

The “Peer-to-Peer” Economy and Social Ontology: Legal Issues and Theoretical Perspectives

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Abstract. Several business models based on the use of web platforms have recently become more widespread. These are generally called “peer-to-peer” models, and are much disputed because of their impact on the traditional economy. In this paper, an analysis of the legal concerns – which are briefly presented by assessing a recent Italian court case – introduces the main problem, which is the manipulation of economic and social processes through the control of the information generated by these models. The definition of these issues within a philosophical framework – given by the contrast between a “realistic” perspective and a “naturalistic” vision of “social ontology” – allows directions for future research to be suggested.

Keywords: Peer-to-peer economy · Social ontology · Philosophy of law · Collaborative consumption · Legal issues

1 Introduction

This paper addresses the issues arising from the use of semantic web technologies as the intermediary in economic and financial transactions among users in what is called “sharing”, or “collaborative consumption”, or the “peer-to-peer” economy. This business model is emerging as a result of the exploitation of the Internet as a conceptual framework and as a tool for the marketing and distribution of products and services. I do not intend to investigate the economic reasons for its success here, nor to describe the technologies employed, but to focus, from a theoretical perspective, on the legal concerns that are emerging, in order to assess the compatibility between the “peer-to-peer” economy and the structure of economic and social relations, namely “social ontology”.

In order to pursue this purpose, I will: (1) explain a court case – the first of its kind concluded in favour of the plaintiff in Italy¹ – concerning Uber, a well-known system

¹ There have been other cases involving Uber, but some of the appeals were declared inadmissible and therefore those proceedings did not reach a final judgment. As a result of two of the judgments, six vehicles have recently been confiscated in Milan from their owners, who were also Uber’s partners. http://milano.repubblica.it/cronaca/2015/03/03/news/milano_dopo_i_sequestri_scattano_le_confische_linea_dura_della_prefettura_contro_uberpop-108598862/.

of sharing and exchange in car transport, and outline the background legal issues; (2) identify from a theoretical perspective the legal concerns that emerge in the entire field of the “peer-to-peer” economy; (3) focus on the main underlying philosophical problems concerning the control of information in society; and (4) set out an evaluation and suggest some paths of research that can be undertaken in the future.

2 The First Italian “Uber Case”: Explanation and Legal Assessment

On February 14, 2015, an honorary judge in Genoa (Italy) – in Italian a *Giudice di pace* – upheld the appeal brought by a “driver” affiliated with Uber against a punishment imposed for the infringement of the provisions governing public transport services. In order to understand the implications of the case, I will: (1) describe briefly what Uber is, the services that are offered, and how the services are provided; (2) identify what features of the service were argued before the judge, and on what grounds; and (3) suggest some preliminary observations in order to identify the underlying problem and proceed with the discussion.

2.1 What Uber Is and How It Works

Uber is a company headquartered in San Francisco, California (USA) that was founded in March 2009 by Travis Kalanick and Garrett Camp. In 2010 it started to spread its services through a web platform, using mobile applications in particular.² In 2012, it began to expand its business internationally and, in 2014, it extended the range of services provided. Over these years, Uber has grown very fast, obtaining huge amounts of funding from many investors.³

Through its web platform, Uber aims to support service transport provided by third parties, as an intermediary between demand and supply, arranging trip reservations and managing payments and reimbursements.⁴ We could say that Uber makes an information platform available that is used to provide four kinds of service: (1) a traditional taxi service (UberTAXI); (2) chauffeur-driven luxury vehicles (UberBLACK, UberSUV and UberLUX);⁵ (3) trips provided by private drivers in their everyday vehicles

² www.uber.com.

³ http://en.wikipedia.org/wiki/Uber_%28company%29.

⁴ <https://www.uber.com/it/legal/ita/terms>.

⁵ In New York, from 2013 onwards, helicopter rides (UberCHOPPER) have been offered, too.

(UberX, UberXL and UberPOP);⁶ and (4) the sharing of fares among Uber users on UberX trips (UberPOOL)⁷.

In this paper, I focus on the third kind of service (UberX, UberPOP) in which owners of private cars pick up Uber users and drive them to their chosen destination, with the fare having been already paid by credit card to Uber.

2.2 The Judgment and the Legal Framework

The judgment of the Genoa court mentioned above is grounded in the Italian transport services regulations, and specifically in the law governing taxi and chauffeur services.⁸ These rules state that enterprises wishing to engage in such activities have to fulfil precise requirements – covering the personal qualities of the driver and the technical specification of the vehicle – that allow them to obtain a licence. Those who do not respect these provisions are severely punished in accordance with the traffic regulations. To be precise, the absence of a licence results in an expensive fine, the suspension of the driver’s driving licence and the confiscation of the vehicle.⁹

These legal proceedings began with an action brought by a private driver against a penalty imposed by the municipal police under these rules. The judge upheld the appeal and revoked the punishment, arguing that there was no unlawfulness in the conduct of the applicant, because his activities constituted not the unauthorized practice of a regulated profession, but a simple sharing of his vehicle with Uber users.

Since the full decision has not yet been published, scholars have not had the opportunity to discuss the grounds for it in depth. Therefore, it must be said that the case described here is not the only one, and nor will it be the last. Indeed, similar proceedings are reported to be taking place in other Italian cities where the service has

⁶ Drivers decide not only whether or not to join the service, but also whether to accept each request made by a user. The fare is established by Uber, and may vary – or even increase greatly (surge) – depending on the time and location of the posted travel request.

⁷ It seems appropriate to highlight some concerns related to the terms of service provided in Italy: (1) Uber asks the user, under a contract termination clause, to act in accordance with Italian law – literally “*di rispettare tutte le leggi vigenti in materia nel proprio Paese o nella Nazione, Stato e/o città in cui si trova al momento dell'utilizzo dell'Applicazione o del Servizio*” – but this provision is not so explicit for the supplier of transport services; (2) each party is entitled to terminate the contract – literally “*diritto di rescindere*” – but the legal concept cannot be the one to which the terms of the contract refer – the “*rescissione*” of the contract (Art. 1447 and Art. 1448 Italian Civil Code) – but must be that of a termination clause – “*clausola risolutiva espressa*” – (Art. 1456 Italian Civil Code) or a unilateral withdrawal – in Italian “*recesso unilaterale*” – (Art. 1373 Italian Civil Code); (3) pursuant to Art. 1341 paragraph 2 Italian Civil Code, the right to unilateral withdrawal would require a specific written consent, which obviously cannot be expressed via the web; and (4) the contract gives the court in Amsterdam jurisdiction over any dispute arising between the parties, since the European subsidiary has its headquarters in Amsterdam, but this provision, which would also require written consent, is not permitted by consumer law in the European Union.

⁸ Law 15th January 1992, n. 21, “*Legge quadro per il trasporto di persone mediante autoservizi pubblici non di linea*”, in Official Journal n. 18 of 23rd January 1992.

⁹ Art. 86, Legislative Decree 30th April 1992, n. 285 “*Nuovo codice della strada*”, in Official Journal n. 114 of 18th May 1992, Ordinary Supplement n. 74.

been introduced,¹⁰ and it is known that disputes and controversies have accompanied Uber from the beginning of its expansion in the European Union¹¹ and all over the world.¹²

2.3 Preliminary Findings

The key concept is that the business of a public transport service in the Member States of the European Union – but, in fact, the same question arises everywhere – is based upon a licence, in order to protect the public interest. Indeed, on the one hand, a good driver must be under the influence of neither drugs nor alcohol, must not be suffering from physical or mental distress, and must not be socially dangerous; on the other hand, a suitable vehicle must be reliable, safe and clean.

The main issue is not just the freedom of doing business without licences or permits, but is how to assess whether and under what terms the safety of workers and the security of passengers, cyclists and pedestrians should be left in the hands of “amateur” drivers, and – in the end – whether these values can be traded by private people through a website.

3 Legal Concerns in the “Peer-to-Peer” Economy

Uber is not the only web platform of this kind, as other businesses have adopted the same model in different fields.¹³ For example, AirBnB¹⁴ finds accommodation in private houses, without the need to make a reservation in a hotel, hostel, or bed and breakfast accommodation. TaskRabbit¹⁵ allows people to delegate household activities that are commonly considered annoying, such as home maintenance, and also other tasks that may have a certain economic worth (for example, carpentry work or plumbing or electrical repairs). Amazon Mechanical Turk¹⁶ is a marketplace for a mass workforce, where Human Intelligence Tasks (HIT) placed by certain users – such as

¹⁰ On 10th October 2014, the administrative regional court of Lombardy – in Italian the *Tribunale Amministrativo Regionale*, suspended – as a precautionary measure – the effects of an order of the Municipality of Milan, or, more precisely, the “*Determinazione dirigenziale*” n. 209 of 29th July 2013 that prescribed strict boundaries for the activity of chauffeurs, to restrict the use of smartphone applications, one of which is evidently Uber.

¹¹ Uber has filed two complaints against a French law, the first in December 2014 and the second in February 2015. On 22nd January 2015 the CEO of Uber, Travis Kalanick, was received by the European Commissioner Violeta Bulc. On 1st April 2015 Uber filed other complaints, against a German and a Spanish law, with the European Commission.

¹² Given the aggressive commercial policy of Uber, various legal systems have reacted to limit its business. For a quick appraisal, see: http://en.wikipedia.org/wiki/Legal_status_of_Uber%27s_service.

¹³ www.blablacar.it, in Italy, promotes car sharing among users.

¹⁴ www.airbnb.com.

¹⁵ www.taskrabbit.com.

¹⁶ www.mturk.com.

labelling images, writing the description of products, or finding the email addresses of given people – are performed online by other users for a certain price. In Italy, Supermercato24¹⁷ acts as an intermediary between users who shop from the website and others who deliver the goods they have purchased to their home.

From a technical standpoint, these platforms have the same basic idea: they create a marketplace in which supply and demand can meet easily, transactions can take place safely, costs are cut to the bone and profits are made from infinitesimal commissions on a large number of transactions. In this section, I focus on common legal issues in order to reach a deeper understanding. To this intent, I will: (1) provide a brief overview of the economic model defined as “peer-to-peer”; (2) outline the main legal issues that affect the parties involved in these exchanges; and (3) make an overall assessment and identify some key points in order to proceed with the discussion.

3.1 Overview of the “Peer-to-Peer” Economy

Around the year 2000, scholars began to discuss a “lattice” vision of an economy. The common purpose was to encourage the sharing of economic resources, as a historical necessity (at that time a greater awareness of the limits of the planet’s natural resources was emerging), or as a business opportunity (the increasing use of the Internet made people realize that the sharing of information increases the value of the goods or services to which it refers), or as a kind of moral duty (on the basis that sharing knowledge allowed an open – and thus better – society to be built) [1–3].

In this context, it was believed that the traditional concept of the market could be taken over by a new paradigm in which the demand and the supply of goods and services could balance each other – pervasively, continuously and directly – among customers through information technology. The idea of “collaborative consumption”, introduced in the 1970s [4], was redrafted as a collective strategy for a sustainable economy centred on the use of the Internet [5, 6]. For some scholars it represented the hope of an alternative economy, and was addressed precisely as “anti-consumption” [7].

The core concept of this model, we can say, is that information technology is crucial, since it allows the economic processes to be controlled in order to increase efficiency by reducing waste and lowering costs. The key factor is the participation of all users, because the sharing of resources is the result of their spontaneous organization, which is ultimately the effect of the interaction between them and the system collecting their data [8].

It is important to focus on a shift in this model that occurs once the information system reaches a higher level of complexity, and specifically when the goal for which the community is gathering and the users are aggregating data, namely the purpose for which the resources are organized, is no longer the sharing of information, but the control of information. This leads to the emergence of a relationship of dependence on the technological platform by each individual user, who becomes, as a result of being

¹⁷ www.supermercato24.it.

the beneficiary of the information shared by others, a simple tool for collecting and processing data.

If technology platforms are developed for profit, this change is remarkable. In fact, precisely because the shared information acquires value, there are several ways in which the provider of the technology platform can use this to his advantage: for example, by charging – even a small amount – for any request for access to data, or by creating additional services and selling them for a fee. Here the information asymmetry is increased – and no longer bridged – by the sharing of information, generating more inequality among users [9]. It is noteworthy that, since the platform owner takes advantage of every little transaction, the sharing economy has also very tellingly been defined as the “skimming economy” [10].

This revolution finds empirical confirmation when the sharing of information relates to economic resources that belong to the real world. Users end up performing duties just because the system cannot do them autonomously, because the tasks they require are too complicated: driving a car, accommodating a guest in a room, delivering a package to someone’s home, fixing a sink, or babysitting are all quite simple for a human being to perform, but are still impossible for a computer.

To put it simply, in this kind of “peer-to-peer” economy users expect to receive services at a cost lower than the market price, and those who carry out such activities are willing to perform them despite the low cost. The difference between the agreed remuneration and the normal cost forms part of the profit that the platform owner receives for doing nothing other than collecting the information that the users themselves provide. Since there is this mark-up, it is quite difficult to conclude that this is truly an economy based on “sharing” or “cooperation”.

3.2 Evaluation of Legal Issues Arising from a For-profit Peer-to-Peer Platform

Below I will investigate the phenomenon previously outlined through a brief analysis of the general legal issues that may arise in a peer-to-peer for-profit platform on which information about services carried out by humans in the real world is shared. I will consider three types of relationship: (1) the relationship between the system and the user who performs the task requested through the platform; (2) the relationship between the user who requests goods or services and the user who performs or produces them on behalf of the platform; and (3) relationships with third parties who may become involved by accident. I will provide some examples relating to transport services, since I began this paper with a case from this field.

1. *“Working” as a peer.* Since the person who accepts the obligation to perform is a private individual, it is difficult to define, in legal terms, his relationship with the owner of the platform. The main issue is whether or not it is an employment relationship. If it is, there would have to be – at least in countries still relying on the principles of the welfare state – some rights given to the employee: working and rest hours, health care and accident insurance, and social security. If not, it would have to be recognized that the services had been supplied with complete independence –

meaning that this was a business venture – and so – among other aspects – there should be fair competition, and proper taxes should be paid. Therefore, can we argue that an “amateur” driver is “working”? The answer lies not so much in the – quite inadequate, at least in the Italian version – words of the terms for the services provided by the website, but in what actually happens in real life and in the way in which the activity is carried out: we realize that an “amateur” driver has none of the rights of an employee, but has all the risks of a business enterprise. It is obvious that if under the law he could be seen as either an underpaid employee or an unprejudiced entrepreneur, very sensitive issues emerge, involving, on the one hand, the user as a person (the undeniable fact that humans can become ill, grow old and die), and, on the other hand, the context in which the system is located, namely society, with its needs (even just the maintenance and cleaning of the roads), which are likewise unavoidable. In their “Terms and Conditions”, these platforms usually declare that they just “intermediaries” for information, and this is true: in fact, they take into account neither the first nor the second of these concerns.

2. *Anonymous delegation among peers.* Within a “peer-to-peer” economy, it is difficult to define in legal terms the relationship between those who request services or goods on the platform and those who perform or provide the goods or services on behalf of the platform. I can outline two possibilities, depending on whether the order is considered to be addressed to the platform or to the person who is willing to execute it. In the first case, there has to be a legal bond between the platform and the individual who actually performs the assignment: here the issues explained in the first profile re-emerge. Under the second hypothesis, in contrast, it has to be said that the legal bond lies directly between the users, so tasks are assigned to someone whose identity is unknown to the delegator. This is not acceptable, for example, in certain types of contract in which personal trust is a key feature.
3. *Liability and third parties.* Third parties are not directly involved in peer-to-peer exchanges, but they are inevitably affected by them. The problem mainly exists when it comes to imputing liability with respect to a tort committed by a user who performs a service on behalf of the platform. Let us consider the case where, while carrying a passenger, an “amateur” driver causes a car crash, injuring a pedestrian. Who should be held liable as a matter of civil law? Theoretically, three possibilities can be identified: (1) assuming that the driver is an employee of the platform owner, the responsibility should be ascribed to the latter; (2) if the driver qualifies as an independent contractor, he – and nobody else – should bear the damage caused by him doing his business; and (3) if it is argued that the driver is working on behalf of the passenger, then at least a *pro rata* obligation to compensate should be ascribed to the latter, as the for having contributed to the damage. The first and the second possibilities again raise the issues mentioned in the previous two paragraphs, but the last – as difficult as it may be to sustain from a strictly legal standpoint – seems to be promising, since it is more consistent with a peer-to-peer pattern. The result, in this last case, is quite odd, because the passenger would find himself to be held liable for any wrongdoing committed by the driver, almost as if he had signed a personal guarantee at the same time as he arranged the transport.

3.3 Key Findings

The “peer-to-peer” economy has been described as a new theoretical paradigm, and it really is this, in some ways. We can argue that its newness can be seen not so much in the shape of the relationship between the economic agents, or even by the “sharing” of information on the resources traded – such aspects could indeed also be found in the traditional economy – but in the fact that the value of goods and services is transfigured in terms of information.

The result is a comprehensive vision of the economic processes that can be defined as a synthesis of the two extreme positions in contemporary thought – individualistic liberalism [11] and a socialist central-planned economy [12] – and is based on the belief that the spontaneous sharing of information might lead to a balance between demand and supply for goods or services. However, we have seen that this belief is a utopia, at least in for-profit platforms, as the system tends to take advantage of the information asymmetries of users, imposing on them worse economic conditions than those that could be negotiated in the traditional market.¹⁸

I have outlined the legal issues that arise from the influence of the control of information on the relationships between the system, the users and third parties. The peer-to-peer structure tends to dismantle the relationship between the enterprise and the market, and thus to blur the distinction between professionals and consumers that, not only in the European Union, is one of the pillars in the regulation of commerce. Consequently, it is difficult to understand whether the people involved are entitled to claim any rights, because it is not clear – recalling the example of the transport service – if the driver is an employee or a contractor, if the passenger is a client, or if the injured pedestrian is entitled to be compensated just by the driver, as an individual, or by the platform owner, or by the passenger.

4 Theoretical Perspectives on the Problem of Control in the “Peer-to-Peer” Economy

Two of the observations made above deserve to be deepened: (1) the transition from simple sharing to control of information causes a sort of dependence – at least from an economic point of view – of the user on the platform; and (2) the difficulty in describing in legal terms the new figure – the “user” – who results from a blending of the concepts of “professional” and “consumer”.

To understand such issues better, we should acknowledge that the concept of control is not just a pragmatic solution, since it expresses an overall epistemological approach that has been proposed as a further advancement of modern scientific thought. This “bottom-up” perspective is intended to overlap with the former “top-down” vision in different areas, such as in network technologies, where peer-to-peer systems would prevail over the most common “server/client” architecture, or in political science, where the “governance” model would overcome the pairing of state and subject, or – as

¹⁸ For reasons of space, I cannot discuss here when and how sharing becomes control, or what the causes of such a phenomenon are.

we have seen – in economics, where “collaborative consumption” would solve the conflict between wealth and labour, or in commercial regulation, where the “user” would resolve the opposition between professionals and consumers.

At this point, it seems crucial to deepen the meaning of control of information in order to provide a theoretical perspective on the issues raised above. Therefore, below I will: (1) identify the basis of the theoretical concept of control and briefly describe the features that can be found in a “peer-to-peer” economy; (2) reassess from this perspective the issues that have been previously identified, highlighting the problems that affect the structure of social relations.

4.1 The Meaning of Control in the “Peer-to-Peer” Economy

The idea of control used herein finds its philosophical framework in what is called “naturalism”, which can be interpreted as an effort to explain what is actually experienced without admitting the existence of transcendent entities or claiming “a priori” concepts: in a nutshell, *juxta propria principia* [13].

This perspective is expressed in twentieth century thought by cybernetics [14], which aims to formulate a scientific representation suitable not only for describing but also for manipulating natural, physical and organic processes. Scholars pursued their initial pioneering investigations, addressing the study of the self-organization of dynamic systems [15], and achieved the definition of autopoiesis, namely the specific quality of systems that are able to appear, preserve, defend and reproduce themselves [16].

The subject of cybernetics is control, and precisely how control can feature in anything – things, living creatures, social relations, the bodies and souls of men – for any purpose. To enable or disable certain processes, to gauge their intensity, to steer their flow: this is, essentially, to have control over something. It has to be emphasized that the concept of control, in this perspective, has very specific properties: (1) it is absolute, since its power has no intrinsic limitations; (2) it is exclusive, as it is not divisible; (3) it is teleonomic, since it cannot have a further or extrinsic purpose; and (4) the exercise of its power is self-exculpatory, as it does not admit the concept of error, but only that of anomaly.

The tool of control is information. Through a process of abstraction, cybernetics translates whatever is existing in the flow of data from which connections are obtained (“syntactic information”, or “information as reality”), meaning (“semantic information”, or “information about reality”) and organization (“pragmatic information”, or “information for reality”) [17, 18]. What matters is that the control, namely the manipulation of the elements of the experience, is exercised by interaction with this ontological dimension; some scholars envisage this to be properly a unified vision of mind and nature [19], which has many enthusiasts because of its spiritual consequences [20].

Therefore, I could argue that this sort of control also lies in the “peer-to-peer” economy. In fact, we can observe that, in this model, the demand and the supply of goods or services do not meet naturally or spontaneously, as would seem to be the case at first glance, but they meet because of the artificial process performed by the intermediary. The platform owner, to sum up, controls the flow of economic transactions through the information processes.

4.2 Issues of “Social Ontology” in the “Peer-to-Peer” Economy

The conceptual tools of cybernetics have also been used to provide a theoretical representation of social relations [21, 22], and with this perspective very recent studies have produced a conception of “social ontology” from a naturalistic point of view [23].¹⁹

Hereinafter I intend to define three issues relating to the “peer-to-peer” economy – precisely, relating to its profitable business model – that can be discussed using the legal concerns described above.²⁰ I will focus on: (1) the extreme flexibility of the connections among users; (2) the anonymity and depersonalization of their contact; and (3) the pervasiveness of the trade exchanges.

1. *Social connections: control or politics.* In the “peer-to-peer” model, human relations are considered to be unstable and flexible, since there are no constraints that cannot be untied if others offer more efficiency in the system. Hence, relationships are instrumental to the purpose as a whole and, in the end, are controlled – in the sense specified above – by those who own the platform. From concrete experience we should acknowledge that the links between human beings are likely to be consolidated and may establish social structures. Moreover, precisely because of the absence of control, institutions can be erected and the political sphere – in the traditional sense – can emerge.
2. *Users: anonymous agents or human beings.* In the “peer-to-peer” model, what matters, as we have seen, is that every transaction is carried out in the most efficient way, not that it is fulfilled by a specific person, or even by a human “agent” [24]²¹. Indeed, since all performances should be uniform and standardized, they should be deprived of their human component, as this generates uncertainty and instability [25]. Conversely, in the real economy, people invest their working energies to promote their name and to communicate their personal qualities – motivation, style – that differentiate them from their competitors. I can argue that, in the “peer-to-peer” economy, human trust would be replaced with brand loyalty.
3. *Performances: for profit or for free.* In the “peer-to-peer” economy, the value of the performance of each task is measured exclusively in economic terms and is controlled – directly or indirectly – by the owner of the platform. In real life, activities are done free of charge – for genuine solidarity or in simple courtesy – and it is

¹⁹ Here “social ontology” could be defined – generically – as the structure of human relations holding a social community as a unity that is balanced inwards and outwards.

²⁰ I do not intend to claim that these three aspects are side-effects from an economic perspective, as this is outside my competence. Instead, I will emphasize that there could be great incompatibility from a theoretical standpoint. This is much more significant, in my opinion, as the practical difficulties can be resolved, while the others cannot be overcome.

²¹ It is not just the identity of the person who performs the task – the fact that he is one person rather than another – but also the human aspect of the performance – the fact that there is actually a human being behind it – that becomes irrelevant, because what matters is just that, through the platform and directly or indirectly, there should be a change in the state of the facts – the “difference that makes the difference”, called “information” – for which payment has been made.

important to emphasize that these are precisely the main unifying elements of a community.

5 The Issue of Social Ontology in the “Peer-to-Peer” Economy: Conclusions and Future Research

Let us consider the “Flash mob”.²² Although this could seem to be a spontaneous event to an external observer, it is actually the result of a plan. Indeed, it creates a strong contrast between the state of people and places before and after the event and their state during the time when the performance is carried out. Ordinary life looks to be chaotic, since the synchronization of movement within a “Flash mob” shows an order that, for a glimmer of time, has an aesthetical and ethical perfection. For just one moment, it is likely that each participant wonders if his entire life could be a never-ending “Flash mob”, in which his existence merges with that of others in a collective consciousness. Thus, I may argue that a “Flash mob” is not so much an expression of joyous vitality, or natural spontaneity, or youthful exuberance, but an expression of the power of information, which can take control of human actions, artificially creating the conditions in which the social ties that naturally link individuals are wiped away.

In the “peer-to-peer” economy, we can find the same theoretical opposition between a “naturalistic” and a “realistic” vision of “social ontology”. The first – which can be represented as a “lattice” pattern lying on a horizontal surface – flattens interpersonal relationships to information exchanges among intentional agents, while, in the second, different features such as political values, legal principles and even mere courtesy are taken into proper account, so it may be seen as a “molecular” multi-dimensional structure.

The study of legal issues has led to the identification of problems that are not only practical, but that have a theoretical relevance in contemporary social experience, particularly in the use of the Internet. In the future, it would seem to be useful to proceed in this direction, following three lines of research: (1) exploring the “social ontology”, by deepening the contrast between the realistic – or “molecular” – and the naturalistic – or “lattice” – visions; (2) identifying the features – if any – that have to be considered intangible, from the perspective of the philosophy of law; and (3) verifying, under these premises, whether Internet business models – such as the “peer-to-peer” economy – are radically irreconcilable or whether and how they can be adapted to the human “social ontology”.

²² In recent years a social phenomenon called “Flash mob” has become widespread. This is basically an event organized by users on the Internet – normally, through social networks – who gather at a specific place and time to perform a given action, which can be a political protest, a musical show, an artistic performance, or anything else. These events cause a great sensation among those who witness them, because they begin and finish abruptly. They usually happen in crowded places – squares, stations – so that participants hide themselves among innocent passers-by until they unexpectedly reveal, through their actions, the real reason why they are there.

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