonsiness."[11]

Madison, Frischmann, and Strandburg (again, drawing from Ostrom) have identified numerous drivers that may make a governance strategy more or less commonsy for cultural resources. One of those drivers is the extent to which those entitled to extract from the commons are regulated in doing so (Madison, Frischmann, & Strandburg 2009). One approach could say that all villagers are allowed to graze livestock on the commons, without limit, raising the likelihood of the "tragic" outcomes that are a constituent feature of natural resources commons. A more moderate strategy would be to restrict the extraction rights of those entitled to access the commons, in order to avoid such tragedies (Ostrom 1990). Another driver of commonsiness looks to the constitution of the group that is entitled to use the resource (Madison, Frischmann, & Strandburg 2009). In some cases—the public domain, the high seas—this group will be without limit. Other commons—a homeowners' association or the denizens of a small village—will have a much smaller community entitled to use it. This general approach of defining commons in terms of a series of different drivers that create degrees of commonsiness rather than identifying the silver-bullet feature that characterizes all commons helps us understand

[11] While this is a reference to Steven Colbert's zeitgeisty term "truthiness," I should stress that by "commonsiness," I mean some feature that actually is like a commons, rather than something that is seems true but is actually not (Fagundes 2012a).

how different property governance schemes such as the ones described above may all coherently be regarded as commons.

Madison, Frischmann, and Strandburg regard as commons resources as disparate as patent pools, universities, and Wikipedia. Each of these resources exhibit various features of commons governance, though the particular strategies used to regulate them differ. Patent pools are reminiscent of the third formal category discussed above, "commons on the inside, private property on the outside." They allow a defined and relatively small number of entities access to share in the exclusive rights of patentees, but are available to others only on standard licensing terms. Universities produce and make available (usually for free) knowledge resources. Some of these resources, like libraries, are accessible only to the broad class of university members (so that it is more like the third category discussed above), while other resources, like academic articles, tend to be made available to anyone without limit (and are thereby more like the second category of commons discussed above—proprietary material held open to the public by choice of the owner). Finally, the information organized and presented on Wikipedia falls more into the first formal category discussed above, at least from the perspective of the consuming public. Wikipedia presents mostly factual information in the public domain and is made available to the public on an open-access basis. Anyone can access the online encyclopedia, free of charge, without need for a password and regardless of whether you are a devoted Wikipedian or just someone who wants to know who scored the most goals for the German national soccer team.[12]

My discussion has sought to contrast the formal/conceptual approach to defining commons that predominates in some physical property literature with the more functional/flexible understanding of the term that Madison, Frischmann, and Strandburg use in their work. This discussion provides an outline for the ensuing exploration of roller derby as a commons. Part II will consider what aspects of roller derby are governed in a commonsy way, and how they are so governed, both in terms of who is entitled to access the resource and what the terms of that access are. And as the following discussion will make clear, roller derby appears to fit uncomfortably into the notion of commons, but the apparent discomfort makes it more rather than less promising as a subject of study. The peculiar project of figuring out just how roller derby does and does not make sense as a commons may do more to tell us about the promise and meaning of commons than more obviously apt examples.

III. The Commons of Roller Derby

This part examines roller derby as a commons. The operational definition of commons developed in the foregoing part indicates three different questions to which this inquiry

[12] It's Gerd Mueller, with an amazing 68 goals in 62 games for Die Nationalmannschaft.

invites answers. The first question starts with *what*. What is the subject matter related to roller derby that is governed with a commons strategy? Before considering how a commons is governed, it is obviously necessary to specify what resource is subject to that form of governance. The second question starts with *how*. How is the roller derby's commons governed? This discussion focuses on the rules of extraction that limit the extent to which people can exploit roller derby's commons. In particular, it examines the extent to which this resource is being increasingly monetized. The final question starts with *who*. Who is permitted to exploit resources from roller derby's commons? This question reflects on the nexus of community and commons, leading into the broader discussion of this issue in Part III.

A. WHAT ASPECTS OF ROLLER DERBY ARE GOVERNED AS COMMONS?

Roller derby has much in common with many of the cultural phenomena that over the last couple of decades have come to epitomize a new form of production that is inspired more by sharing and passion than selfishness and pecuniary gain (Benkler 2004). Like Wikipedia or Linux, roller derby is not a project conceived with financial gain in mind. Rather, it arose and persists thanks to the innumerable incremental, voluntary, widely distributed contributions of the tens of thousands of people who share a passion for the sport. And many of derby's participants find the share-alike ethic personally inspiring. Ivanna S. Pankin, one of the founders of roller derby's contemporary renaissance, expressed her familiarity with the notion of Creative Commons, saying, "I'm really into that concept and I think it's awesome."[13] *DerbyLife* emphasized the importance of this ethic to the creation and maintenance of the sport: "The growth of roller derby owed much of its success to throngs of committed volunteers all sharing their best tips, tricks, and innovations with each other, freely."[14] And Derby News Network (DNN) is just one of many roller derby resources that boasts a crowdsourcing approach to production, reporting that "[o]ver the course of each year, many hundreds of modern derby enthusiasts contribute their Cognitive Surplus to further DNN's mission."[15]

Even though there is a general consonance between derby's ethic and the notion of commons, it remains important to specify particular aspects of roller derby that may be so governed. What features of roller derby include cultural or informational resources

[13] Telephone interview with Ivanna S. Pankin (Oct. 4, 2012) (digital sound recording on file with author) (hereinafter "Ivanna S. Pankin interview"). (This name, like the names of all roller derby participants quoted in this chapter, is a roller derby pseudonym.) She continued, "I like the idea of sharing," and observed that by freely providing other derby people with "building blocks that can be figured out by anyone with the time or inclination."

[14] DerbyLife, *Excellent Derby Open Source Tool Is Updated!*, DerbyLife.com (Feb. 8, 2012), http://www.derbylife.com/articles/2012/02/excellent_derby_open_source_tool_updated.

[15] Http://www.derbynewsnetwork.com/about_dnn. In a footnote that illustrates the point that roller derby is copacetic with the notion of commons in a highly general sense, this DNN page goes on to cite Wired, TED, and Wikipedia for its use of "cognitive surplus."

that are made available on a shared basis to a closed group of people? At least two candidates might fit this definition. The first is knowledge. The sport and culture of roller derby depend on information and wisdom to create and maintain the sport. At a high level of generality, there is a demand for information about what roller derby is and possibly also how to get involved. Beyond that level of knowledge, an aspirant derby girl ("fresh meat" in subcultural parlance) will need at least some, and possibly a lot of, instruction about everything from basic skating skills to the rules of the sport to the strategy used by competitors during bouts. Even experienced skaters produce and exchange knowledge about how to refine and advance their skill sets. Nascent leagues also require basic information about how to recruit members, stage a bout, build a track, and do the countless other far from obvious tasks necessary to start a new league. Here, too, there is an ongoing need for knowledge about how to address the continued challenges of league management and governance.

A second, and less obvious, feature of roller derby may be regarded as commonsy: the social world of roller derby itself. People who are part of the derby world can freely take part in the sport's distinctive camp/punk subculture, in the form of events like dances or group dinners, or simply through the informal interactions that thrive among and characterize this especially close-knit group. A significant source of roller derby's appeal is that it provides a unique[16] countercultural milieu in which participants can find a sense of belonging and identity. Indeed, for many derby people, this sense of belonging and identity provide the primary impetus for their participation in the sport.[17]

Thinking about community as a resource governed by a commons management strategy may seem puzzling. A natural resource like timber or an intangible one like information may be made available freely or for a price. But while fellowship is something we may desire and seek, we think of it as operating outside the world of acquisition and certainly of monetary exchange. Yet community seems to fit the rough contours of commons as I have defined them in this chapter: It is an incorporeal resource in which a defined group of people can participate freely.[18] In the spirit of the broadly conceived commons project, I seek to entertain the notion that the fellowship of roller derby can be studied as a commons in order to explore and refine the contours of that term.

Before moving on, I stress that roller derby is commonsy only from the perspective of the insiders who may seek to use its knowledge or community resources (Rose

[16] Truly: there is nothing like the derby subculture in the world, at least not to my knowledge.

[17] See telephone interview with Fighty Almighty (Apr. 15, 2012) (digital sound recording on file with author) (hereinafter "Fighty Almighty interview") (estimating that community is a major source of interest in participating in roller derby for at least 90% of derby girls). This assertion is obviously a broad and imperfect generalization. Obviously derby girls have a variety of motives for wanting to participate in the sport. Some people may be exclusively interested in the athletic competition aspects of roller derby and may not be compelled at all by the opportunity it provides to be part of a distinctive social group.

[18] One of the features of physical commons is their facilitating the kinds of social bonds that link communities together. People still gather on town greens to celebrate the Fourth of July, for example (Rose 1986). And other work has considered the relationship between community and forms of property governance (Madison 2008).

1998). To the viewing public who attend roller derby matches, by contrast, it is just a garden-variety private good (Solum 2010). Those who want to see a derby bout have to buy a limited-supply ticket just like those who want to see other forms of live entertainment, such as a music show or a baseball game. One rare but interesting exception to this private property model of roller derby bears noting. While most leagues seek to recoup their operating costs to a large extent by staging bouts for which they charge admission, a handful of other leagues seek to cover those costs with sponsorships and dues. These leagues typically do not charge for admission to their bouts, or charge very little, since their goal is primarily to compete and excel at the sport itself (including and especially in the context of Women's Flat Track Derby Association (WFTDA)-sanctioned tournaments), rather than to provide entertainment for fans.[19] To the extent that these leagues charge little or nothing to attend bouts, they are more like an open-access commons than a private entertainment good, since anyone who wants to come by is free to do so.

B. HOW IS ROLLER DERBY'S COMMONS GOVERNED?

The question that frames this subpart could be answered in a number of ways. Ostrom's case studies on, inter alia, Turkish fisheries and Japanese mountain forests typically analyze the rules governing how members can extract from the shared resource (Ostrom 1990). I will focus here on a particular iteration of the question of governance: the extent to which the aspects of roller derby purportedly governed as commons—knowledge, community—are actually parceled out. This includes the question whether these resources are available at some cost or for free, and touches on other means that may be used to regulate and limit access to them. As explained below, some of roller derby's resources are governed as commons in a variety of ways, while others are treated as regular private information goods and put up for sale.

Let's start with knowledge. The majority of the information of interest to people who want to start a league, or to start skating in a league, is available for free or for a nominal charge. You do, however, have to know where to look and to whom to talk. If you want to know how to become a sanctioned league, there is an extensive guide at the home page of the Women's Flat Track Derby Association (WFTDA). The WFTDA site explains the process for becoming an "apprentice" league, which requires compliance with WFTDA's rules for league operation (e.g., quad skating only, women skating only, governance by "democratic principles and practices").[20] Numerous resources provide freely available information for starting a league from the ground up. The most obvious is the Yahoo! Roller_Girls discussion board, which serves as a clearinghouse for all manner of

[19] Ivanna S. Pankin interview (distinguishing leagues such as SoCal Derby and Sin City Derby, which charge little or nothing to attend bouts because they eschew the "entertainment model" of other leagues and are thus relatively indifferent to cultivating a fan following).

[20] Http://wftda.com/apprentice-program.

questions about roller derby, from music licensing at bouts to the best helmet to use to why your name has not been registered on the centralized register of roller derby pseudonyms known as the Master Roster (Fagundes 2012a). Like most largely public information bazaars, Roller_Girls is sprawling, often disorganized, and lightly moderated, but if you want to start a league, and you dig around enough, you will find all manner of relevant and helpful information.[21]

How to go about starting a league that is sufficient to meet the threshold requirements of WFTDA's apprentice program is a different matter, and one that entails more regulation and formality. WFTDA requires that, even to be admitted to the apprentice program, nascent leagues must have already established some membership (minimum fourteen skaters practicing at least twice a week) and have already engaged in some competition (at least one bout against a WFTDA-sanctioned team, and at least one public bout in the team's hometown).[22] Less formal guidance is therefore necessary. And even if the apprenticeship requirements are met, it is not entirely free—both in the sense of "costless" as well as in the sense of "unfettered"—to become a WFTDA member. In addition to various procedural hurdles (e.g., submission of league bylaws, mission statement), applying leagues must pay a $300 application fee.[23] Most leagues find it advisable to register with the appropriate business entity with their respective secretaries of state.[24] Finally, WFTDA allows its leagues may be privately owned, subject to the proviso that participating leagues must be at least 51 percent owned by league skaters.[25]

Individual skaters seek knowledge about how to skate and what's going on in the derby world (especially scores from major tournaments). Here, too, countless resources provide both tips for starting to skate and for refining preexisting derby skills. Roller_Girls provides a useful if messy resource on all manner of issues, ranging from discussions about the best brands of bearings for skate wheels[26] to the distinction between the "pornstar" and "superman" techniques for falling while minimizing the risk of injury.[27] Numerous other open-access resources assist skaters in acquiring information about practice and skill development. Ivanna S. Pankin, for example, has posted on her public Facebook fan page complete and extremely detailed guides for running derby practice sessions.[28] News related to the roller derby world can be gleaned from any number of websites, typically

[21] E.g., post of Nameless Whorror, Montreal Roller Derby League, Re: new league question (Feb. 7, 2011), http://sports.dir.groups.yahoo.com/group/roller_girls/message/41635 (discussing leadership issues in newly formed leagues).

[22] Http://wftda.com/apprentice-program.

[23] Ibid.

[24] Ibid.

[25] Ibid.

[26] E.g., post of msbluemouse, Re: Bearings (Mar. 26, 2012), http://sports.dir.groups.yahoo.com/group/roller_girls/message/43912.

[27] E.g., post of estrogeenadavis (Dec. 31, 2009), http://sports.dir.groups.yahoo.com/group/roller_girls/message/37986.

[28] Https://www.facebook.com/ivannaspankin22.

free of charge. Derby News Network (DNN), for example, provides comprehensive score updates about and recaps of recent bouts,[29] with all content provided by a national network of volunteers.[30] The site also provides free webcasts of many roller derby bouts, including regional tournaments, to its viewers free of charge.[31]

Beyond digital resources, informal interpersonal networks generate and communicate knowledge about skating skills to perhaps a greater extent than any other source. As the handwritten notes that Ivanna S. Pankin has posted to her Facebook fan page illustrate, practices are usually run by experienced league members who organize, drill, and critique participants. Indeed, during the early days of derby, skaters learned through collaboration, sharing, and trial by error. Rat City Rollergirl Fighty Almighty began competing with the San Diego Derby Dolls in 2004, the early dawn of contemporary roller derby's renaissance. "Very few people knew anything back then," she observed, "So the idea was, 'Take everyone and we'll all learn together.' "[32]

The story of the Carolina Scoreboard[33] (so called for its association with the Carolina Roller Girls) provides a specific illustration of the general principle that derby's knowledge resources are governed pursuant to share-alike principles. The Scoreboard is a computer program that allows operators to project the score of derby bouts from a laptop computer onto a screen so that observers can see the teams, score, period, jam clock, and time outs remaining. The Scoreboard was written in Java by Mr. Temper, husband of Carolina Roller Girl Shirley Temper, and has become the gold standard for derby scoreboards. Derby insiders have rated the Scoreboard "one of the greatest resources ever provided to the derby community,"[34] and a "huge, massive" contribution to the sport.[35] Nor was it a simple undertaking. Mr. Temper estimated that the program included about 9000 lines of source code, totaling somewhat less than two "person years" of work.[36]

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[29] Http://www.derbynewsnetwork.com/.

[30] Telephone interview with Hurt Reynolds (Oct. 20, 2012) (hereinafter "Hurt Reynolds interview") (digital sound recording on file with author).

[31] Http://www.derbynewsnetwork.com/live/archive. Other bouts, including many of the major WFTDA-sanctioned tournaments, are webcast—typically for a fee—by Blaze Media Productions, a for-profit web production company that (unlike DNN) was not started by roller derby insiders. Hurt Reynolds interview. This illustrates the subsequent point that not all roller derby's cultural production happens on a purely volunteer, share-alike basis, or is made available for free.

[32] Interview with Fighty Almighty. Now, by contrast, skaters are usually expected to begin with basic equipment and at least a rudimentary skill set. Ibid.

[33] Http://derbyscoreboard.sourceforge.net/.

[34] DerbyLife, *Excellent Derby Open Source Tool Is Updated!*, DerbyLife.com (Feb. 8, 2012), http://www.derbylife.com/articles/2012/02/excellent_derby_open_source_tool_updated.

[35] Ivanna S. Pankin interview.

[36] Chick Dastardly, *Bout Scoring Ain't Just Counting Fingers* (Jan. 27, 2012), http://chickdastardly.co.uk/rollerderby/bout-scoring-aint-just-counting-fingers/ (interviewing Mr. Temper about his work on the Scoreboard).

Despite the scale of this undertaking, Mr. Temper created the Scoreboard without remuneration[37] and made the resulting code available on an open-source basis.[38]

By way of some contrast, consider Rinxter, a computer program for tracking statistics in real time during bouts. This program was "built using a variety of open source technologies"[39] and is made available for free, albeit in theory only to derby leagues.[40] The Rinxter team does offer paid services like support and customization, but does so chiefly to recoup the costs of development and is seeking sponsorship to cover the rest of those costs.[41] Like Mr. Temper, Rinxter's creators are volunteers whose inspiration was their passion for roller derby, and their desire "to advance the game to the next level,"[42] rather than paid employees or businesspeople primarily concerned about turning substantial profits. In contrast to the Carolina Scoreboard, though, Rinxter is not distributed on an open-source basis but remains proprietary to its owners.[43]

As the Rinxter example indicates, it would be far too simple to conclude that all of derby's knowledge resources are governed on a share-alike basis. Increasingly, derby insiders are converting their expertise into for-pay services. The most prominent example is the trainer for hire. While most training, such as league practices, is done for free by league members, skaters—especially well-known and accomplished ones—are offering to train leagues for a limited time and, in a growing number of instances, a fee. The idea of paying an elite skater to come train your league is not new. Start-up leagues have had well-known derby girls come out to work with them for years. These early arrangements, though, were simply for cost. Ivanna S. Pankin and Trish the Dish often flew around the country to conduct training sessions for new leagues, but did so mainly for fun not profit, and asked only that the league cover the cost of their flight and provide a couch to sleep on.[44]

More recently, though, emergent trainers are seeking fees in addition to travel expenses. Nemesis on Wheels (N.O.W.) Roller Derby, for example, charges $1000/day for training services, in addition to transportation and lodging costs.[45] Other coaching services with

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[37] He did ask that those seeking to express appreciation for his work give donations either to Derby News Network or to the Free Software Foundation. Chick Dastardly, *Bout Scoring Ain't Just Counting Fingers* (Jan. 27, 2012), http://chickdastardly.co.uk/rollerderby/bout-scoring-aint-just-counting-fingers/.

[38] The latest version of the Scoreboard is available at http://sourceforge.net/projects/derbyscoreboard/. It is subject to GNU General Public License, version 3 (June 27, 2007) (on file with author).

[39] Http://rinxter.com/www/about.php.

[40] Http://rinxter.com/www/?page_id=83. The site asks about league affiliation on the page where it makes the software available, but this is only a formality and not strictly enforced as a prerequisite for download.

[41] Http://rinxter.com/www/?page_id=79 ("We intend to keep the basic Rinxter software package free of charge to all derby leagues. We are currently working with a number of national and local sponsors to secure funding to support all future development. Rinxter is also offering special paid services, such as support and customization.").

[42] Http://rinxter.com/www/about.php.

[43] Hurt Reynolds interview. See also e-mail from Hurt Reynolds (Oct. 23, 2012) (on file with author) (confirming this via recent exchange with Rinxter creator).

[44] Ivanna S. Pankin interview. Indeed, Ivanna and Trish declined even the modest fees (about $100) that people offered to pay them for their time because "we like[d] doing [it] for its own sake." Ibid.

[45] Http://www.facebook.com/notes/now-roller-derby/now-derby-bootcamp-fees-2012/453965217954188.

similar fee structures include Fast Girl University[46] and Certifiable Derby Training.[47] And along somewhat similar lines, while DNN gets its content for free, it also seeks to earn money as well, both from ads on its site and through voluntary donations. This income does not, though, make DNN a highly profitable concern. Rather, DNN cofounder Hurt Reynolds reports that what money DNN brings in allows him to "pay the electricity"[48] and continue to pursue what is a passion project, fully "harmoniz[ed] with the DIY [do-it-yourself] ethos underlying the sport."[49] This latter point is likely true of most for-profit derby coaching as well. Any fees the coaches seek simply allow them to focus their lives entirely on training skaters, relieving them of the need to have a day job, rather than allowing them to live in "houses made of gold-plated Lamborghinis."[50]

The question about how derby's knowledge resources are governed is thus not a straightforward question about whether they are or are not a commons. Rather, they are commonsy. In many, perhaps most respects, derby people make their knowledge—whether how to skate or how to start a league—available on a free, share-alike basis to anyone interested. But increasingly, savvy derby insiders have sensed the chance to earn money from their considerable skill sets and have sought to use those skill sets as the bases for profitable business ventures. To the extent that some derby knowledge is made available only for a price, it is simply a private good rather than a commons-governed resource, even by the expansive definition used by Madison, Frischmann, and Strandburg. The emergence of for-profit endeavors in an otherwise share-alike culture raises a concern identified by numerous psychologists that the presence of self-interested motivations will crowd out other-oriented conduct (Ariely et al. 2009; Titmuss 1970). If some people are getting paid handsomely to do something you are doing for free, you may refuse to do it any longer, because you feel like a "sap" or a sucker (Gordon 2010).

Indeed, there is some sense of resistance to the increasing monetization of derby's knowledge resources. Upon learning that one coach charged $250 a day for her services, in addition to requiring provision of a hotel room and vegan meals, Ivanna S. Pankin observed, "This is the opposite of the roller derby I know. This is not how we collaborate and share in this community." And when a derby-related start-up, RDNation, attempted to get a foothold in the derby world with a purportedly improved version of the Carolina Scoreboard, they received a barrage of criticism, including the suggestion they had attempted to profit personally from their work on the modified scoreboard.[51] Yet despite some objections, the emergence of

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[46] Http://www.facebook.com/pages/Fast-Girl-University/184075778281486.

[47] Http://www.certifiablederbytraining.com.

[48] Hurt Reynolds interview.

[49] Http://www.derbynewsnetwork.com/about_dnn.

[50] Hurt Reynolds interview (invoking sarcastic Lamborghini example to dismiss the possibility that anyone makes a massive income thanks to derby); Ivanna S. Pankin interview (explaining that the desire to seek a fee in addition to travel costs simply allows most for-profit coaches to do work that would otherwise be impossible with a full-time day job).

[51] See *New Scoreboard for Roller Derby*, forum discussion on ZebraHuddle.com, http://www.zebrahuddle.com/index.php?topic=2616.0 (stating derisively, "[just s]o we're crystal clear, this is a commercial venture. Per [the software co-creator's] personal blog: 'We personally think it has the ability to make big money.'").

some for-profit conduct in the otherwise sharing-oriented derby world does not appear to have dampened the incentives of the vast majority of derby participants, who continue to happily produce and supply knowledge for free. Ivanna S. Pankin's posting coaching information on her Facebook fan page, for example, occurred well after many other coaches began to parcel out their knowledge for a fee.[52]

Roller derby does not appear to have been affected by the crowding out phenomenon observed in other contexts, where the emergence of profit motivations tended to undermine altruistic motivations. Why might this be the case? There are at least two possible explanations. First, the difference between for-profit and share-alike knowledge provision may not be as stark as it initially seems. The coaches who have started businesses are all devoted, long-time derby competitors who are trying to blend their love for the sport with a way to make a living (as opposed to, say, outsiders seeking primarily to make a quick buck on the derby trend).[53] In some cases, the businesses did not emerge from a profit-seeking plan, but just happened.[54] In others, it might be seen as the ultimate expression of sincere derby love: wanting to make a living at the thing that is your life's passion.[55] Second, crowding out typically occurs when the presence of profit reduces your incentives to act altruistically. For example, if everyone assumes your blood donation is for money, this dampens any incentive to do it in order to express your goodwill (Titmuss 1970). But in derby, the presence of for-profit knowledge provision does not appear to crowd out entirely other motivations. Coaches who continue to travel and offer training for cost still get what they want out of the experience: a fun trip and the chance to meet and work with women who share a common love.[56] If you do not care about earning a living at coaching, and you find it rewarding on its own terms, this would likely diminish any "sap" effect. Finally, it bears noting that there has been no observed crowding-out *yet*. The emergence of for-profit derby knowledge provision is of relatively recent vintage and remains the exception to the rule. Over time, it is possible that derby—in this and other respects—may become more fully commercialized,[57] and that when some threshold is crossed, a crowding-out effect will kick in.

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[52] See Ivanna S. Pankin interview (explaining that the emergence of for-profit coaching has not reduced her inclination to offer coaching services and resources for cost or even free of charge).

[53] Fighty Almighty interview (observing that most of the women who coach professionally have distinguished derby pedigrees and are deeply devoted to the sport).

[54] Ivanna S. Pankin interview (observing facetiously that Sin City Skates grew successful as a business selling derby gear "despite," not because of, her and her partner, Trish the Dish).

[55] Ivanna S. Pankin interview (discussing this motivation for starting derby-related businesses).

[56] Ivanna S. Pankin interview (describing a trip to train skaters in New Orleans as "not a job but a privilege" for which basic travel reimbursement was sufficient remuneration). The objection to the nascent derby-coaching industry seems as much or more about quality control than about base profit motivation. Ibid. (expressing concern about lack of any established coaching standards or certification in roller derby).

[57] All the interviewees I spoke to shared the opinion that, for better or worse, roller derby is becoming more commercial, and that it will get only more so. Ivanna S. Pankin, Fighty Almighty, and Hurt Reynolds interviews (all echoing this point).

Before concluding this subpart, I offer a quick word about the other aspect of roller derby that might be regarded as governed by a commons strategy: the social world of roller derby itself. The reason that this aspect of roller derby merits only a brief mention in the context of a discussion about open-access versus for-profit approaches to resource access is that the descriptive point is so straightforward. Those entitled to access the community elements of roller derby do so freely (save for marginal issues like having to pay for tickets to some parties, like the LA Derby Dolls' yearly "prom"). The reason for this unanimity is equally straightforward. The value of this community depends on its being freely available, as is true of most fellowship. Even if it made sense to parcel access to the derby community on a for-pay basis, that would undermine the quality of sincere exchange on which meaningful social exchange depends.[58] Investigating *who* can access this resource, by contrast, yields more complex answers.

C. WHO IS PERMITTED TO EXPLOIT ROLLER DERBY'S COMMONS?

The third and final question relates to the second constitutive feature of commons as I have defined the term for the purposes of this chapter. Commons resources tend to be freely (although not necessarily limitlessly) available to some group. This use of free, it should be noted, means "not for a price" rather than "without any limits." As the ensuing discussion illustrates, a resource may be made available for free, but this does not mean it is subject to unfettered access by any user. By contrast, just as Creative Commons licenses enable unpaid use of works of authorship, commons may condition access on a variety of rules. This subpart considers the extent to which (if at all) there are limits on who can access the knowledge or community that make up roller derby's commons.

Derby's informational resources tend not to be subject to meaningful limits on who can access them. Ivanna S. Pankin's coaching notes are free and accessible to anyone who wants to access them, simply by visiting her Facebook fan page. WFTDA's tips for how to start a league are also freely available online. DNN offers derby information and live webcasts to anyone who types in the right URL. The rich, if chaotic, trove of information available on the Yahoo! Roller_Girls forum is available to anyone whom the moderators allow to access it. In theory this could serve as a way to limit membership only to derby insiders, but in practice it is used only to make sure that those requesting access are real people, not spam bots. In this respect, they are governed more as fully open resources than by a commons management strategy.

The computer programs discussed above are subject to relatively more limits. Mr. Temper distributes the Carolina Scoreboard freely to anyone who wants to download it from SourceForge, but keeps a copyright in the material in order to enable his use of the

[58] At the very least, when community or fellowship are monetized, they take on very different forms. Monetary exchange turns sexual community into illegal prostitution. Monetary exchange turns sympathetic conversation into psychotherapy.

GNU General Public License (GPL). This does not limit the group that can access his program, of course, but rather limits what users can do with it. In this respect, the GPL operates like rules governing public physical property, such as a state beach. Anyone can go there, but that access is subject to use conditions (no open fires, closing hours, etc.). Rinxter's governance strategy, by contrast, seems less open and therefore less commonsy. The software is made available freely, but its developers seek to do so only to members of the roller derby community. This limit is not taken that seriously, though, since one need only provide any name of a derby league and their website in order to download the executable file containing the program.[59]

This lack of any limits on derby information may seem puzzling. After all, despite its growth over the past decade, the roller derby world remains so close-knit as to be insular (Fagundes 2012a). Why wouldn't this lead those who produce derby knowledge to guard it more jealously? There are at least two reasons, though, that this open-access governance strategy for roller derby's information resources makes sense. First, this resource—like most cultural resources—is inexhaustible and therefore not subject to tragedies of the commons. DNN bout recaps are not diminished when they are widely read, and Ivanna S. Pankin's ability to hold practices is not constrained when others use her coaching notes. Second, and perhaps more importantly, this open-access approach to roller derby knowledge not only fails to diminish the resource itself, but it furthers the goal of roller derby's participants: to encourage and facilitate the spread of the sport.[60] Here, the freer the resource, the better the outcome for derby enthusiasts. More people reading freely available coaching notes or watching freely available live bout streams helps skaters improve and helps the sport gain ever-greater exposure.[61] In the absence of concerns about exhaustible resources or personal profit, efficient use of derby's information commons is optimized by an open-access governance strategy.[62] Indeed, such use may enhance and help to constitute the roller derby world itself.

The preceding subpart showed that roller derby's knowledge resources tend to be governed by strong open-access principles. Most (though not all) of those resources are available to anyone who wants them. But a somewhat different story prevails with respect to the other aspect of roller derby that might be regarded as a commons: its community. Here, access to the intangible resource—whether termed fellowship, sisterhood, or derby love—is relatively strictly limited to members of the derby world itself. If you are an active

[59] Http://rinxter.com/www/?page_id=83.

[60] See http://www.derbynewsnetwork.com/mission_vision (explicitly linking DNN's mission to the continued growth of roller derby); Ivanna S. Pankin interview (explaining that her motivation for posting coaching notes on Facebook was to facilitate coaching and encourage better drills and practices).

[61] The growth of roller derby is explicitly part of DNN's mission statement. See http://www.derbynewsnetwork.com/mission_vision ("We believe the organic, DIY growth mode of modern roller derby has no limit.").

[62] This is where Rinxter provides an interesting contrast. Clearly the developers' goal was to provide a service for derby, and they have done just that, and for free. But their desire to limit access to Rinxter and to keep the code proprietary suggests that their motivations are somewhat different from the creators of the open-access information resources discussed above.

skater, referee, or record-keeper, or just one of many other kinds of devoted volunteers who help to maintain the sport, you will likely be enveloped in the derby community. This means the option to attend formally organized events (the LA Derby Dolls, for example, have a "prom" every January to which insiders can purchase tickets for a nominal fee designed mainly to cover costs), as well as informal ones (teams or groups of volunteers may have dinners or host loosely organized events like gatherings at a local bar). And it means that (for skaters, anyway) you will likely be paired with another woman in your entering fresh meat cohort who will be your "derby wife" (Barbee & Cohen 2010). But these opportunities are not available to the public at large, and so unlike derby's knowledge resources, its community lies open only to the relatively limited group of roller derby insiders.

Like most other informal social groups, of course, being part of the roller derby world does not entail membership lists, explicit requirements, or bright-line distinctions.[63] There appears to be only one (unwritten) rule for who is and is not a member of the roller derby community: You have to do your part to contribute to the sport (Barbee & Cohen 2010; Mabe 2007). Skaters get a lot of glory during bouts, but league membership almost invariably also requires engaging in a host of far less glamorous obligations: serving on committees, staffing the ticket booth, selling merchandise, and even mopping up the venue after bouts. And not everyone can skate,[64] or wants to, but this is not a bar to being part of the derby world. Non-skaters may serve as referees or record-keepers, help with venue lighting and construction, and chronicle bouts via photos or writing.[65] The result of these volunteer efforts may well be informal absorption into roller derby's community.[66] One's status in the derby world is obviously mainly linked to the quality of their skating, but can derive also from the perceived volume of their volunteerist efforts, especially when those tasks are particularly unappealing or tedious (Fagundes 2012b). People who do particularly onerous tasks for particularly extended times tend to receive the most plaudits (Fagundes 2012a). On the flip side are social sanctions for undermining roller derby's community-oriented ethic. The ubiquitous "douchebag rule" states—unsurprisingly—"don't be a douchebag." It is simple and crude, but is taken very seriously, and one way it is understood is as enforcing the sport's core principle of reciprocal contribution (Fagundes 2012a). People are expected to give back and be team players in the roller derby world. Failure to do your share may result in social sanctions, such as

[63] There are a few formal thresholds relating to one's status in the roller derby world. Derby girls must wait for some fixed period—three to six months, usually, depending on the league—before they can register their skate name on the Master Roster (Fagundes 2012a).

[64] Some aspirants cannot skate due to physical or skill limitations. Others, like men, are not allowed to participate due to WFTDA rules. Despite this gender limitation, men often become part of the roller derby world by virtue of their devotion to the sport in other capacities.

[65] E.g., http://ratcityrollergirls.com/teams/support-team/non-skating-officials/ (Rat City Rollergirls' non-skating officials, the "Lightning Fists of Science").

[66] Fighty Almighty interview (discussing how ancillary helpers, women and men alike, may find an "in" to the derby world through their volunteerism).

being delegated the more unappealing league responsibilities, and ultimately exclusion from the derby world itself.

The open-access governance of roller derby's information resources contrasts with its more limited-access (and hence more commonsy) governance of its community. Three reasons may help us understand this difference in resource management. First, in contrast to knowledge, which is classically nonrivalrous, community may be diminished as more people take part in it. Part of this is due to crowding effects. If the goal is to have a close-knit group of like-minded folks, this end may be undermined as the group becomes sprawling and overly populous, losing the intimacy that made it valuable when smaller (Solum 2010). Second, roller derby's community may differ for the related reason that as the group of derby insiders becomes too large, it loses any cachet. There is a certain *au courant* coolness to being part of the derby world linked to its strong countercultural overtones. But just as Harley-Davidson lost its street cred when it became the brand of choice for aging yuppies,[67] the exclusivity of the roller derby community would be diluted if just anyone could call herself a member.[68] Finally, the limit on who is a derby insider serves a valuable incentive and sorting function. To be part of the derby world, you have to show your commitment through meaningful volunteer work. This both encourages the kind of community-focused effort that is key to keep the derby world going, but also excludes hangers-on who are drawn to the subculture for trivial reasons without being deeply invested in it.

IV. Roller Derby as a Labor of Love

The previous two parts explored the notion of commons and applied that notion to roller derby. But merely analyzing a resource—knowledge, culture or something else—as a commons leaves us with one last question. Ostrom herself observed that the "problem of supply" hovers over case studies illustrating the emergence and efficacy of commons governance systems (Ostrom 1990). The puzzle is that even if commons governance maximizes the welfare of all members of the relevant group, rational choice cannot to explain why any private actor would bear the disproportionate, and widely distributed, costs of creating and maintaining the governance system in the first place. In other work, I have suggested that roller derby provides a promising site for investigating solutions to the problem of supply (Fagundes 2012b). Along similar lines, I suggest in this part that the motivations that underlie the creation of cultural goods are largely the same as those

[67] See Richard Webb, *Born to Be Mild: The Changing Significance of the Harley-Davidson Motorcycle*, http://www.roguecom.com/roguescholar/RWebb.html, accessed Mar. 28, 2014.

[68] It bears noting that predictions based on these general points about crowding effects and club goods have yet to materialize in the roller derby context. As the sport grows in terms of participants and visibility, its countercultural cachet has remained strong. This may be because its growth has not resulted in its dilution due to mainstream influences.

that underlie the creation of schemes regulating those goods. I further argue that these motivations are the sorts of labors of love that may be helpfully illuminated by recent work in positive psychology.

Samuel Johnson once observed, "No man but a blockhead ever wrote, but for money" (Boswell 1791). Casual empiricism shows that either Johnson was dead wrong, or that the world is chock full of blockheads. It is blindingly obvious that people produce, and especially that they produce cultural artifacts, for a variety of motives far more mysterious and complex than the desire for a buck. The institution of gift-giving furnishes a ready example of the pervasive presence of altruism in human behavior (Titmuss 1970). And we have been surrounded for centuries by institutions that generate and share knowledge freely rather than for profit, such as universities (Madison, Frischmann, & Strandburg 2009). Perhaps less obviously, humans continue to spend enormous financial and personal resources on having children, even though studies increasingly show that raising children tends to decrease parental happiness.[69]

Cultural production in the absence of pecuniary motivation has become increasingly pervasive given the advent of digital media. Distributed, collaborative production has not only increased in frequency as a modality of production (Benkler 2004). It has proven particularly efficient in creating open source software for both operating systems and applications,[70] producing massive and astonishingly complete online encyclopedias, and helping to scan the galaxy for signs of extraterrestrial life.[71] The peculiarity of Johnson's "blockhead" observation is not only its assumption that only cold, hard cash can inspire creative production. This notion—which I will refer to as "Johnson's fallacy"—not only misdescribes the range of human motivation, but it may get motivation exactly backward. Recent work suggests that while financial incentives are indeed effective at causing people to engage in menial or mechanical tasks, they are comparatively ineffective, and possibly counterproductive, as motivators of inventive or creative work (Pink 2010; Quiggin & Hunter 2008).

Thinking about roller derby—or any plausible subject matter—as a commons necessarily engages the problem of supply as well. The descriptive question raised by this and other works in this collection is typically cast as one of structure: What does it mean for a resource to be managed as a commons? This, in turn, raises a question about social welfare. How does this management structure optimize, or at least enhance, production? But implicit in these structural questions is a core motivational one. Especially in the context of noncommercial cultural production like roller derby (or Apache,[72] or SETI@home, or

[69] See Jennifer Senior, *All Joy and No Fun: Why Parents Hate Parenting*, New York Magazine (July 4, 2010), http://nymag.com/news/features/67024/ ("Most people assume that having children will make them happier. Yet a wide variety of academic research shows that parents are not happier than their childless peers, and in many cases are less so. This finding is surprisingly consistent, showing up across a range of disciplines.").

[70] Http://www.linux.org/article/view/what-is-linux.

[71] Http://setiathome.berkeley.edu/sah_about.php.

[72] Http://www.apache.org.

Wikipedia), we must understand what motivates people to contribute in order to explain why commons governance strategies even arise, and why, at least some of the time, they outperform traditional private-property strategies. In earlier work, I suggested that may be understood as something separate and apart from traditional motivation, as labors of love (Fagundes 2012b). This chapter offers far too little space in which to assay a complete discussion of what this emergent category of productive motivation means. Instead, the ensuing discussion seeks simply to suggest briefly how positive social psychology may help to explain the emergence of commons property governance system, and perhaps also other labors of love (Hoffman & Mehra 2009).

Johnson's fallacy—that the exclusive motivating factor for creative production is pecuniary reward—is so easily dismissed that it warrants no additional discussion here. Clearly a broad range of motivations causes us to create. So perhaps the flaw in Johnson's fallacy is that money is not the only benefit to include when engaging in cost-benefit analysis. People may also be motivated by hedonic pleasure—pure intrinsic joy in the task itself—while others may be motivated by sociopsychological factors such as a desire for fame in the public eye, or status within a cultural subgroup (Benkler 2002). A Wikipedian, for example, might edit entries in her spare time because she really enjoys the act of refining other people's language, or because she seeks status among other Wikipedians, and knows that long hours of diligent labor are key to earning their esteem. And of course, since motives are often mixed, it could be some combination of the two.

Understanding cultural production in roller derby—or any context—as a labor of love complicates the traditional rational choice story that actors engage in conduct pursuant to a welfare-maximizing cost-benefit scheme. Consider two reasons. The first is that money and other rewards are incommensurable. Wealth, whether measured in dollars or euros or Israeli shekels, is a relatively easy kind of value-measurement to comprehend, with a shared understanding of its measurement scale, which works well for telling us how much an employer values us (salary) or how much a cup of coffee costs (too damned much these days). Other values lack this quality. Constitutional law scholars often speak of the importance of free speech or human dignity, for example, in terms that do not easily translate into dollar terms (Sunstein 1994). This explains why, for example, there are many people who will not do certain things even when they might be wealth- or even welfare-enhancing (Thaler 1988). These noncommensurable values lie somewhat at odds with traditional welfare analysis because they simply cannot be scaled together, any more than it would make sense to express love for another person in terms of dollars.[73]

At the very least, the incommensurability problem precludes concluding with certainty that we can explain, say, a Wikipedian's motives by stating that their desire for fame overbore the tedium of editing a given entry. That these two values cannot be scaled together means that we will, at best, be relegated to guessing whether it is true that one won out over the other in a formal utility calculus. But the problem may be more acute than just

[73] But cf. the practice of giving pricey engagement rings.

indeterminacy. Research increasingly shows that altruistic and financial motives operate at cross-purposes for individual decision makers. Giving people money to donate blood cancels out the availability of an altruistic motivation, and means that those with other-regarding rather than self-regarding desires for blood donation may be less likely to give (Titmuss 1970). More recent work has illustrated that money is a good motivator when the task at hand is menial, like sorting white marbles from black ones. But these same studies indicate that when it comes to encouraging creative thinking, money not only fails to inspire better thought processes, but it actually produces worse results (Pink 2010).

The incommensurability of monetary and other motivations suggests a second concern reason that labors of love complicate the traditional social welfare calculus. A constitutive feature of labors of love may be that they simply do not correspond with the traditional notion of cost-benefit calculus altogether. The elemental story of labor is pretty simple. Work sucks, so the story goes. It's either back-breaking like moving furniture, or tedious like entering data in a soul-crushing cubicle all day long. No one in their right mind would do such a thing but for a cash payoff sufficient to make them put up with the drudgery. So conceived, cost-benefit analysis makes sense. My costs are a sore back from moving furniture or carpal tunnel syndrome from data entry, and they have to be overborne by a salary or I'll quit. The benefit side of the ledger could, of course, be expanded to include hedonic pleasure or sociopsychological rewards, and that just makes it a cost-benefit analysis with a few more variables at play.

This simple cost-benefit model of labor assumes that work is a means to an end. But for labors of love, this assumption does not work, because the means *is* the end. Labor is not a bitter pill to be swallowed in order to earn some just compensation to make the whole project worth it. Comparing the drudgery of work and the boon of compensation along a cost-benefit metric makes no sense if there is no distinction between work and compensation. This notion is encapsulated in the tired-but-true cliché (that was also the title Steve Jobs approved for his mid-life biography) that the journey is the reward. Shakespeare put it more eloquently, though: "Joy's soul lies in the doing."[74] Hence the claim, for example, that hedonic pleasure in a task itself belongs on the plus side of a cost-benefit ledger simply makes no sense. For labors of love, there is no accounting at all because there does not need to be. Roller derby, or Wikipedia, or Linux were not created in a calculated manner at all.[75] They emerged out of people's passions, suddenly and spontaneously.

The term "labor of love" is, admittedly, elusive. How might we know when a given cultural artifact or phenomenon is the product of a labor of love? In the context of roller derby, at least, I suggest three indicia that may help further refine this notion. The first lies in the

[74] Troilus and Cressida, I.ii.287.

[75] Similarly, the kernel that grew into contemporary roller derby in Austin started when a few organizers had a rowdy meeting about their crazy idea (Barbee & Cohen 2010). On a slightly different note, Ivanna S. Pankin's business, Sin City Skates, emerged not from a strategic plan to corner the market in derby gear but developed path-dependently from her desire to provide a service for friends and teammates who had a hard time finding reasonably priced skates. See Ivanna S. Pankin interview.

hostility shown toward those who appear to be interested in cashing in on roller derby for a lucrative, personal payday. Roller derby people remain very suspicious of selling out and to those who seek to use the sport as a source of profit and personal gain.[76] This derives in part from the contemporary derby subculture's punk rock roots, but likely also (and relatedly) because this represents the ultimate means/ends calculus rather than investment in derby for love of the sport. On a related note, those who started derby-related businesses have typically sought to extract only enough profit to keep the business alive (often barely), but this does not prevent rumors from emerging that those businesses are actually raking in loads of cash.[77] These rumors are false, and usually readily dispelled, but they suggest a real antipathy for profit motivation in derby. This could be for personal reasons: A for-profit derby simply may not be a sport in which you want to participate, since it would have a different atmospheric than the one you prefer. But it also seems to derive as well from a sense that if a person is into roller derby to make a buck is doing it for the "wrong" reasons, which is objectionable even if that person is providing a useful service for the sport.

Second, in many instances, roller derby is something insiders do because they love it, but like many things (and people) we love, it is often far from a simple and easy presence in their lives. Skaters and derby helpers devote themselves to the sport in a way that seems to cause them frustration and annoyance, or at least that loads them down with work to a crushing extent. This renders cost/benefit explanations for the production and governance of such cultural resources difficult. If you are having a great time with an extracurricular activity, it makes sense that you would remain devoted to it, but if it is making you miserable or exhausted, then if you are a reasonable person, you should quit. Yet derby people stick to the sport in ways that appear inexplicable from this perspective. The women who run the Master Roster, roller derby's name-registration system, often spend up to twenty extracurricular hours a week entering data and fending off angry e-mails from skaters who are mad about the registration backlog (Fagundes 2012b). One DNN volunteer spends an equal amount of time per week inputting scores into the website's database.[78] These tasks may be intrinsically enjoyable to some extent, but to a greater extent they are the kinds of things people do despite their unpleasantness because they are part of a greater purpose, like a parent who stays up all night caring for a sick child despite sleeplessness and risk of infection.

The third and final reason to suspect that roller derby is a labor of love is that when you ask roller derby girls (and guys) to explain their devotion to the sport, they tend to

[76] E-mail to Dave Fagundes from Sniperella (Oct. 10, 2012) (on file with author).

[77] Hurt Reynolds interview (describing the initial skepticism with which DNN was met, including (inaccurate) rumors that the site was earning far more money than necessary to cover its production and operating costs). This ambivalence likely has its roots in the countercultural origins of contemporary roller derby, which are punk rock and hence deeply antimaterialist. See Hurt Reynolds interview; cf. Ivanna S. Pankin interview ("I was raised in the Bay Area punk rock community where you're never allowed to make money and if you do, you're a sellout asshole.… Now I'm a successful businessperson and I realize the world's not that simple.").

[78] Hurt Reynolds interview.

explain their motivations in those terms. The answer to the question why someone would spend so much of their free time invested in a sport that not only pays nothing, but that *requires you to pay* (both in terms of league dues an in terms of countless external obligations) tends to be given immediately and in the same uniform manner: It's for the love of the game.[79] This, too, is a cliché, but that does not mean it is untrue. The love derby people have for their sport emerges most convincingly from the stories they tell about why they do it, and in turn their distaste for monetization of the activity. Consider, by way of just one example, this story from Ivanna S. Pankin, explaining her ambivalence about the marketing of roller derby as a public entertainment:

> I don't think we should be charging people to come see amateur roller derby.… In that respect I wish we were more like other sports, like soccer, where at any given moment there's a soccer field with a bunch of guys on it kicking ass at soccer and nobody gives a shit at all. We should all get better at our sport, and then the very best of the best of the best should be the ones that people go pay to see. And I'll just play in a dirty shirt in a parking lot with the rest of my friends and maybe one day I'll be good enough to play with the great team.[80]

The foregoing rubric helps us identify what labors of love are. But it does not explain their internal mechanics, and what compels us to engage in them. This matters for law, especially, because we need to understand motivation to design laws that are most likely to encourage prosocial behavior. A full exploration of how labors of love operate lies beyond the scope of this chapter, but below I seek to briefly sketch the contours of a possible answer that looks to positive social psychology.

Psychology provides a fruitful place to look for illumination of the notion of labors of love because it has long sought to understand motivations for work without invoking a cost-benefit framework. Accounts for motivations that inspire work vary, as do the motivations they describe, but there are at least three that have emerged as particularly salient. The first is autonomy. People are more likely to work, and work well, where they believe that their effort is a result of choice rather than coercion (Pink 2010). The second is effectance. Work that allows people to have a sense of efficacy in, and especially mastery over, some aspect of the world—however narrow—brings a satisfaction that leads to diligence and effectiveness in tasks (Haidt 2005). The third is purpose. Work that causes us to feel connected to a greater goal, particularly one that we believe in, is more likely to engage us regardless of salary or other pecuniary reward (Haidt 2005).

This triad of metrics helps to understand the motivation for participation in roller derby. In terms of autonomy, roller derby's constituents—skaters, referees, statisticians,

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[79] See Fighty Almighty interview, Ivanna S. Pankin interview (using the term "love" to explain their involvement in the sport).

[80] Ivanna S. Pankin interview.

writers, and countless others—all choose to devote themselves to the sport as an extracurricular activity. Derby provides a sharp contrast to the nine-to-five grind, where work is often a product of obligation to earn a living. The extraordinary demands the sport puts on its participants serves to emphasize the autonomy that they derive from it. Derby is so all-consuming that its participants are constantly reminded of their choice to make it part of their lives. In terms of effectance, roller derby provides its participants—from athletes themselves to the technicians who support the sport's infrastructure—an opportunity to contribute to the creation and maintenance of a truly distinctive subculture. Indeed, it is a prerequisite for inclusion in the derby community that one helps to effect at least some small part of the sport's continued existence. And roller derby provides a sense of purpose in two ways. First, it creates a rich network of interpersonal relationships among its participants. And second, it allows participants to live out beliefs (countercultural self-expression, female empowerment) that lie close to their hearts.

Now that we have come to the end of this chapter's final part, it is possible to look back at commons through the lens of the notion of labors of love to see what the latter can tell us about the former. The first connection is that understanding work as a labor of love helps resolve the problem of supply that hovers over all the literature on commons, physical and cultural alike. The problem of supply seems to be a problem because it is hard to explain why anyone would engage in the effort of creating and governing a commons that benefits a widely distributed group when they internalize only a fraction of the benefit created by the commons. But as roller derby illustrates, the work associated with developing and maintaining commons may not be regarded as a drudgery that must be justified by some benefits it accrues, but as an act of service that is a source of joy. This is especially true when the work of governing a commons like roller derby also tends to sustain and perpetuate a community that is deeply related to its participants' identities. And second, the notion of labors of love helps us understand why commons arise in relation to some artifacts and not others. People do not do derby—or take part in SETI@home, or create open source software—for the promise of a fat paycheck or any other largely self-regarding reward. Rather, their inspiration is to carve out a space within which they possess autonomy, can control the course of something they care about, and in so doing have a sense of purpose. It would obviously seem discordant to sell for a profit the fruits of cultural production that happens due to these nonpecuniary motivations. Hence it may be possible to say that where cultural production is a labor of love, commons governance schemes are more likely to arise and to be sustainable.

V. Conclusion

It intuitively seems plausible to speak of roller derby as a commons. The subjects I interviewed for this project all immediately sensed that there was a connection between the

notion of commons and their sport.[81] This may be because the ethic that dominates derby stresses many features typically associated with noncommercial approaches to creative production. Derby News Network, which exists thanks only to the countless contributions of volunteers who populate the site with content,[82] explains that the site is "built . . . on the same principles that guide the sport's community: do-it-yourself, collaborative, passion-driven, crowdsourced. Many hands make light work."[83] Ivanna S. Pankin expressed similar familiarity with and enthusiasm for the notion of sharing as a modality of production. Explaining her decision to make her coaching notes available on an open-access basis, she observed, "Our whole [roller derby] community was founded on a sense of like, 'Well I know something so let me share it with you because when it comes to this other thing you know about, you can help me figure it out.' "[84] And consider how Mr. Temper explained his enormous investment of time in creating the Carolina Scoreboard:

> I don't mind at all about lack of credit or anything like that. It's not about me, it's about improving derby, and hopefully the scoreboard has been useful to leagues around the world. I enjoy working on it, and hearing about its usefulness to others is much more rewarding to me than anyone knowing who I am.[85]

The pervasiveness of a share-alike ethic in the roller derby community is evident also in the suspicion of, and to some extent animosity toward, those who start businesses related to roller derby.[86]

Roller derby does share forms of production with other institutions mentioned in the same breath with knowledge or creative commons. A completely precise account of whether a given resource is a commons remains elusive, due in part to significant variation in the usage of this term. So in this chapter, I have analyzed roller derby's information resources from the perspective of Madison, Frischmann, and Strandburg's flexible approach to commons. Along those lines, I stressed that this account of commons represents a spectrum rather than a binary, so that we might be able to speak of "commonsy" features of a resource's governance strategy. Two particular aspects of roller derby—knowledge and community—may be regarded as subject to a commons regulation scheme.

Considered through this lens, roller derby's knowledge and community resources are commonsy in some ways (albeit differently so) and not in others. Information about roller derby is often made available on a share-alike, or even entirely free, basis, which suggests a

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[81] E.g., Ivanna S. Pankin interview (expressing knowledge of and enthusiasm for the notion of commons).

[82] See Hurt Reynolds interview (acknowledging that the site could not exist without volunteers producing content for it).

[83] Http://www.derbynewsnetwork.com/mission_vision.

[84] Ivanna S. Pankin interview.

[85] E-mail from Mr. Temper (on file with author).

[86] Hurt Reynolds interview; Ivanna S. Pankin interview.

resource more commonsy than commercial. Increasingly, though, some derby folks seek to extract money from the knowledge resources they produce, rendering those resources more like private goods than commons. The almost total lack of meaningful limits on who can access most of derby's knowledge resources indicates that along the spectrum of commons governance, this is a fully open resource, closer to copyright's public domain than to a limited-access commons. Roller derby's community, by contrast, seems commonsy as well, albeit subject to more access limits. Access to the fellowship that provides a major amenity that its participants seek from the sport is, of necessity, freely given, though only to those insiders who have proved their derby bona fides through volunteer contributions to the betterment of the sport (and who have avoided ostracism through violating the douchebag rule).

There is no simple, straightforward answer to the question whether roller derby is a commons. Indeed, the very premise of this question may be flawed. It makes more sense to investigate the extent to which roller derby is commonsy, which allows us to calibrate the inquiry by evaluating roller derby (or any other subject matter) along different commons-related metrics. But the difficulty of squaring roller derby with the notion of commons is a source of promise, rather than just a terminological morass. After all, this project and the others in this collection were not conceived simply to engage formal questions about the meaning of the term "commons" in the incorporeal, as opposed to physical, setting. Rather, it was a broad invitation to think about how work on commons strategies for natural resources may help us understand how to deploy similar strategies to optimize use of cultural resources.

My investigation of roller derby as a commons provides just one illustration of the great potential of this approach. Thinking about roller derby (or other subject matter) as a commons first prompts us to think about which commonsy governance strategies—open-access versus limited access, for example—maximize cultural production, especially insofar as different management strategies are likely be differently effective with respect to tangible and intangible resources. And second, it prompts us to broaden our traditional assumptions about the motivations for creative production, and the reason why people create those modalities in the first instance. This inquiry is especially salient in contexts like roller derby and so many other passion projects, where love, not money, provides the most compelling inspiration.

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