Speaking
Truth to
Power
by and about Aaron Swartz

I’ve spent much of the past 24 hours reading remembrances of Aaron Swartz as well as a wide selection of his writings.

We’ve lost an important voice. Not only was he uniquely able to wrap his head around the vast complexity of the emerging digital landscape, Aaron Swartz was generous and brave. He threatened the keepers of the status quo and paid the ultimate price.

Depending on how history turns out, Aaron Swartz may be the first hero of our future age.

bob stein, 14 January 2014

Remembering Aaron Swartz

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Remember Aaron Swartz

Official Statement from the family and partner of Aaron Swartz

Our beloved brother, son, friend, and partner Aaron Swartz hanged himself on Friday in his Brooklyn apartment. We are in shock, and have not yet come to terms with his passing.

Aaron's insatiable curiosity, creativity, and brilliance; his reflexive empathy and capacity for selfless, boundless love; his refusal to accept injustice as inevitable—these gifts made the world, and our lives, far brighter. We're grateful for our time with him, to those who loved him and stood with him, and to all of those who continue his work for a better world.

Aaron's commitment to social justice was profound, and defined his life. He was instrumental to the defeat of an Internet censorship bill; he fought for a more democratic, open, and accountable political system; and he helped to create, build, and preserve a dizzying range of scholarly projects that extended the scope and accessibility of human knowledge. He used his prodigious skills as a programmer and technologist not to enrich himself but to make the Internet and the world a fairer, better place. His deeply humane writing touched minds and hearts across generations and continents. He earned the friendship of thousands and the respect and support of millions more.

Aaron's death is not simply a personal tragedy. It is the product of a criminal justice system rife with intimidation and prosecutorial overreach. Decisions made by officials in the Massachusetts U.S. Attorney's office and at MIT contributed to his death. The US Attorney's office pursued an exceptionally harsh array of charges, carrying potentially over 30 years in prison, to punish an alleged crime that had no victims. Meanwhile, unlike JSTOR, MIT refused to stand up for Aaron and its own community's most cherished principles.

Today, we grieve for the extraordinary and irreplaceable man that we have lost.

Aaron is survived by his parents Robert and Susan Swartz, his younger brothers Noah and Ben, and his partner Taren Stinebrickner-Kauffman.

Aaron's funeral will be held on Tuesday, January 15 at Central Avenue Synagogue, 874 Central Avenue, Highland Park, Illinois 60035. Further details, including the specific time, will be posted at http://rememberaaronsw.com, along with announcements about memorial services to be held in other cities in coming weeks.

Remembrances of Aaron, as well as donations in his memory, can be submitted at http://rememberaaronsw.com.

http://rememberaaronsw.tumblr.com/post/40372208044/official-statement-from-the-family-and-partner-of-aaron

Lessig Blog, v2

Prosecutor as bully

Lawrence Lessing, 12 July 2013

(Some will say this is not the time. I disagree. This is the time when every mixed emotion needs to find voice.)

Since his arrest in January, 2011, I have known more about the events that began this spiral than I have wanted to know. Aaron consulted me as a friend and lawyer. He shared with me what went down and why, and I

worked with him to get help. When my obligations to Harvard created a conflict that made it impossible for me to continue as a lawyer, I continued as a friend. Not a good enough friend, no doubt, but nothing was going to draw that friendship into doubt.

The billions of snippets of sadness and bewilderment spinning across the Net confirm who this amazing boy was to all of us. But as I've read these aches, there's one strain I wish we could resist:

Please don't pathologize this story.

No doubt it is a certain crazy that brings a person as loved as Aaron was loved (and he was surrounded in NY by people who loved him) to do what Aaron did. It angers me that he did what he did. But if we're going to learn from this, we can't let slide what brought him here.

First, of course, Aaron brought Aaron here. As I said when I wrote about the case(when obligations required I say something publicly), **if** what the government alleged was true — and I say "if" because I am not revealing what Aaron said to me then — then what he did was wrong. And if not legally wrong, then at least morally wrong. The causes that Aaron fought for are my causes too. But as much as I respect those who disagree with me about this, these means are not mine.

But all this shows is that if the government proved its case, some punishment was appropriate. So what was that appropriate punishment? Was Aaron a terrorist? Or a cracker trying to profit from stolen goods? Or was this something completely different?

Early on, and to its great credit, JSTOR figured "appropriate" out: They declined to pursue their own action against Aaron, and they asked the government to drop its. MIT, to its great shame, was not as clear, and so the

prosecutor had the excuse he needed to continue his war against the "criminal" who we who loved him knew as Aaron.

Here is where we need a better sense of justice, and shame. For the outrageousness in this story is not just Aaron. It is also the absurdity of the prosecutor's behavior. From the beginning, the government worked as hard as it could to characterize what Aaron did in the most extreme and absurd way. The "property" Aaron had "stolen," we were told, was worth "millions of dollars" — with the hint, and then the suggestion, that his aim must have been to profit from his crime. But anyone who says that there is money to be made in a stash of***ACADEMIC ARTICLES*** is either an idiot or a liar. It was clear what this was not, yet our government continued to push as if it had caught the 9/11 terrorists red-handed.

Aaron had literally done nothing in his life "to make money." He was fortunate Reddit turned out as it did, but from his work building the RSS standard, to his work architecting Creative Commons, to his work liberating public records, to his work building a free public library, to his work supporting Change Congress/FixCongressFirst/Rootstrikers, and then Demand Progress, Aaron was always and only working for (at least his conception of) the public good. He was brilliant, and funny. A kid genius. A soul, a conscience, the source of a question I have asked myself a million times: What would Aaron think? That person is gone today, driven to the edge by what a decent society would only call bullying. I get wrong. But I also get proportionality. And if you don't get both, you don't deserve to have the power of the United States government behind you.

For remember, we live in a world where the architects of the financial crisis regularly dine at the White House — and where even those brought to "justice" never even have to admit any wrongdoing, let alone be labeled "felons."

In that world, the question this government needs to answer is why it was so necessary that Aaron Swartz be labeled a “felon.” For in the 18 months of negotiations, that was what he was not willing to accept, and so that was the reason he was facing a million dollar trial in April — his wealth bled dry, yet unable to appeal openly to us for the financial help he needed to fund his defense, at least without risking the ire of a district court judge. And so as wrong and misguided and fucking sad as this is, I get how the prospect of this fight, defenseless, made it make sense to this brilliant but troubled boy to end it.

Fifty years in jail, charges our government. Somehow, we need to get beyond the “I’m right so I’m right to nuke you” ethics that dominates our time. That begins with one word: Shame.

One word, and endless tears.

http://lessig.tumblr.com/post/40347463044/prosecutor-as-bully

RIP, Aaron Swartz

Cory Doctorow at 4:53 am Sat, Jan 12, 2013

My friend Aaron Swartz committed suicide yesterday, Jan 11. He was 26. I got woken up with the news about an hour ago. I'm still digesting it -- I suspect I'll be digesting it for a long time -- but I thought it was important to put something public up so that we could talk about it. Aaron was a public guy.

I met Aaron when he was 14 or 15. He was working on XML stuff (he co-wrote the RSS specification when he was 14) and came to San Francisco often, and would stay with Lisa Rein, a friend of mine who was also an XML person and who took care of him and assured his parents he had adult supervision. In so many ways, he was an adult, even then, with a kind of intense, fast intellect that really made me feel like he was part and parcel of the Internet society, like he belonged in the place where your thoughts are what matter, and not who you are or how old you are.

But he was also unmistakably a kid then, too. He would only eat white food. We'd go to a Chinese restaurant and he'd order steamed rice. I suggested that he might be a supertaster and told him how to check it out, and he did, and decided that he was. We had a good talk about the stomach problems he faced and about how he would need to be careful because supertasters have a tendency to avoid "bitter" vegetables and end up deficient in fibre and vitamins. He immediately researched the hell out of the subject, figured out a strategy for eating better, and sorted it. The next time I saw him (in Chicago, where he lived -- he took the El a long way from the suburbs to sit down and chat with me about distributed hash caching), he had a whole program in place.

I introduced him to Larry Lessig, and he was active in the original Creative Commons technical team, and became very involved in technology-freedom issues. Aaron had powerful, deeply felt ideals, but he was also always an impressionable young man, someone who often found himself moved by new passions. He always seemed somehow in search of mentors, and none of those mentors ever seemed to match the impossible standards he held them (and himself) to.

This was cause for real pain and distress for Aaron, and it was the root of his really unfortunate pattern of making high-profile, public denunciations of his friends and mentors. And it's a testament to Aaron's intellect, heart, and friendship that he was always forgiven for this. Many of us "grown ups" in Aaron's life have, over the years, sat down to talk about this, and about our protective feelings for him, and to check in with one another and make sure that no one was too stung by Aaron's disappointment in us. I think we all knew that, whatever the disappointment that Aaron expressed about us, it also reflected a disappointment in himself and the world.

Aaron accomplished some incredible things in his life. He was one of the early builders of Reddit (someone always turns up to point out that he was technically not a co-founder, but he was close enough as makes no damn), got bought by Wired/Conde Nast, engineered his own dismissal and got cashed out, and then became a full-time, uncompromising, reckless and delightful shit-disturber.

The post-Reddit era in Aaron's life was really his coming of age. His stunts were breathtaking. At one point, he singlehandedly liberated 20 percent of US law. PACER, the system that gives Americans access to their own (public domain) case-law, charged a fee for each such access. After activists built RECAP (which allowed its users to put any caselaw they paid for into a free/public repository), Aaron spent a small fortune fetching a titanic amount of data and putting it into the public domain. The feds hated this. They smeared him, the FBI investigated him, and for a while, it looked like he'd be on the pointy end of some bad legal stuff, but he escaped it all, and emerged triumphant.

He also founded a group called DemandProgress, which used his technological savvy, money and passion to leverage victories in huge public policy fights. DemandProgress's work was one of the decisive

factors in last year's victory over SOPA/PIPA, and that was only the start of his ambition.

I wrote to Aaron for help with *Homeland*, the sequel to *Little Brother* to get his ideas on a next-generation electioneering tool that could be used by committed, passionate candidates who didn't want to end up beholden to monied interests and power-brokers. Here's what he wrote back:

First he decides to take over the whole California Senate, so he can do things at scale. He finds a friend in each Senate district to run and plugs them into a web app he's made for managing their campaigns. It has a database of all the local reporters, so there's lots of local coverage for each of their campaign announcements.

Then it's just a vote-finding machine. First it goes through your contacts list (via Facebook, twitter, IM, email, etc.) and lets you go down the list and try to recruit everyone to be a supporter. Every supporter is then asked to do the same thing with their contacts list. Once it's done people you know, it has you go after local activists who are likely to be supportive. Once all those people are recruited, it does donors (grabbing the local campaign donor records). And then it moves on to voters and people you could register to vote. All the while, it's doing massive A/B testing to optimize talking points for all these things. So as more calls are made and more supporters are recruited, it just keeps getting better and better at figuring out what will persuade people to volunteer. Plus the whole thing is built into a larger game/karma/points thing that makes it utterly addictive, with you always trying to stay one step ahead of your friends.

Meanwhile GIS software that knows where every voter is is calculating the optimal places to hold events around the district. The press database is blasting them out -- and the press is coming, because they're actually fun. Instead of sober speeches about random words, they're much more like

standup or the Daily Show -- full of great, witty soundbites that work perfectly in an evening newscast or a newspaper story. And because they're so entertaining and always a little different, they bring quite a following; they become events. And a big part of all of them getting the people there to pull out their smartphones and actually do some recruiting in the app, getting more people hooked on the game.

He doesn't talk like a politician -- he knows you're sick of politicians spouting lies and politicians complaining about politicians spouting lies and the whole damn thing. He admits up front you don't trust a word he says -- and you shouldn't! But here's the difference: he's not in the pocket of the big corporations. And you know how you can tell? Because each week he brings out a new whistleblower to tell a story about how a big corporation has mistreated its workers or the environment or its customers -- just the kind of thing the current corruption in Sacramento is trying to cover up and that only he is going to fix.

(Obviously shades of Sinclair here...)

also you have to read http://books.theinfo.org/go/B005HE8ED4

For his TV ads, his volunteer base all take a stab at making an ad for him and the program automatically A/B tests them by asking people in the district to review a new TV show. The ads are then inserted into the commercial breaks and at the end of the show, when you ask the user how they liked it, you also sneak in some political questions. Web ads are tested by getting people to click on ads for a free personality test and then giving them a personality test with your political ad along the side and asking them some political questions. (Ever see ads for a free personality test? That's what they really are. Everybody turns out to have the personality of a sparkle fish, which is nice and pleasant except when it meets someone it doesn't like, ...) Since it's random, whichever group

scores closest to you on the political questions must be most affected by the ad. Then they're bought at what research shows to be the optimal time before the election, with careful selection of television show to maximize the appropriate voter demographics based on Nielsen data.

anyway, i could go on, but i should actually take a break and do some of this... hope you're well

This was so perfect that I basically ran it verbatim in the book. Aaron had an unbeatable combination of political insight, technical skill, and intelligence about people and issues. I think he could have revolutionized American (and worldwide) politics. His legacy may still yet do so.

Somewhere in there, Aaron's recklessness put him right in harm's way. Aaron snuck into MIT and planted a laptop in a utility closet, used it to download a lot of journal articles (many in the public domain), and then snuck in and retrieved it. This sort of thing is pretty par for the course around MIT, and though Aaron wasn't an MIT student, he was a fixture in the Cambridge hacker scene, and associated with Harvard, and generally part of that gang, and Aaron hadn't done anything with the articles (yet), so it seemed likely that it would just fizzle out.

Instead, they threw the book at him. Even though MIT and JSTOR (the journal publisher) backed down, the prosecution kept on. I heard lots of theories: the feds who'd tried unsuccessfully to nail him for the PACER/RECAP stunt had a serious hate-on for him; the feds were chasing down all the Cambridge hackers who had any connection to Bradley Manning in the hopes of turning one of them, and other, less credible theories. A couple of lawyers close to the case told me that they thought Aaron would go to jail.

This morning, a lot of people are speculating that Aaron killed himself because he was worried about doing time. That might be so. Imprisonment is one of my most visceral terrors, and it's at least credible that fear of losing his liberty, of being subjected to violence (and perhaps sexual violence) in prison, was what drove Aaron to take this step.

But Aaron was also a person who'd had problems with depression for many years. He'd written about the subject publicly, and talked about it with his friends.

I don't know if it's productive to speculate about that, but here's a thing that I do wonder about this morning, and that I hope you'll think about, too. I don't know for sure whether Aaron understood that any of us, any of his friends, would have taken a call from him at any hour of the day or night. I don't know if he understood that wherever he was, there were people who cared about him, who admired him, who would get on a plane or a bus or on a video-call and talk to him.

Because whatever problems Aaron was facing, killing himself didn't solve them. Whatever problems Aaron was facing, they will go unsolved forever. If he was lonely, he will never again be embraced by his friends. If he was despairing of the fight, he will never again rally his comrades with brilliant strategies and leadership. If he was sorrowing, he will never again be lifted from it.

Depression strikes so many of us. I've struggled with it, been so low I couldn't see the sky, and found my way back again, though I never thought I would. Talking to people, doing Cognitive Behavioral Therapy, seeking out a counsellor or a Samaritan -- all of these have a chance of bringing you back from those depths. Where there's life, there's hope. Living people can change things, dead people cannot.

I'm so sorry for Aaron, and sorry about Aaron. My sincere condolences to his parents, whom I never met, but who loved their brilliant, magnificently weird son and made sure he always had chaperonage when he went abroad on his adventures. My condolences to his friends, especially Quinn and Lisa, and the ones I know and the ones I don't, and to his comrades at DemandProgress. To the world: we have all lost someone today who had more work to do, and who made the world a better place when he did it.

Goodbye, Aaron.

(*Image: IMG_9892.JPG, a Creative Commons Attribution (2.0) image from quinn's photostream*)

http://boingboing.net/2013/01/12/rip-aaron-swartz.html

Unhandled Exception

Building Better Internets

By Alex Stamos January 12, 2013

The Truth about Aaron Swartz's "Crime"

I did not know Aaron Swartz, unless you count having copies of a person's entire digital life on your forensics server as knowing him. I did once meet his father, an intelligent and dedicated man who was clearly pouring his life into defending his son. My deepest condolences go out to him and the rest of Aaron's family during what must be the hardest time of their lives.

If the good that men do is oft interred with their bones, so be it, but in the meantime I feel a responsibility to correct some of the erroneous information being posted as comments to otherwise informative discussions at Reddit, Hacker News and Boing Boing. Apparently some people feel the need to self-aggrandize by opining on the guilt of the recently departed, and I wanted to take this chance to speak on behalf of a man who can no longer defend himself. I had hoped to ask Aaron to discuss these issues on the Defcon stage once he was acquitted, but now that he has passed it is important that his memory not be besmirched by the ignorant and uninformed. I have confirmed with Aaron's attorneys that I am free to discuss these issues now that the criminal case is moot.

I was the expert witness on Aaron's side of US vs Swartz, engaged by his attorneys last year to help prepare a defense for his April trial. Until Keker Van Nest called iSEC Partners I had very little knowledge of Aaron's plight, and although we have spoken at or attended many of the same events we had never once met.

Should you doubt my neutrality, let me establish my bona fides. I have led the investigation of dozens of computer crimes, from Latvian hackers blackmailing a stock brokerage to Chinese government-backed attacks against dozens of American enterprises. I have investigated small insider violations of corporate policy to the theft of hundreds of thousands of dollars, and have responded to break-ins at social networks, e-tailers and large banks. While we are no stranger to pro bono work, having served as experts on EFF vs Sony BMG and Sony vs Hotz, our reports have also been used in the prosecution of at least a half dozen attackers. In short, I am no long-haired-hippy-anarchist who believes that anything goes on the Internet. I am much closer to the stereotypical capitalist-white-hat sellout that the antisec people like to rant about(and steal mail spools from) in the weeks before BlackHat.

I know a criminal hack when I see it, and Aaron's downloading of journal articles from an unlocked closet is not an offense worth 35 years in jail.

The facts:

- MIT operates an extraordinarily open network. Very few campus networks offer you a routable public IP address via unauthenticated DHCP and then lack even basic controls to prevent abuse. Very few captured portals on wired networks allow registration by any vistor, nor can they be easily bypassed by just assigning yourself an IP

address. In fact, in my 12 years of professional security work I have never seen a network this open.

- In the spirit of the MIT ethos, the Institute runs this open, unmonitored and unrestricted network on purpose. Their head of network security admitted as much in an interview Aaron's attorneys and I conducted in December. MIT is aware of the controls they could put in place to prevent what they consider abuse, such as downloading too many PDFs from one website or utilizing too much bandwidth, but they choose not to.
- MIT also chooses not to prompt users of their wireless network with terms of use or a definition of abusive practices.
- At the time of Aaron's actions, the JSTOR website allowed an unlimited number of downloads by anybody on MIT's 18.x Class-A network. The JSTOR application lacked even the most basic controls to prevent what they might consider abusive behavior, such as CAPTCHAs triggered on multiple downloads, requiring accounts for bulk downloads, or even the ability to pop a box and warn a repeat downloader.
- Aaron did not "hack" the JSTOR website for all reasonable definitions of "hack". Aaron wrote a handful of basic python scripts that first discovered the URLs of journal articles and then used curl to request them. Aaron did not use parameter tampering, break a CAPTCHA, or do anything more complicated than call a basic command line tool that downloads a file in the same manner as right-clicking and choosing "Save As" from your favorite browser.
- Aaron did nothing to cover his tracks or hide his activity, as evidenced by his very verbose .bash_history, his uncleared browser history and lack of any encryption of the laptop he used to download these files. Changing one's MAC address (which the government inaccurately

identified as equivalent to a car's VIN number) or putting a mailinator email address into a captured portal are not crimes. If they were, you could arrest half of the people who have ever used airport wifi.

- The government provided no evidence that these downloads caused a negative effect on JSTOR or MIT, except due to silly overreactions such as turning off all of MIT's JSTOR access due to downloads from a pretty easily identified user agent.
- I cannot speak as to the criminal implications of accessing an unlocked closet on an open campus, one which was also used to store personal effects by a homeless man. I would note that trespassing charges were dropped against Aaron and were not part of the Federal case.

In short, Aaron Swartz was not the super hacker breathlessly described in the Government's indictment and forensic reports, and his actions did not pose a real danger to JSTOR, MIT or the public. He was an intelligent young man who found a loophole that would allow him to download a lot of documents quickly. This loophole was created intentionally by MIT and JSTOR, and was codified contractually in the piles of paperwork turned over during discovery.

If I had taken the stand as planned and had been asked by the prosecutor whether Aaron's actions were "wrong", I would probably have replied that what Aaron did would better be described as "inconsiderate". In the same way it is inconsiderate to write a check at the supermarket while a dozen people queue up behind you or to check out every book at the library needed for a History 101 paper. It is inconsiderate to download lots of files on shared wifi or to spider Wikipedia too quickly, but none of these actions should lead to a young person being hounded for years and haunted by the possibility of a 35 year sentence.

Professor Lessig will always write more eloquently than I can on prosecutorial discretion and responsibility, but I certainly agree that Aaron's death demands a great deal of soul searching by the US Attorney who decided to massively overcharge this young man and the MIT administrators who decided to involve Federal law enforcement.

I cannot speak as to all of the problems that contributed to Aaron's death, but I do strongly believe that he did not deserve the treatment he received while he was alive. It is incumbent on all of us to figure out how to create some positive change out of this unnecessary tragedy. I'll write more on that later. First I need to spend some time hugging my kids.

Edit 1: Fixed typo. Thank you @ramenlabs.

Posted from San Carlos, CA.

http://unhandled.com/2013/01/12/the-truth-about-aaron-swartzs-crime/

danah boyd | apophenia
making connections where none previously existed

january 13, 2013

processing the loss of Aaron Swartz

The last 24 hours have been an emotional roller coaster. I woke up yesterday to find that a friend of mine – Aaron Swartz – had taken his life. My Twitter feed went into mourning – shock, sadness, anger, revenge. I spent the day talking with friends who were all in various states of disarray. I watched as many of them poured out their hearts on their blogs, a practice we've all been doing for over a decade. And yet, I couldn't find the words to express what I've been feeling. When I tweeted yesterday about being angry, well-meaning friends and mental health experts who didn't know Aaron wrote to me about how I couldn't be responsible for someone's depression. This made me want to scream. I decided to write this blog post instead. It is raw and imperfect, but that's where I'm at right now.

For better or worse, I've known a lot of people over the years who have committed suicide. I've watched people struggle through serious depression and then make that choice. Having battled my own demons, I understood. Part of why Aaron's death hit me like a rock is because this time it was different.

There's no doubt in my mind that depression was a factor. I adored Aaron because he was an emotional whirlwind – a cranky bastard and a manic savant. Our conversations had an ethereal sense to them and he pushed me hard to think through complex issues as we debated. He had an intellectual range that awed me and a kitten's sense of curiosity. But when he was feeling destructive, he used his astute understandings of people to find their weak spots and poke them where it hurt. Especially the people he loved the most. He saw himself as an amateur sociologist because he was enamored with how people worked and we argued over the need for rigor, the need for formal training. He had no patience for people who were intellectually slower than him and he failed to appreciate what could be gained by a university setting. Instead, he wanted to mainline books and live in the world of the mind.

I've known Aaron for nine years and I both adored him to pieces and found him frustrating as hell. In recent years, our connection grew more sporadic because I loved the ups but really struggled with the downs. But when the arrest happened, I grew very worried about him. We decided never to talk about the case itself, but amidst brainjams, we'd joke about him finally getting his degree in jail as a way to relieve the pressure. I promised to curate an educational plan built off of great pieces of scholarship and told him I'd send him a printout from JSTOR each day. I knew he was struggling, but he was also a passionate activist and I genuinely thought that would see him through this dark period.

What made me so overwhelmingly angry yesterday was the same thing that has been boiling in my gut for the last two years. When the federal government went after him – and MIT sheepishly played along – they weren't treating him as a person who may or may not have done something stupid. He was an example. And the reason they threw the book at him wasn't to teach him a lesson, but to make a point to the entire Cambridge hacker community that they were p0wned. It was a threat that had nothing to do with justice and everything to do with a broader battle over systemic power. In recent years, hackers have challenged the status quo and called into question the legitimacy of countless political actions. Their means may have been questionable, but their intentions have been valiant. The whole point of a functioning democracy is to always question the uses and abuses of power in order to prevent tyranny from emerging. Over the last few years, we've seen hackers demonized as anti-democratic even though so many of them see themselves as contemporary freedom fighters. And those in power used Aaron, reframing his information liberation project as a story of vicious hackers whose terroristic acts are meant to destroy democracy.

Reasonable people can disagree about tactics and where and when a particular approach pushes too far. Like Lessig, I often disagreed with Aaron about his particular approach to freeing the world's information, even if I never disagreed with him about the goal. And one of the reasons why so many hackers and geeks spent yesterday raging against the machine is because so many people in power have been unable to see past the particular acts and understand the intentions and activism. So much public effort has been put into controlling and harmonizing geek resistance, squashing the rebellion, and punishing whoever authorities can get their hands on. But most geeks operate in gray zones, making it hard for them to be pinned down and charged. It's in this context that Aaron's stunt gave federal agents enough evidence to bring him to trial to use him as an example. They used their power to silence him and publicly condemn him even before the trial even began.

Yesterday, there was an outpouring of information about his case, including an amazing account from the defense's expert witness. Many people asked why people didn't speak up before. I can only explain my reasoning. I was too scared to speak publicly for fear of how my words might be used against him. And I was too scared to get embroiled in the witch hunt that I've watched happen over the last three years. Because it hasn't been about justice or national security. It's been about power. And it's at the heart and soul of why the Obama administration has been a soul crushing disappointment to me. I've gotten into a ridiculous number of fights over the last couple of years with folks in the administration over the treatment of geeks and the misunderstanding of hackers, but I could never figure how to make a difference on that front. This was a source of serious frustration for me, even as SOPA/PIPA showed that geeks could make a difference.

So here we are today, the world lacking a prodigious child whose intellect scared the shit out of everyone who knew him. He became a toy for a government set on showing their strength. And they bullied him and preyed on his weaknesses and sought to break him. And they did. All for the performance of justice. All before he was even tried in a society that prides itself on innocent until proven guilty. Was depression key to what happened on Friday? Certainly. But it wasn't the whole story. And that's what makes it hard for me to stomach.

There is a lot of justifiable outrage out there. Many people want the heads of the key administrators who helped create the context in which Aaron took his life. I completely understand where they're coming from. But I also fear the likelihood that Aaron will be turned into a martyr, an abstraction of a geek activist destroyed by the State. Because he was a lot more than that – lovable and flawed, passionate and strong-willed, brilliant and infuriatingly stupid. It'll be easy for folks to rally cry for revenge in his name. But not much is gained from reifying the us vs. them game that got us here. There has to be another way.

What I really hope comes out of this horrible tragedy is some serious community reflection and a deep values check. Many of the beliefs that Aaron stood for – the liberation of knowledge, open access to information, and the use of code to make the world better – are core values in the geek community. Yet, as Biella Coleman astutely dissects in "Coding Freedom", this community is not without its flaws. Nor was Aaron. He did things his way because he believed that passion and will and action trumped all. And his stubbornness made him breakable. If we want to achieve the values and goals that are core to the geek community, I don't think that we'll ever make a difference by creating more martyrs that can be used as examples in a cultural war. As we collectively mourn Aaron's death

and channel our anger into making a difference, I think we need to look for an approach to change-making that doesn't result in brilliant people being held up as examples so that they can be tormented by power.

http://www.zephoria.org/thoughts/archives/2013/01/13/aaron-swartz.htmllivepage.apple.com

SALON

Aaron Swartz, freedom fighter

Andrew Leonard, JAN 14, 2013

For Aaron Swartz, the act of sharing was a "moral imperative." In his Guerilla Open Access Manifesto, released to the Web in July 2008, he specifically targeted the "world's entire scientific and cultural heritage," which he said "is increasingly being digitized and locked up by a handful of private corporations." Swartz called for those with access to such knowledge to make it available to others.

> You get to feed at this banquet of knowledge while the rest of the world is locked out. But you need not — indeed, morally, you cannot — keep this privilege for yourselves. You have a duty to share it with the world. And you have: trading passwords with colleagues, filling download requests for friends … Only those blinded by greed would refuse to let a friend make a copy.

In July 2011, Swartz was arrested on charges of illegally downloading 4.8 million documents from JSTOR, an online archive of scholarly articles. Facing a maximum possible prison sentence of 35 years and a fine of as much as a million dollars, Swartz killed himself Friday night, just two days after prosecutors rejected a plea bargain deal that would have allowed him to avoid jail time.

Previously, U.S. District Attorney Carmen Ortiz had sweepingly dismissed the notion that "morality" had a role in Swartz's actions: "Stealing is stealing, whether you use a computer command or a crowbar, and whether you take documents, data or dollars."

Strictly speaking, according to economic theory, Ortiz is wrong. There is a crucial difference between liberating documents from JSTOR and breaking into a car with a crowbar to steal someone's iPhone. This is the manifest difference between *things* and*ideas*. If I have an apple, and you take it and eat it, I don't have the apple anymore. But if I have an idea, and you take it, *I still have the idea*.

This fundamental attribute of knowledge is a fact that can't be argued away. Knowledge is just different. Knowledge can be infinitely shared and copied. In the age of digitization and computer networks, this fact can have negative consequences, as the publishing and music businesses have learned all too well over the past 15 years. But it also has positive consequences. The fact that there is no such thing as "scarcity" when applied to knowledge has enormous implications for how societies grow and prosper. The spread of the industrial revolution over the entire globe and the vast advances in human welfare over the last few hundred years can in large part be credited to this amazing fundamental attribute of knowledge: Ideas spread. Good ideas spread like wildfire — unless they are constrained by artificial forces.

Indeed, there is an entire body of economic theory that argues that knowledge *should* be shared and copied, or at least, shared more easily and frictionlessly than is currently the case. Societies that share more information are better off — there's more innovation, more technological and medical progress, faster economic growth, and more prosperity at all.

But when corporations are given *too much power* to lock up intellectual property with patents and copyright and friendly courts and bought-and-paid-for politicians, progress slows.

Notice, here, the implication of the words "too much." I suspect that Aaron Swartz was more of an absolutist than most people in his beliefs

about the moral imperative of sharing, but the truth is, as a society, we are always engaged in a negotiation about where to draw the line between what should be shared and what shouldn't. How much power should corporations have to corral knowledge? Should copyright last forever, or for 50 years, or for as long as the Disney Corp. needs to keep Mickey Mouse under wraps? Should pharmaceutical companies be allowed to patent their drugs for eternity, or be forced to allow generic competition after a set period of time (thus lowering prices and increasing access). For many observers, even as we are willing to acknowledge that easy sharing and distribution has wrought havoc on writers and musicians, it seems fairly obvious that corporate influence over the political process with respect to intellectual property carries a real threat to slow down the spread of knowledge to the detriment of all.

Swartz saw that threat. Swartz devoted his life to combating that threat, to taking advantage of the essential capabilities of the Internet to make it easier for people to share *knowledge*.Swartz's methods could be extreme — breaking into a closet, hacking into MIT's network and downloading 4.8 million documents were tactics that even some of his closest philosophical allies did not condone. But his *target* made sense. A significant proportion of the scholarly works in JSTOR were produced by academics working at taxpayer-supported institutions. You don't have to be an information-wants-to-be-free hacker to think that it is unconscionable that private corporations are allowed to profit off work that the public has paid for, but enjoys no legitimate access to.

Such practices are anathema to the fundamental purpose of the university — which is to educate, and not to generate profit. The fact that university library budgets can no longer afford access to knowledge *produced by universities* is a travesty — particularly in an era when the physical distribution costs of academic research are effectively zero.

JSTOR effectively admitted this by refusing to pursue charges against Swartz. And in one of the greatest ironies of Swartz's tragedy, just two days before he hung himself, JSTORmassively expanded its open access program.

If you want to know why the Internet is grieving for Aaron Swartz, here's at least part of the answer. Few people understood as well as he did the Internet's potential for the betterment of society as a vehicle for spreading ideas. Few people showed more determination in writing code that would facilitate that process than he did. And few people paid a bigger price, at far too young an age, for pushing their idealism to the breaking point, than he did.

http://www.salon.com/2013/01/14/aaron_swartz_freedom_fighter/

MITnews

At 4:15 p.m. today (January 13, 2013), MIT President L. Rafael Reif emailed the following message to the MIT community.

To the members of the MIT community:

Yesterday we received the shocking and terrible news that on Friday in New York, Aaron Swartz, a gifted young man well known and admired by many in the MIT community, took his own life. With this tragedy, his family and his friends suffered an inexpressible loss, and we offer our most profound condolences. Even for those of us who did not know Aaron, the trail of his brief life shines with his brilliant creativity and idealism.

Although Aaron had no formal affiliation with MIT, I am writing to you now because he was beloved by many members of our community and because MIT played a role in the legal struggles that began for him in 2011.

I want to express very clearly that I and all of us at MIT are extremely saddened by the death of this promising young man who touched the lives of so many. It pains me to think that MIT played any role in a series of events that have ended in tragedy.

I will not attempt to summarize here the complex events of the past two years. Now is a time for everyone involved to reflect on their actions, and that includes all of us at MIT. I have asked Professor Hal Abelson to lead a thorough analysis of MIT's involvement from the time that we first perceived unusual activity on our network in fall 2010 up to the present. I have asked that this analysis describe the options MIT had and the decisions MIT made, in order to understand and to learn from the actions MIT took. I will share the report with the MIT community when I receive it.

I hope we will all reach out to those members of our community we know who may have been affected by Aaron's death. As always, MIT Medical is available to provide expert counseling, but there is no substitute for personal understanding and support.

With sorrow and deep sympathy,

L. Rafael Reif

http://web.mit.edu/newsoffice/2013/letter-on-death-of-aaron-swartz.html

naked capitalism

by Matt Stoller January 14, 2013

Aaron Swartz's Politics

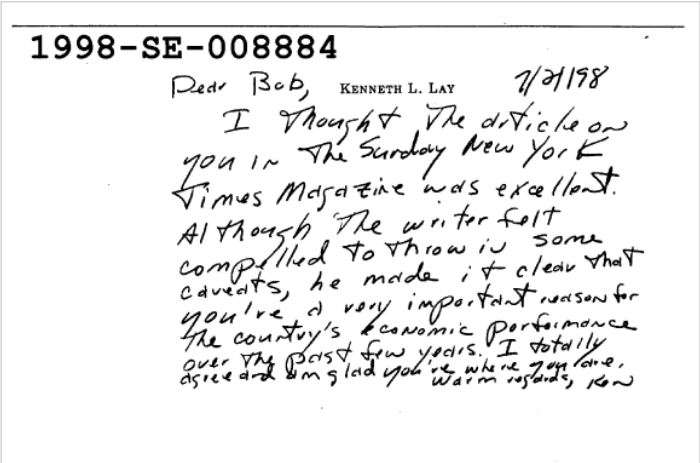
Aaron Swartz was my friend, and I will always miss him. I think it's important that, as we remember him, we remember that Aaron had a much broader agenda than the information freedom fights for which he had become known. Most people have focused on Aaron's work as an advocate for more open information systems, because that's what the Feds went after him for, and because he's well-understood as a technologist who founded Reddit and invented RSS. But I knew a different side of him. I knew Aaron as a political activist interested in health care, financial corruption, and the drug war (we were working on a project on that just before he died). He was a great technologist, for sure, but when we were working together that was not all I saw.

In 2009, I was working in Rep. Alan Grayson's office as a policy advisor. We were engaged in fights around the health care bill that eventually became Obamacare, as well as a much narrower but significant fight on auditing the Federal Reserve that eventually became a provision in Dodd-Frank. Aaron came into our office to intern for a few weeks to learn about Congress and how bills were put together. He worked with me on organizing the campaign within the Financial Services Committee to pass the amendment sponsored by Ron Paul and Alan Grayson on transparency at the Fed. He helped with the website NamesOfTheDead.com, a site dedicated to publicizing the 44,000 Americans that die every year because they don't have health insurance. Aaron learned about Congress by just spending time there, which seems like an obvious thing to do. Many activists prefer to keep their distance from policymakers, because they are afraid of the complexity of the system and believe that it is inherently corrupting. Aaron, as with much of his endeavors, simply let his curiosity, which he saw as synonymous with brilliance, drive him.

Aaron also spent a lot of time learning how advocacy and electoral politics works from outside of Congress. He helped found the Progressive Change Campaign Committee, a group that sought to replace existing political consulting machinery in the Democratic Party. At the PCCC, he worked on stopping Ben Bernanke's reconfirmation (the email Aaron wrote called him "Bailout Ben"), auditing the Fed and passing health care reform. I remember he sent me this video of Financial Services Committee Chairman Barney Frank, on Reddit, offering his support to Grayson's provision. A very small piece of the victory on Fed openness belongs to Aaron.

By the time I met and became friends with Aaron, he had already helped create RSS and co-founded and sold Reddit. He didn't have to act with intellectual humility when confronting the political system, but he did. Rather than approach politics as so many successful entrepreneurs do, which is to say, try to meet top politicians and befriend them, Aaron sought to understand the system itself. He read political blogs, what I can only presume are gobs of history books (like Tom Ferguson's *Golden Rule*, one of the most important books on politics that almost no one under 40 has read), and began talking to organizers and political advocates. He wanted, first and foremost, to know. He learned about elections, political advertising, the data behind voting, and grassroots organizing. He began understanding policy, by learning about Congressional process, its intersection with politics, and how staff and influence networks work on the Hill and through agencies. He analyzed money. He analyzed corruption.

And he understood how it worked. In November of 2008, Aaron emailed me the following: "apologies if you've already seen it, but check out this mash note to Rubin from Lay. ahh, politics." This was attached to the message.



1998-SE-008884

Dear Bob, KENNETH L. LAY 7/27/98

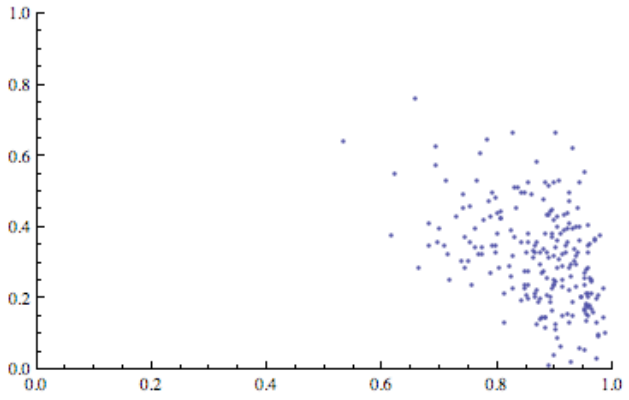
I thought the article on you in the Sunday New York Times Magazine was excellent. Although the writer felt compelled to throw in some caveats, he made it clear that you've a very important reason for the country's economic performance over the past few years. I totally agree and am glad you're where you are. Warm regards, Ken

This note, from Enron CEO Ken Lay to Treasury Secretary Bob Rubin, perfectly encapsulates the closed and corroded nature of our political system – two corporate good ole boys, one running Treasury and one running Enron, passing mash notes. This was everything Aaron hated, and fought against. What I respected about Aaron is that he burned with a desire for justice, but also felt a profound desire to understand the system he was attempting to reorganize. He didn't throw up his hands lazily and curse at corruption, he spent enormous amounts of time and energy learning about and working the political system. From founding Reddit, to fighting the Fed. That was Aaron.

Aaron approached politics like he approached technology. His method was as follows - (1) Learn (2) Try (3) Gab (4) Build. He was methodical about his work, and his approach to life - this essay on procrastination will give you a good window into his mind. Aaron liked to "lean in" to difficult problems, work at them until he could break them down and solve them. He had no illusions about politics, which is why he eventually became so good at it. He didn't disdain the political process the way so many choose to, but he also didn't engage in flowery lazy thoughts about the glory of checks and balances. He broke politics down and systematically attempted to understand the system. Aaron learned, tried, gabbed, and then built.

This is a note I got from him years ago, when we were trying to put together flow charts of corporate PAC money and where it went.

> "Been playing around with the numbers tonight. Turns out corporate PAC money explains 45% of the variance in ProgressivePunch scores among Dems. Scatterplot attached. Right is progressive, down is no corporate PAC money. So you can see how all the people with less than 80% progressive punch scores get more than 20% of their money from PACs."



This is a chart of power, one of many Aaron put together to educate himself (and in this case, me). Most geeks hate the political system, and are at the same time awed by it. They don't actually approach it with any respect for the underlying architecture of power, but at the same time, they are impressed by political figures with titles. Aaron recognized that politics is a corrupt money driven system, but also that it could be cracked if you spent the time to understand the moving parts. He figured out that business alliances, grassroots organizing, and direct lobbying to build coalitions was powerful, whereas access alone was a mirage. He worked very hard to understand how policy changes work, which ultimately culminated in his successful campaign to stop SOPA in 2011. This took many years of work and a remarkable amount of humility on his part.

But he was driven by a desire for justice, and not just for open information. He wanted an end to the drug war, he wanted a financial system not dominated by Bob Rubin, and he wanted monetary policy run to help ordinary people. Some of his last tweets are on monetary policy, and the platinum coin option for raising the debt ceiling (which is a round-about way of preventing cuts to social welfare programs for the elderly). Aaron was a liberal who saw class and race as core driving forces in American politics. In a lovely essay on how he organized his career, he made this clear in a very charming but pointed way.

So how did I get a job like mine? Undoubtedly, the first step is to choose the right genes: I was born white, male, American. My family was fairly well-off and my father worked in the computer industry. Unfortunately, I don't know of any way of choosing these things, so that probably isn't much help to you.

But, on the other hand, when I started I was a very young kid stuck in a small town in the middle of the country. So I did have to figure out some tricks for getting out of that. In the hopes of making life a little less unfair, I thought I'd share them with you.

Making "life a little less unfair." Those aren't the words of a techno-utopianist, those are the words of a liberal political organizer. They remind me of how Massachusetts Senator Elizabeth Warren has described her own work. Aaron knew life would always be unfair, but that was no reason not to try to make society better. He had no illusions about power but maintained hope for our society if, I suppose, not always for himself. This is a very difficult way to approach the world, but it's why he was so heroic in how he acted. I want people to understand that Aaron sought not open information systems, but justice. Aaron believed passionately in the scientific method as a guide for organizing our society, and in that open-minded but powerful critique, he was a technocratic liberal. His leanings sometimes moved him towards more radical postures because he recognized that our governing institutions had become malevolent, but he was not an anarchist.

I am very angry Aaron is dead. I've been crying off and on for a few days, as it hits me that he's gone forever. Aaron accomplished more in 13 than nearly everyone I know will get done in their entire lives, and his breadth of knowledge and creativity in politics were stunning, all the more so since he was equally well-versed in many other fields. But what I respected was his curiosity and open-mindedness. He truly loved knowledge, and loved people who would share it. We used to argue about politics, him a hopeful and intellectually honest technocratic liberal and me as someone who had lost faith in our social institutions. We made each other really angry sometimes, because I thought he was too sympathetic to establishment norms, and he thought I couldn't emotionally acknowledge when technocrats had useful things to say. But I respected him, and he frequently changed my mind. I saw that what looked like stubbornness was just intellectual honesty and a deep thirst for evidence. He wanted to *understand* politics, because he thought that understanding, and then action, was the key to justice.

As I said, I am very angry that he is dead. I don't want to get into the specifics of his case, because others have discussed it and the political elements of it more eloquently than I ever could. His family and partner have put out a powerful statement placing blame appropriately.

Aaron's death is not simply a personal tragedy. It is the product of a criminal justice system rife with intimidation and prosecutorial overreach. Decisions made by officials in the Massachusetts U.S. Attorney's office and at MIT

contributed to his death. The US Attorney's office pursued an exceptionally harsh array of charges, carrying potentially over 30 years in prison, to punish an alleged crime that had no victims. Meanwhile, unlike JSTOR, MIT refused to stand up for Aaron and its own community's most cherished principles.

I want to make a few points about why it's not just sad that he is gone, but a tragedy, a symbol for all of us, and a call to action.

Aaron suffered from depression, but that is not why he died. Aaron is dead because the institutions that govern our society have decided that it is more important to target geniuses like Aaron than nurture them, because the values he sought – openness, justice, curiosity – are values these institutions now oppose. In previous generations, people like Aaron would have been treasured and recognized as the remarkable gifts they are. We do not live in a world like that today. And Aaron would be the first to point out, if he could observe the discussion happening now, that the pressure he felt from the an oppressive government is felt by millions of people, every year. I'm glad his family have not let the justice system off the hook, and have not allowed this suicide to be medicalized, or the fault of one prosecutor. What happened to Aaron is not isolated to Aaron, but is the flip side of the corruption he hated.

As we think about what happened to Aaron, we need to recognize that it was not just prosecutorial overreach that killed him. That's too easy, because that implies it's one bad apple. We know that's not true. What killed him was corruption. Corruption isn't just people profiting from betraying the public interest. It's also people being punished for upholding the public interest. In our institutions of power, when you do the right thing and challenge abusive power, you end up destroying a job prospect, an economic opportunity, a political or social connection, or an opportunity for media. Or if you are truly dangerous and brilliantly subversive, as Aaron was, you are bankrupted and destroyed. There's a reason whistleblowers get fired. There's a reason Bradley Manning is in jail. There's a reason the only CIA official who has gone to jail for torture is the person – John Kiriako - who told the world it was going on. There's a reason those who destroyed the financial system "dine at the White House", as Lawrence Lessig put it. There's a reason former Senator Russ Feingold is a college professor whereas former Senator Chris Dodd is now a multi-millionaire. There's a reason DOJ officials do not go after bankers who illegally foreclose, and then get jobs as partners in white collar criminal defense. There's a reason no one has been held accountable for decisions leading to the financial crisis, or the war in Iraq. This reason is the modern ethic in American society that defines success as climbing up the ladder, consequences be damned. Corrupt self-interest, when it goes systemwide, demands that it protect rentiers from people like Aaron, that it intimidate, co-opt, humiliate, fire, destroy, and/or bankrupt those who stand for justice.

More prosaically, the person who warned about the downside in a meeting gets cut out of the loop, or the former politician who tries to reform an industry sector finds his or her job opportunities sparse and unappealing next to his soon to be millionaire go along get along colleagues. I've seen this happen to high level former officials who have done good, and among students who challenge power as their colleagues go to become junior analysts on Wall Street. And now we've seen these same forces kill our friend.

It's important for us to recognize that Aaron is just an extreme example of a force that targets all of us. He eschewed the traditional paths to wealth and power, dropping out of college after a year because it wasn't intellectually stimulating. After co-founding and selling Reddit, and establishing his own financial security, he wandered and acted, calling himself an "applied sociologist." He helped in small personal ways, offering encouragement to journalists like Mike Elk after Elk had broken a significant story and gotten pushback from colleagues. In my inbox, every birthday, I got a lovely note from Aaron offering me encouragement and telling me how much he admired my voice. He was a profoundly kind man, and I will now never be able to repay him for the love and kindness he showed me. There's no medal of honor for someone like this, no Oscar, no institutional way of saying "here's someone who did a lot of good for a lot of people." This is because our institutions are corrupt, and wanted to quelch the Aaron Swartz's of the world. Ultimately, they killed him. I hope that we remember Aaron in the way he should be remembered, as a hero and an inspiration.

In six days, on January 18th, it's the one year anniversary of the blackout of Wikipedia, and some have discussed celebrating it as Internet Freedom Day. Maybe we should call this Aaron Swartz Day, in honor of this heroic figure. While what happened that day was technically about the internet, it should be remembered, and Aaron should be remembered, in the context of social justice. That day was about a call for a different world, not just protecting our ability to access web sites. And we should remember these underlying values. It would help people understand that justice can be extremely costly, and that we risk much when we allow those who do the right thing to be punished. Somehow, we need to rebuild a culture that respects people like Aaron and turns away from the greed and rent-extraction that he hated. There's a cycle in American history, of religious "Great Awakenings", where new cultural systems emerge in the form of religion, often sweeping through communities of young people dissatisfied with the society they see around them. Perhaps that is what we see in the Slow Food movement, or gay rights movement, or the spread of walkable communities and decline of vehicle miles, or maker movement, or the increasing acceptance of meditation and therapy, or any number of other cultural changes in our society. I don't know. I'm sure many of these can be subverted. What I do know is that if we are to honor Aaron's life, we will recognize him as a broad social justice activist who cared about transforming our society, and acted to do so. And we will take up his fight as our own.

http://www.nakedcapitalism.com/2013/01/aaron-swartzs-politics.html

44 COMMENTS:

different clue says:
January 14, 2013 at 1:40 am
How might a couple or a few million concerned and aware average-quality people form a mutual defense and support network which could assist and support the few high-quality people when those people are pressured and persecuted either into prison or obscurity or into committing suicide?
Assuming the Ruling Class is perfecting new methods of plausibly-deniable assassination such as carefully driving selected people to suicide . . . how does a support-and-respect group help those people to be pressure-resistant and suicide-proof?

What kind of legal offense/defense insurance movement could be created and kept in steady existence to raise the money and people to protect the next target against the next
persecutorial action plan? Would it be a good thing to build and organize such a visible overground support group into existence and keep it in existence for swift big-money big-response to the next such slow-motion assassination operation?

It seems to the lay reader that Mr. Swartz percieved himself to be basically alone and helpless against a multi-billion dollar multi-thousand personell government. What kind of ready-to-go active support system would give the next target the reality-based impression of not being alone and helpless?

Reply

- *joe* says:
  January 14, 2013 at 1:10 pm
  Stoller
  there's is nothing 'new' about the golden rule investment theory of politics, which goes without saying, but you have a habit for hyperbole and tend to bandy about ideas you like as if they will lead us all to salvation. clownish. and boring.
  Reply

Susan Swartz says:

January 14, 2013 at 2:07 am
Thank you Matt.

"In six days, on January 18th, it's the one year anniversary of the blackout of Wikipedia, and some have discussed celebrating it as Internet Freedom Day. Maybe we should call this Aaron Swartz Day, in honor of this heroic figure." This would actually be ironically appropriate: In 1998/99, when he was 13, Aaron was a finalist for Philip Greenspun's Ars Digita prize. His project was to create a website that would serve as a compilation of human knowledge, in categories like an encyclopedia, that would be open so it could be added to by anyone who fancied himself an expert in any field on any subject. This was several years before Wikipedia was "invented."

Reply
aidee says:
January 14, 2013 at 2:20 am
Another thank you Matt in capturing the slow burn of corruption and the most unfortunate way that it brings tragedy to those that speak truth to power.

Condolences to losing a dear friend and thank you for honouring such a soul.

Reply

- *Cynthia* says:
  January 14, 2013 at 10:48 am
  Swartz was ahead of his time
  A victim cut-down in his prime
  His criminal deed
  To help those in need?
  I no longer understand "crime"
  The Limerick King
  http://www.flickr.com/photos/expd/8378525559/
  Reply

Susan Swartz says:
January 14, 2013 at 2:20 am
Sorry…here is the relevant quote from The Chicago Tribune, June 2000:

Swartz's contending creation was The Info Network (www.theinfo.org), an ever-growing encyclopedia-like site filled with "a vast repository of human knowledge" focused on content — real information for people to use, as he calls it.

The site works like this: Anyone can submit information about what they know in a totally open environment, which means they can add to the information freely.

"In the style of the popular GNU/Linux operating system,"Swartz added.

Users are allowed to edit another's submission, but the program will always copy any original material so as not to permanently overwrite any copy.

Swartz' online encyclopedia include sections on art, with subsections on rubber stamping and square dancing; a section on science, with subsections on treating burns and finding out what a palindrome is; and a chapter on life, with subsections on genealogy and religion.

It was two summers ago that Swartz starting toying with the idea of building such a site.

“I spent my days typing away at the keyboard, bringing my ideas into action,” he said.

Swartz said the kicker was when he realized (although it may have been easy for him) that it was really hard for people to post information online. “You have to set up a server, find a place to host it, learn HTML, or learn to use a Web editing program,” he said.

So he got to work, programming the entire site himself, writing it in Tool Command Language, which Swartz said was best choice after much research.

Reply
gregorylent says:
January 14, 2013 at 2:32 am
i think his wider political work is why the feds came after him so hard.

Reply
I Lambert Strether says:
January 14, 2013 at 2:37 am
“Aaron Swartz Day” on the 18th makes sense to me.

Adding… better sooner than later.

Reply
Maju says:
January 14, 2013 at 2:58 am
I just knew about Aaron now upon his death but I find him admirable in all accounts: brilliant, brave, comitted with his fellow humans. I don’t care if he was anarchist or liberal or socialist or whatever, all I know is that he was truly committed to improve the lives of us all as well as he could imagine, and that’s more that can be said of most people. Therefore he deserves all the applause and not what your dear Capitalist dictatorship of private property (which he obviously fought against more than just mildly) brought upon him for trying.

Sorry, Matt, really sorry for your loss in any case.

Reply

- *brazza* says:
  January 14, 2013 at 5:49 am
  Thank you for “speaking” what is in my heart.
  Reply

Hugh says:
January 14, 2013 at 3:31 am
Re information freedom, it is important to understand that information is a social good but rather than most of it falling into the commons, it is increasingly being sequestrated and/or expropriated by government and corporations. In some corporate cases, this is to extract rents on it, but mostly it is about control.

Bradley Manning is alleged to have passed on to Wikileaks vast archives of secret government cables and reports, but the question is secret from whom? Hundreds of thousands of people and several foreign governments had access to the networks which Manning used and from which he allegedly downloaded material. What this means is that almost any government or group, not just the ones given official access, with a few dollars could also and very likely did acquire the information those networks contained. The only people not in on the Wikileaks material, the ones it was being kept secret from, were the American public, its ultimate owners. This is a classic case of sitting on information in order to control it, and by extension its rightful users, the American public.

We see much the same with our insane copyright laws that extend copyright protection beyond the scope of human lifetimes, which in functional human terms means forever. Yet the few large corporations which control most copyrighted material don't actually make any use of it. For every perennial "classic", i.e. one that can still be issued at a profit to extract continued rents, there are thousands of other works that just sit there, but denied to the commons.

Scientific journals are not much different. They publish articles on research that has been funded in whole or in part form public monies. So basically they are publishing information we paid for. The shelf life of most of their articles is probably about 3 months tops. Yet these publications want to maintain control of this knowledge just as badly as Disney or Time Warner do.

Copyright law did not originate to protect the rent extractions of corporations. It was not even meant mainly to protect individuals and their works. It was meant to foster creative works by extending limited, reasonable protections to their authors so that society might benefit from their contributions, and that these contributions at the end of their limited terms should fall into the public domain and so spark yet more creativity.

Yet with both government and corporations we see huge amounts of information being kept from the commons, that is us, far in excess of any needs of secrecy or reasonable return. The only answer I can come up with is that it is a question of control, that it is not we but the rich and our elites who own our society's knowledge. In other words, they have replaced the public good with their class interests. What better way to control us than by setting themselves up as the gatekeepers to the knowledge we can receive. And what better way to subvert them than by making that knowledge as freely available as possible?

Reply

- *fresno dan* says:
  January 14, 2013 at 6:46 am
  Very, VERY important points.
  Everyone should ask themselves this one question: If Daniel Ellsberg released the pentagon papers today, would he be in Guantanamo being enhancedly interrogated?
  Reply

- *Cynthia* says:
  January 14, 2013 at 12:20 pm
  Aaron Swartz was liberating information that was paid for by the public. JSTOR is a store for academic articles that the public have to pay unnecessarily high charges to view. Academics are trained by the state, their research is, for the most part, funded by the state. Academic publishers are just another example of corporate welfare. Swartz was liberating what, in any just society, belonged to the public.
  What gets me is that the people we allow to make our laws and prosecute them are so enmeshed in a world view that defies common sense. Their actions epitomize the venal nature of our ruling class. Why on earth are we letting these cold and calculating sociopaths rule us?
  Reply

Kaline says:
January 14, 2013 at 5:55 am
My best friend was a friend of Aaron's. When she told me yesterday that he had died, she said "I always assumed Aaron would be here forever, because there would always be something to be mad at." Her way of saying he was a fighter who couldn't ignore the injustice around him. There would always be another fight, so there would always be Aaron…

I am so sorry for your loss, her loss, our great collective loss not to have him fighting for us anymore. All we can do is love him, and miss him, and leverage everything he did in the last 13 years to keep on fighting.

Reply

Aaron says:
January 14, 2013 at 6:59 am
I must admit in my ignorance that I was not familiar with Aaron Swartz, but I'm sad I didn't have the opportunity to meet him. I think you've done a nice job of conveying the message we all need to hear more loudly.

This morasse of corruption isn't going anywhere on its own accord. If we stand idly by without making our voices heard, we are complicit in the devolution of our moral framework. One of the best things I read last year was a brief history of Sophie Scholl and the White Rose.

Here in America, we sit atop our perch of economic prowess under the elusion that things are perfectly under control, but they aren't. The greed and corruption manifests itself in innumerate ways, but it all leads to pain and suffering, and many times death, for the people who are unfortunate enough to fall victim to its destructive reach.

Reply

Ian Welsh says:
January 14, 2013 at 7:06 am
Powerful piece, Matt. I never knew him, had never even heard of him, and yours is the first piece that has made me respect him and understand him and think I would have both liked and admired him.

I did, however, already understand rage and sorrow. So many people have died, or suffered, who shouldn't have, who didn't need to, because of this system — and because of the people, in it, who make the decisions.

Take care. Aaron wasn't wrong about your voice.

Reply

- *Matt Stoller* says:
  January 14, 2013 at 8:14 am
  You take care of yourself too.
  Reply

patricia says:
January 14, 2013 at 7:57 am
Thanks for this post, Matt. I'll be keeping you in mind over the next while, with your grief and also, I'm sure, rage.

FWIW, I see you as a person like Aaron, someone with many gifts but most of all, integrity and courage. Please take care of yourself so that you remain around for a long while. Which includes, as Ian alludes, staying safe as possible.

Reply

- *Matt Stoller* says:
  January 14, 2013 at 8:16 am
  I think Aaron respected how angry I was at our politics. He was smarter than I am, but not quite as angry. I'll take care of myself. Thanks for the comment.
  Reply

Expat says:
January 14, 2013 at 8:16 am

Wonderful post, and my heartfelt condolences to Aaron's family and friends. I haven't seen the following item posted, so I offer Dean Baker's note:
http://www.cepr.net/index.php/blogs/beat-the-press/aaron-swartz-a-tragic-early-death

Underscoring the importance of this tragedy for all of us, Baker reports:
"While both M.I.T. and JSTOR, the system he was alleged to be hacking, asked to have the charges dropped, the Justice Department insisted on pressing the case, threatening Aaron with a lengthy prison sentence."

President Obama owes Aaron's family and friends an apology.

Reply

- *JimC* says:
  January 14, 2013 at 10:28 am
  Aaron's case seems similar to Don Segilman's- the ex-governor who was sent to prison because he ticked off Karl Rove who was able to get an Attorney General to do his dirty work. What is missing from the selection of Attorney
  General's that those who obsess about wins and losses instead of Justice get the jobs?
  Reply

- *Cynthia* says:
  January 14, 2013 at 10:38 am
  MIT is one of the universities heavily tied to Big Military from what I found out. Swartz being a hero in trying to spread the education wealth unlike Obama and the feckless Democrats pretending to "spread the wealth" and then calling people making 400k a year "middle class", I could see how the monied and military elites would hate people who tried to help make it easier for people to properly manage the information they come across on the Internet. The death of Swartz is another reason this administration deserves to be impeached and convicted.
  H/T: Common Dreams
  Reply

Capo Regime says:
January 14, 2013 at 8:25 am
A tragedy to loose such a talented, passionate and principled young man. He acted on his beliefs and was indeed as Greenwald points out motivated by the public good. What was done to him was absolutely horrible. What is even more horrible is that this is done to so many people and that the systems of power keep many talented young people marginalized. The corruption that hurts people is broad based from Family Courts to the DOJ in Boston, brutality and mechanistic evil goes about destroying lives. Condolences Matt on the loss of your friend.

Reply
A Siegel says:
January 14, 2013 at 8:30 am
Matt

Thank you for this moving, thoughtful, educational, and almost certainly painful to write tribute to / reflection on Aaron.

One contemplation, amid the double-barrel use of gov't power against Aaron, is how this connects to a broader space. I wonder about also taking a look / documenting prosecutorial abuse (perhaps at higher direction) against those working for / risking themselves on causes that work to strengthen civil society and build up our future.

From my 'domain', how about Tim Decristopher: http://www.peacefuluprising.org/tim-dechristopher (And, well, this is part of the whole 'Green is the New Red' (http://www.greenisthenewred.com/blog/) domain.)

And, as someone who read/was aware of Aaron's work/achievements from 'a distance' (the occasional read/contemplation and little more), you are added more to our understanding of a truly heart-breaking situation of seeking to break the will of a genius who had changed/could change the world for the better rather than embracing / leveraging / enabling that capacity to help strengthen society.

Thank you, again, for this tribute to your friend.

Reply

- *Klassy!* says:
  January 14, 2013 at 11:10 am
  I immediately thought of Tim DeChristopher too. The DOJ chose to prosecute him even though the lease auction he had taken part in was declared illegal. And, they tried to paint him as someone who aimed to profit financially from his act of civil disobedience.
  Reply

billwilson says:
January 14, 2013 at 8:38 am
Thanks you so much. This is by far the most thoughtful piece I have read about Aaron.

Reply
dSquib says:
January 14, 2013 at 8:54 am
A very strong piece, Matt.

Aaron evidently loved information but even as someone with greatly more of it than most, and better faculty to make sense of it, he still wanted as many people to have it as possible. It's important to remember how unique this is, especially in the world Aaron was broadly a part of. The politics of information is about intellectual property but more generally about class and elite entitlement.

This section of the SHAME project profile of Adam Davidson comes to mind:

After living in Baghdad for a year, Davidson had to suddenly flee the country in 2004, fearing for his life after being accused of working for the CIA. Later, Davidson admitted that he had a tight and undisclosed relationship with occupation officials, who regularly visited his Baghdad home and revealed to Davidson that the situation was much worse than was being reported. **Rather than telling his listeners as a journalist should, Davidson protected the occupation authorities**: "The ones I liked I'd invite over to the house. I mean, I genuinely liked them, but also we'd get them a little drunk on wine. We'd tell them, hey, tonight everything's off the record. And we'd get real information…we'd get these people over to our house, they'd have some wine, and they'd be like, 'oh, it's so much worse than you know.'"

For Davidson the virtue of information is not on shedding light on corruption but on being part of it, at the "big boy's table", knowing something that others do not not through greater intelligence but greater access.

Reply
Brindle says:
January 14, 2013 at 8:56 am

Thanks, Matt.
Eloquent, but eloquent in how you share of his basic humanity. I feel I now have a glimpse of what Aaron was like.

Reply
AbyNormal says:
January 14, 2013 at 9:18 am
Matt, as I read your piece/peace I sighted Your Courage.

In the days to come, may your pain find comfort in the impassioned labor You shared with Aaron.

If you want to build a ship, don't drum up people together to collect wood and don't assign them tasks and work, but rather teach them to long for the endless immensity of the sea. Antoine de Saint-Exupéry

Thank You Matt for all you do and please go 'long' safely.

Reply
Stephanie says:
January 14, 2013 at 9:22 am
Thanks Matt. It must have been hard to write this….even to stay seated at the computer. I'm so glad I tuned into NC today to read it, though, and I've passed it along to others.

Reply

zephyr says:
January 14, 2013 at 9:35 am
thank you matt

Reply
Ramon says:
January 14, 2013 at 9:56 am
Matt, thank you; this was a moving tribute, and an excellent summary of what we are facing.

Reply
Benoit Essiambre says:
January 14, 2013 at 10:10 am
Aaron seemed to take a computer programmer perspective to politics. He saw the similarities in laws and computer code and tried to find loopholes that he could carefully exploit for the betterment of society. He analysed the flow of powers in the legal and political system in terms of game theory (see his review of The Dark Knight http://www.aaronsw.com/weblog/tdk which makes parallels with his own struggles). He wrote actual code and programs to analyse political data.

In the end it didn't matter because the DOJ decided that no one was going to beat them at their own game and the subtlety of law machinery didn't matter when they had the resources to send a legal tank to squash him.

Reply
- *Hexdoll* says:
  January 14, 2013 at 12:05 pm
  Laws are the source code of society.
  Reply

Lisa says:
January 14, 2013 at 10:32 am

I am ashamed to say I never heard of Aaron until his death. Reading the tributes, including this beautiful one, make me glad of his friendships and the ways he was acknowledged and cherished while he was alive. Thank you for this.

Reply
Taqi says:
January 14, 2013 at 10:55 am
It is a great loss for those who cares about humanity.

Reply
Paul Tioxon says:
January 14, 2013 at 11:10 am
- 3 -
Introduction
This book is not about assassinations, at least not solely about assassinations. It is not just another book about who murdered President Kennedy or how or why. It is a book about power, about who really controls the United States policies, especially foreign policies. It is a book about the process of control through the manipulation of the American presidency and the presidential election process. The objective of the book is to expose the clandestine, secret, tricky methods and weapons used for this manipulation,and to reveal the degree to which these have been hidden from the American public.

http://www.scribd.com/doc/6486938/The-Taking-of-America-Richard-Sprague

Richard E. Sprague is a pioneer in the field of electronic computers and a leading American authority onElectronic Funds Transfer Systems (EFTS). Receiving his BSEE degreee from Purdue University in 1942,his computing career began when he was employed as an engineer for the computer group at NorthrupAircraft. He co-founded the Computer Research Corporation of Hawthorne, California in 1950, and by1953, serving as Vice President of Sales, the company had sold more computers than any competitor. In1960, he became the Director of Computer Systems Consulting for Touche, Ross, Bailey, and Smart. Hebecame a partner in that company in 1963, and started its Advanced Business Systems Department in 1964where he stayed until 1968. In 1968 he established Sprague Research and Consulting for ComputerInformation Systems Consultation. He is currently also Consultant to the President's Commission on EFTS and full time consultant to Battelle Memorial Institute of Frankfurt, Germany.
……

From 1976.
…….

Matt,
You have my full sympathy and sorrow for the loss of your dear friend. He sounds like the bold leader we wished was in the White House. I do not want that young man's death to go unnoticed, nor do I want it to go without consequences for his political tormentors. The above info is from another computer expert from a previous generation who also sought out the structure of power in the United States and came to the conclusions he wrote up in his book.
You all have the link. The point is not that there is startling new information in a book put out over 35 years ago. The point is, the brilliant mind looking at the same nation can see the outlines of the same power networks, with slight modifications of the names and actors. But, the networks of power are still in place. Richard E. Sprague made pioneering advances in the dawn of the computer age just as Asron Swartz pioneered in the internet age. I would urge people to look up Richard as well as anymore political writings of Aaron. We can all learn from them

Reply
Chris Rogers says:
January 14, 2013 at 11:24 am

Matthew,

Good post and comments detailing why we should all be sad/concerned that the Internet/WWW has lost a considerable force do good and decency in our globalised world.

I only hope that those who contributed to the demise of a true genius are ashamed of themselves – given that this is too much to ask of them, perhaps fate will catch up with them in one form or another to pay for such a crime against the commons – this being natural justice!!!!!

Reply

- *Cheka* says:
  January 14, 2013 at 11:42 am
  Just in case anyone doubts that Aaron's personal destruction was directed at the highest levels of government, Secret Service Goon Michael Pickett participated in the US government's extortion campaign.
  Reply

mk says:
January 14, 2013 at 12:26 pm
Whitehouse Petitions:

Posthumously pardon Aaron Swartz
https://petitions.whitehouse.gov/petition/posthumously-pardon-aaron-swartz/DVpdmSBj

Remove United States District Attorney Carmen Ortiz from office for overreach in the case of Aaron Swartz
https://petitions.whitehouse.gov/petition/remove-united-states-district-attorney-carmen-ortiz-office-overreach-case-aaron-swartz/RQNrG1Ck

Reply
Mary Mac says:
January 14, 2013 at 12:36 pm
"he spent enormous amounts of time and energy learning about and working the political system."

Maybe he found more than we know.

Reply
Jill says:
January 14, 2013 at 12:46 pm
The silencing of dissent, of principled voices for justice is a curse. Because of that systematic silencing, what we understand, what we as a people will even consider is completely constricted and confused.

I notice that in every sphere. Most everyone I know understands this economy is crashing and burning yet the explanations of what is happening are bizarre. Global warming, a dire emergency, is dismissed, trashed and ignored. The truth about USGinc. wars of empire is erased by threats to those who speak truth and by use of weapons of mass entertainment, which keep people chained into rigid fixation on "celebrities". Our commons; the environment, our minds, our hearts are taken by the powerful and used against us.

I had a dream of an eagle which stood half as tall as a tree. Around it where other small-sized animals, some predator, some prey. What they all had in common is that they were the clients of the eagle. They did not move as the eagle, which was obviously deranged, tried to reach down and snap up one or another of the other animals. They just let it happen. The eagle was so large, so deranged that it couldn't even snap up its intended prey, it just grabbed any prey it could. In my dream I wondered why no other animals acted to stop it.

That is also my waking nightmare. Why are so many of us not moving to stop injustice? Here was a man who did try to stop it. I am sorry for his loss.

Reply
backwardsevolution says:
January 14, 2013 at 12:46 pm
Aaron Swartz' Keynote: How We Stopped SOPA video.

"If for some reason you can't find time to watch the entire video…..please at least skip to the story at 15:00 in the video if you want to hear a really telling anecdote about Washington DC politicians and their views on free speech and control of the populace."

http://www.youtube.com/watch?feature=player_embedded&v=Fgh2dFngFsg

Reply
Donald E Niman says:
January 14, 2013 at 1:01 pm
Matt,
My condolences to you and Aaron's family and freinds for their terrible loss.

Sadly, I did not know about Aaron until I read about his death.

I am deeply angered by the way Aaron was treated. His treatment was way out of line given the nature of his alleged non-violent law-breaking. I have the impression that many violent criminals are treated better.

It seems obvious that Aaron's efforts to end government corruption fed into the egregious misconduct of various government and perhaps MIT officials.

Whitehouse petition to posthumously pardon Aaron Swartz:
https://petitions.whitehouse.gov/petition/posthumously-pardon-aaron-swartz/DVpdmSBj
White petition to remove US District Attorney Carmen Ortiz:
https://petitions.whitehouse.gov/petition/remove-united-states-district-attorney-carmen-ortiz-office-overreach-case-aaron-swartz/RQNrG1Ck

Sincerely,
Donald E. Niman

http://www.nakedcapitalism.com/2013/01/aaron-swartzs-politics.html

Quinn Said

My Aaron Swartz, whom I loved.

Posted by quinn norton on January 12, 2013

We used to have a fight about how much the internet would grieve if he died. I was right, but the last word you get in as the still living is a hollow thing, trailing off, as it does, into oblivion. I love Aaron. I loved Aaron. There are no words to can contain love, to cloth it in words is to kill it, to mummify it and hope that somewhere in the heart of a reader, they have the strength and the magic to resurrect it. I can only say I love him. That I will always love him, and that I known for years I would.

Aaron was a boy, not big, who cast a shadow across the world. But for me, he will always be that person who made me love him. He was so frustrating, and we fought. But we fought like what we were: two difficult people who couldn't escape loving each other.

On the last day I saw him, he grabbed me in the rain while my car was blocking the road and held me and said "I love you." I don't know if I said it back. Not

that time. I had always told him. Sometimes I told him when he didn't have it in him to say. I'd say "I love you, and you love me, too" and he would just hold me.

When he was 20, he carried me through my divorce. We promised each other a year. I apologized so many times: that I was better than what he was getting, that he got me destroyed. Still, what a year. Later, I tried to take care of him while he was being destroyed, from inside and out. I struggled so hard, but not as hard as he did. I told him, time and again, that this was his 20s. It would be better in his 30s. Just wait. Please, just hold on.

He read to me and Ada compulsively; he read me a whole David Foster Wallace book. He read Robert Caro to me, countless articles, blog posts, snippets of books. Sometimes, he would call, just read, and hang up. He loved the Very Persistent Gappers of Frip, and the three of us read it together many times. We loved George Saunders. We loved so many things together.

He loved my daughter so much it filled the room like a mist. He was transported playing with her, and she bored right into his heart. In his darkest moments, which I couldn't reach him, Ada could still touch him, even if only for a moment. And when he was in the light, my god. I couldn't keep up with either of them. I would hang back and watch them spring and play and laugh, and be so grateful for them both.

More than anything, together we loved the world, with the kind of love that grips and tears. We were fearsome creatures, chained to our caring, chained to other people.

We were destroyed by the investigation, and by enduring so much together in the five years of the difficult love affair of difficult people. In the end he told me he needed to get away from me. I let him go, and waited for the day he'd come back. I knew that one day we'd have a day to be together again, though probably not as lovers. Together, as something that doesn't have a word. He went on to another relationship, and I know he touched her like he did me, because that's how he touched people.

A part of me died with him. A part will always be with him.

Stop all the clocks, cut off the telephone,
Prevent the dog from barking with a juicy bone,
Silence the pianos and with muffled drum
Bring out the coffin, let the mourners come.

Let aeroplanes circle moaning overhead
Scribbling on the sky the message He Is Dead,
Put crepe bows round the white necks of the public doves,
Let the traffic policemen wear black cotton gloves.

He was my North, my South, my East and West,
My working week and my Sunday rest,

My noon, my midnight, my talk, my song;
I thought that love would last for ever: I was wrong.

The stars are not wanted now: put out every one;
Pack up the moon and dismantle the sun;
Pour away the ocean and sweep up the wood.
For nothing now can ever come to any good.

W. H. Auden

http://www.quinnnorton.com/said/?p=644

RAW THOUGHT

by Aaron Swartz

September 4, 2006

Who Writes Wikipedia?

Wikimedia 2006 Elections

Part 1: Wikimedia at the Crossroads
Part 2: **Who Writes Wikipedia?**
Part 3: Who Runs Wikipedia?
Part 4: Making More Wikipedians
Part 5: Making More Wikipedias
Part 6: Code, and Other Laws

Translations: 日本語, Español, Deutsch, Français

Vote for me in the election for the Wikimedia Foundation's Board of Directors.

I first met Jimbo Wales, the face of Wikipedia, when he came to speak at Stanford. Wales told us about Wikipedia's history, technology, and culture, but one thing he said stands out. "The idea that a lot of people have of Wikipedia," he noted, "is that it's some emergent phenomenon — the wisdom of mobs, swarm intelligence, that sort of thing — thousands and thousands of individual users each adding a little bit of content and out of this emerges a coherent body of work."† But, he insisted, the truth was rather different: Wikipedia was actually written by "a community … a dedicated group of a few hundred volunteers" where "I know all of them and they all know each other". Really, "it's much like any traditional organization."

The difference, of course, is crucial. Not just for the public, who wants to know how a grand thing like Wikipedia actually gets written, but also for Wales, who wants to know how to run the site. "For me this is really important, because I spend a lot of time listening to those four or five hundred and if … those people were just a bunch of people

talking … maybe I can just safely ignore them when setting policy" and instead worry about "the million people writing a sentence each".

So did the Gang of 500 actually write Wikipedia? Wales decided to run a simple study to find out: he counted who made the most edits to the site. "I expected to find something like an 80-20 rule: 80% of the work being done by 20% of the users, just because that seems to come up a lot. But it's actually much, much tighter than that: it turns out over 50% of all the edits are done by just .7% of the users … 524 people. … And in fact the most active 2%, which is 1400 people, have done 73.4% of all the edits." The remaining 25% of edits, he said, were from "people who [are] contributing … a minor change of a fact or a minor spelling fix … or something like that."

Stanford wasn't the only place he's made such a claim; it's part of the standard talk he gives all over the world. "This is the group of around a thousand people who really matter", he told us at Stanford. "There is this tight community that is actually doing the bulk of all the editing", he explained at the Oxford Internet Institute. "It's a group of around a thousand to two thousand people," he informed the crowd at GEL 2005. These are just the three talks I watched, but Wales has given hundreds more like them.

At Stanford the students were skeptical. Wales was just counting the number of edits — the number of times a user changed something and clicked save. Wouldn't things be different if he counted the amount of text each user contributed? Wales said he planned to do that in "the next revision", but was sure "my results are going to be even stronger", because he'd no longer be counting vandalism and other changes that later got removed.

Wales presents these claims as comforting. Don't worry, he tells the world, Wikipedia isn't as shocking as you think. In fact, it's just like any other project: a small group of colleagues working together toward a common goal. But if you think about it, Wales's view of things is actually much *more* shocking: around a thousand people wrote the world's largest encyclopedia in four years for free? Could this really be true?

Curious and skeptical, I decided to investigate. I picked an article at random ("Alan Alda") to see how it was written.Today the Alan Alda page is a pretty standard Wikipedia page: it has a couple photos, several pages of facts and background, and a handful of links. But when it was first created, it was just two sentences: "Alan Alda is a male actor most famous for his role of Hawkeye Pierce in the television series MASH. Or recent work, he plays sensitive male characters in drama movies." How did it get from there to here?

Edit by edit, I watched the page evolve. The changes I saw largely fell into three groups. A tiny handful — probably around 5 out of nearly 400 — were "vandalism": confused or malicious people adding things that simply didn't fit, followed by someone undoing their change. The vast majority, by far, were small changes: people fixing typos, formatting, links, categories, and so on, making the article a little nicer but not adding much in the way of substance. Finally, a much smaller amount were genuine additions: a couple sentences or even paragraphs of new information added to the page.

Wales seems to think that the vast majority of users are just doing the first two (vandalizing or contributing small fixes) while the core group of Wikipedians writes the actual bulk of the article. But that's not at all what I found. Almost every time I saw a substantive edit, I found the user who had contributed it was not an active user of the site. They generally had made less than 50 edits (typically around 10), usually on related pages. Most never even bothered to create an account.

To investigate more formally, I purchased some time on a computer cluster and downloaded a copy of the Wikipedia archives. I wrote a little program to go through each edit and count how much of it remained in the latest version.† Instead of counting edits, as Wales did, I counted the number of letters a user actually contributed to the present article.

If you just count edits, it appears the biggest contributors to the Alan Alda article (7 of the top 10) are registered users who (all but 2) have made thousands of edits to the site. Indeed, #4 has made over 7,000 edits while #7 has over 25,000. In other words, if you use Wales's methods, you get Wales's results: most of the content seems to be written by heavy editors.

But when you count letters, the picture dramatically changes: few of the contributors (2 out of the top 10) are even registered and most (6 out of the top 10) have made less than 25 edits to the entire site. In fact, #9 has made exactly one edit — this one! With the more reasonable metric — indeed, the one Wales himself said he planned to use in the next revision of his study — the result completely reverses.

I don't have the resources to run this calculation across all of Wikipedia (there are over 60 million edits!), but I ran it on several more randomly-selected articles and the results were much the same. For example, the largest portion of the Anaconda article was written by a user who only made 2 edits to it (and only 100 on the entire site). By contrast, the largest number of edits were made by a user who appears to have

contributed no text to the final article (the edits were all deleting things and moving things around).

When you put it all together, the story become clear: an outsider makes one edit to add a chunk of information, then insiders make several edits tweaking and reformatting it. In addition, insiders rack up thousands of edits doing things like changing the name of a category across the entire site — the kind of thing only insiders deeply care about. As a result, insiders account for the vast majority of the edits. But it's the outsiders who provide nearly all of the content.

And when you think about it, this makes perfect sense. Writing an encyclopedia is hard. To do anywhere near a decent job, you have to know a great deal of information about an incredibly wide variety of subjects. Writing so much text is difficult, but doing all the background research seems impossible.

On the other hand, everyone has a bunch of obscure things that, for one reason or another, they've come to know well. So they share them, clicking the edit link and adding a paragraph or two to Wikipedia. At the same time, a small number of people have become particularly involved in Wikipedia itself, learning its policies and special syntax, and spending their time tweaking the contributions of everybody else.

Other encyclopedias work similarly, just on a much smaller scale: a large group of people write articles on topics they know well, while a small staff formats them into a single work. This second group is clearly very important — it's thanks to them encyclopedias have a consistent look and tone — but it's a severe exaggeration to say that they wrote the encyclopedia. One imagines the people running*Britannica* worry more about their contributors than their formatters.

And Wikipedia should too. Even if all the formatters quit the project tomorrow, Wikipedia would still be immensely valuable. For the most part, people read Wikipedia because it has the information they need, not because it has a consistent look. It certainly wouldn't be as nice without one, but the people who (like me) care about such things would probably step up to take the place of those who had left. The formatters aid the contributors, not the other way around.

Wales is right about one thing, though. This fact does have enormous policy implications. If Wikipedia is written by occasional contributors, then growing it requires making it easier and more rewarding to contribute occasionally. Instead of trying to

squeeze more work out of those who spend their life on Wikipedia, we need to broaden the base of those who contribute just a little bit.

Unfortunately, precisely because such people are only occasional contributors, their opinions aren't heard by the current Wikipedia process. They don't get involved in policy debates, they don't go to meetups, and they don't hang out with Jimbo Wales. And so things that might help them get pushed on the backburner, assuming they're even proposed.

Out of sight is out of mind, so it's a short hop to thinking these invisible people aren't particularly important. Thus Wales's belief that 500 people wrote half an encyclopedia. Thus his assumption that outsiders contribute mostly vandalism and nonsense. And thus the comments you sometimes hear that making it hard to edit the site might be a good thing.

"I'm not a wiki person who happened to go into encyclopedias," Wales told the crowd at Oxford. "I'm an encyclopedia person who happened to use a wiki." So perhaps his belief that Wikipedia was written in the traditional way isn't surprising. Unfortunately, it is dangerous. If Wikipedia continues down this path of focusing on the encyclopedia at the expense of the wiki, it might end up not being much of either.

http://www.aaronsw.com/weblog/whowriteswikipedia

RAW THOUGHT

by Aaron Swartz

August 18, 2012

Look at yourself objectively

This post is part three of the series Raw Nerve.

In the 1840s, hospitals were dangerous places. Mothers who went in to give birth often didn't make it out. For example, at Vienna General Hospital's First Obstetrical Clinic, as many as 10% of mothers died of puerperal fever after giving birth. But there was some good news: at the Second Clinic, the number was just 4%. Expectant mothers noticed this — some would get down on their knees and beg to be admitted to the Second Clinic. Others, hearing new patients were being admitted to the First Clinic that day, decided they'd rather give birth in the streets.

Ignaz Semmelweis, an assistant at the First Clinic, couldn't bear it. He began desperately searching for some kind of explanation for the difference. He tested many things without success. Then, in 1847, Semmelweis's friend Jakob Kolletschka was performing an autopsy when a student accidentally poked him with a scalpel. It was a minor injury, but Kolletschka got terribly sick and ultimately passed away, with symptoms rather like the what the mothers had. Which got Semmelweis wondering: was some "deathly material" on the corpses responsible for the deaths?

To test this, he insisted the doctors begin washing their hands with chlorinated lime (which he found best removed the stink of death) before handling the pregnant women. The results were shocking. In April 1847, the mortality rate was 18.3%. Semmelweis instituted handwashing in mid-May and by June the mortality rate had crashed to 2.2%. The next month it was even less and later that year it reached zero — for the first time ever.

You'd think doctors would be thrilled by this incredible discovery. Instead, Semmelweis was ridiculed and attacked. He was fired from the hospital and forced out of Vienna. "In published medical works my teachings are either ignored or attacked," he complained. "The medical faculty at Würzburg awarded a prize to a monograph written in 1859 in

which my teachings were rejected." Even in his native Vienna, hundreds of mothers continued to die every year.

Semmelweis turned to alcohol and his behavior became increasingly erratic. In 1865, he was committed to a mental institution. There he was beaten by the guards, placed in a straitjacket, and locked in a dark cell. He died shortly thereafter, at the age of 47, from an infected wound.[1]

Why did doctors so stubbornly reject Ignaz Semmelweis? Well, imagine being told *you* were responsible for the deaths of thousands of your patients. That you had been killing the people you were supposed to be protecting. That you were so bad at your job that you were actually worse than just giving birth in the street.

We all know people don't like to hear bad news about themselves. Indeed, we go out of our way to avoid it — and when we do confront it, we try to downplay it or explain it away. Cognitive dissonance psychologists have proven it in dozens of experiments: Force students through an embarrassing initiation to take a class, and they'll insist the class is much more interesting. Make them do a favor for someone they hate, and they start insisting they actually like them. Have them make a small ethical compromises and they'll feel comfortable making bigger and bigger ones. Instead of just accepting we made a mistake, and shouldn't have compromised or done the favor or join the class, we start telling ourselves that compromising isn't so bad — and when the next compromise comes along, we believe the lies we tell ourselves, and leap at making another mistake. We hate hearing bad news about ourselves so much that we'd rather *change our behavior* than just admit we screwed up.[2]

It doesn't help much when our friends point out what we did wrong. If we're so scared of hearing from ourselves that we made a mistake, just imagine how much we hate hearing it from someone else. And our friends know this: the answer to "Does this outfit make me look fat?" is not supposed to be "yes." We may joke about our friends' foibles behind their back, but we rarely do so to their face. Even at work, a lot of effort goes into making sure employees are insulated from their superior's most negative assessments. This is what we're taught: make five compliments for every criticism, sandwich negative feedback with positive feedback on each side, the most important thing is to keep up someone's self-esteem.

But, as Semmelweis showed, this is a dangerous habit. Sure, it's awful to hear you're killing people—but it's way worse to *keep on killing people*! It may not be fun to get told

you're lazy, but it's better to hear it now than to find out when you're fired. If you want to work on getting better, you need to start by knowing where you are.

Semmelweis was defeated about as much as a man can be defeated. But nothing the other doctors could do to him would change the facts. Eventually scientists proved the germ theory of disease and Semmelweis was vindicated. Today, he's an international hero: universities and hospitals are named after him, his house has been turned into a museum, Austria even put his face on a €50 gold coin. Meanwhile, the doctors who opposed him are now seen as close-minded killers.

Try as you might, you can't beat reality. Semmelweis was right: those doctors *were* killing people. Firing him, driving him out of the country, writing long books disproving all his claims — none of it could change that frightening fact. The doctors may have thought they were winning the argument at the time, but they were big losers in the long run. And so were all the families that lost a loved one because they refused to admit their mistake.

But imagine if they had. When you're being attacked, conceding you screwed up seems like the worst thing you can do. If even you won't stand up for yourself, how can anyone else believe in you? Admitting your mistakes seems like giving up; it just proves that your opponents were right all along. But is it really so bad?

When Oprah started defending fabulist James Frey, she was savaged by the press. So she invited her critics on the show and apologized, saying "You were right, I was wrong." It didn't destroy her reputation; it rescued it. When the space shuttle *Columbia* exploded, launch manager Wayne Hale took full responsibility: "The bottom line is that I failed to understand what I was being told…I am guilty of allowing Columbia to crash." He was promoted. When JFK admitted the responsibility for the Bay of Pigs fiasco was "mine, and mine alone," his poll numbers soared.[3]

Imagine the same thing in your own life. If your boss started taking responsibility for your organization's problems instead of blaming others, wouldn't you like him more? If your doctor told you honestly that she had screwed up a procedure, instead of trying to cover up the mistake, wouldn't you prefer that? If a politician came clean that their policy proposals had failed, wouldn't you be more likely to trust him?

In moments of great emotional stress, we revert to our worst habits: we dig in and fight harder. The real trick is not to get better at fighting — it's to get better at stopping

ourselves: at taking a deep breath, calming down, and letting our better natures take over from our worst instincts.

Even if seeing ourselves objectively is the best option, all our natural instincts all point the other direction. Not only do we try hard to avoid bad news about ourselves, we tend to exaggerate the good news. Imagine you and Jane are both up for a promotion. You want it bad, so you stay late, you work weekends. Sure, some things still slip through the cracks — but even those mistakes have really good reasons! Jane never does anything like that.

But if she did — would you even know? We see the world from our own perspective. When we have to cancel hanging out with friends to do extra work, we always see that — and feel the sacrifice. But when Jane does it, we see and feel nothing. You only get to see your own perspective. And even our mistakes make sense from our perspective — we see all of the context, everything that led up to it. It all makes sense because we saw it happen. When we screw up, it's for a reason. When other people screw up, it's because they're screw-ups.

Looking at ourselves objectively isn't easy. But it's essential if we ever want to get better. And if we don't do it, we leave ourselves open to con artists and ethical compromisers who prey on our desire to believe we're perfect. There's no one solution, but here are some tricks I use to get a more accurate sense of myself:

Embrace your failings. Be willing to believe the worst about yourself. Remember: it's much better to accept that you're a selfish, racist moron and try to improve, than to continue sleepwalking through life that way as the only one who doesn't know it.

Studiously avoid euphemism. People try and sugarcoat the tough facts about themselves by putting them in the best light possible. They say "Well, I was going to get to it, but then there was that big news story today" and not "Yeah, I was procrastinating on it and started reading the news instead." Stating things plainly makes it easier to confront the truth.

Reverse your projections. Every time you see yourself complaining about other groups or other people, stop yourself and think: "is it possible, is there any way, that someone out there might be making the same complaints about me?"

Look up, not down. It's always easy to make yourself look good by finding people even worse than you. Yes, we agree, you're not the worst person in the world. That's not the question. The question is whether you can get better — and to do that you need to look at the people who are even better than you.

Criticize yourself. The main reason people don't tell you what they really think of you is they're afraid of your reaction. (If they're right to be afraid, then you need to start by working on that.) But people will feel more comfortable telling you the truth if you start by criticizing yourself, showing them that it's OK.

Find honest friends. There are some people who are just congenitally honest. For others, it's possible to build a relationship of honesty over time. Either way, it's important to find friends who you can trust to tell to tell you the harsh truths about yourself. *This is really hard* — most people don't like telling harsh truths. Some people have had success providing an anonymous feedback form for people to submit their candid reactions.

Listen to the criticism. Since it's so rare to find friends who will honestly criticize you, you need to listen extra-carefully when they do. It's tempting to check what they say against your other friends. For example, if one friend says the short story you wrote isn't very good, you might show it to some other friends and ask them what they think. Wow, they all think it's great! Guess that one friend was just an outlier. But the fact is that most of your friends are going to say it's great because they're your friend; by just taking their word for it, you end up ignoring the one person who's actually being honest with you.

Take the outside view. As I said before, we're always locked in our own heads, where everything we do makes sense. So try seeing what you look like from the outside for a bit, assuming you don't know any of those details. Sure, your big money-making plan sounds like a great idea when you explain it, but if you throw that away, is there any external evidence that it will work?

Next in this series: Lean into the pain

1. "Ignaz Semmelweis", *Wikipedia* (visited 2012-08-13).

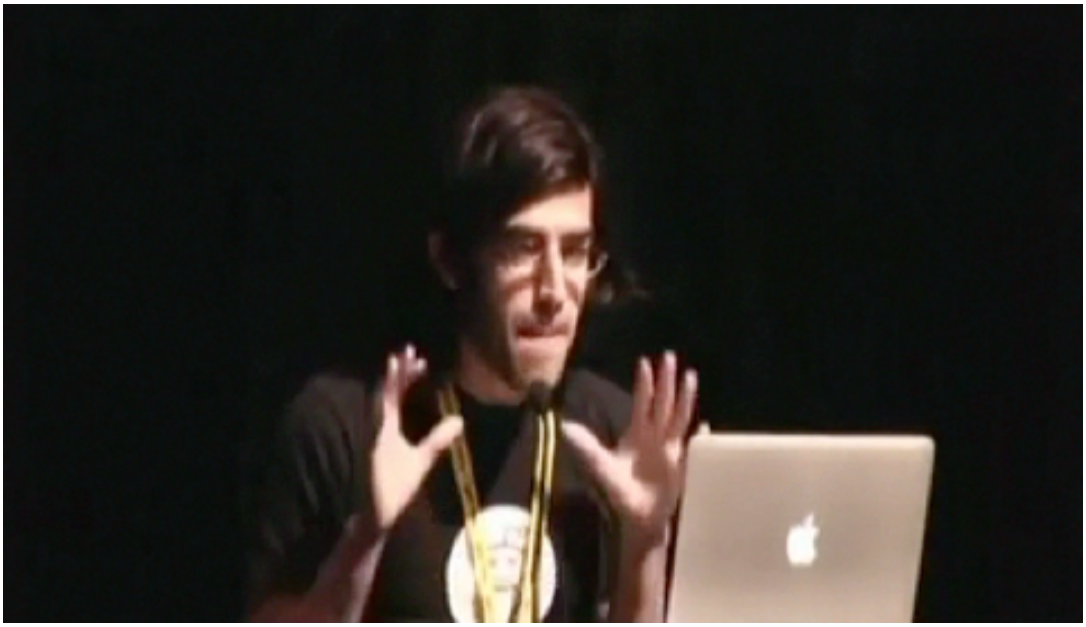
2. Carol Tavris and Elliot Aaronson, *Mistakes Were Made (but not by me): Why We Justify Foolish Beliefs, Bad Decisions, and Hurtful Acts*, (2007), ch. 1.

3. *Mistakes Were Made*, ch. 8. A larger study of public companies also found that companies which admitted screwing up tended to have higher stock prices. Fiona Lee, Christopher Peterson, and Larissa Z. Tiedens, "Mea Culpa: Predicting Stock Prices From Organizational Attributions," *Personality and Social Psychology Bulletin,* **30**: 12 (December 2004), 1636–1649.

http://www.aaronsw.com/weblog/semmelweis

How We Stopped SOPA

Aaron Swartz keynote - "How we stopped SOPA" at F2C:Freedom to Connect 2012, Washington DC on May 21 2012.



Complete talk is here http://www.youtube.com/watch?v=Fgh2dFngFsg

RAW THOUGHT

by Aaron Swartz

January 8, 2004

Counterpoint: Downloading Isn't Stealing

The New York Times Upfront asked me to contribute a short piece to a point/counterpoint they were having on downloading. (I would defend downloading, of course.) I thought I managed to write a pretty good piece, especially for its size and audience, in a couple days. But then I found out my piece was cut because the Times had decided not to tell kids to break the law. So, from the graveyard, here it is.

Stealing is wrong. But downloading isn't stealing. If I shoplift an album from my local record store, no one else can buy it. But when I download a song, no one loses it and another person gets it. There's no ethical problem.

Music companies blame a fifteen percent drop[1] in sales since 2000 on downloading. But over the same period, there was a recession, a price hike, a 25% cut[2] in new releases, and a lack of popular new artists. Factoring all that in, maybe downloading *increases* sales. And 90%[3] of the catalog of the major labels isn't for sale anymore. The Internet is the only way to hear this music.

Even if downloading did hurt sales, that doesn't make it unethical. Libraries and video stores (neither of which pay per rental) hurt sales too. Is it unethical to use them?

Downloading may be illegal. But 60 million people[4] used Napster and only 50 million[5] voted for Bush or Gore. We live in a democracy. If the people want to share files then the law should be changed to let them.

And there's a fair way to change it. A Harvard professor found that a $60/yr[6] charge for broadband users would make up for all lost revenues. The government would give it to the affected artists and, in return, make downloading legal, sparking easier-to-use systems and more shared music. The artists get more money and you get more music. What's unethical about that?

Footnotes:

1. "a fifteen percent drop in sales since 2000": This is from the RIAA's own chart. In 1999, they sold 938.9M CDs, in 2002 they sold 803.3M. (938.9-803.3)/938.9 ~= .14 (so it's really closer to 14%, but we'll give them the benefit of the doubt and say 15%).

2. "a 25% cut in new releases": It depends on how you count. The RIAA says they released 38,900 new releases in 1999. According to SoundScan the RIAA released 31,734 new releases in 2001, leading to an 18% drop. This isn't really fair, since we're using RIAA numbers for 1999 and SoundScan numbers for 2001, and SoundScan probably doesn't count as many albums as the RIAA does. However, the RIAA said in early 2003 that they released 27,000 new albums the previously year. Apparently embarrassed by this information, they've since removed it from their website. But if you use their numbers, you get a 31% drop. I've split the difference and called it a 25% cut. But I could change this to 30% or 20% if you wanted; I don't think it would change the argument.

3. "90% of the major label's catalog isn't available for sale": speech by Ken Hertz

4. "60 million people used Napster": according to the New York Times

5. "50 million voted for Bush or Gore": according to CNN

6. "A Harvard professor found that a $60 per year tax on broadband connections would make up for all lost music and movie sales": see Terry Fisher, Promises to Keep. "Assuming that the ISPs pass through to consumers the entire amount of the tax, that average fee would rise by $4.88 per month" (p. 31) 4.88*12 ~= 59, so I say $60/yr.

http://www.aaronsw.com/weblog/001112

RAW THOUGHT

by Aaron Swartz

January 12, 2004 (With Comments)

Jefferson: Nature Wants Information to Be Free

Since many have said that my view of copyright and patent law is childish and held merely because I grew up with Napster and do not write for a living, I thought I'd investigate some more respectable views on the subject. And who better than those of our thoughtful third President, Thomas Jefferson?

Judging from his letter to Isaac McPherson, Jefferson's thoughts are thus:

No one seriously disputes that property is a good idea, but it's bizarre to suggest that *ideas* should be property. Nature clearly wants ideas to be free! While you can keep an idea to yourself, as soon as you share it anyone can have it. And once they do, it's difficult for them to get rid of it, even if they wanted to. Like air, ideas are incapable of being locked up and hoarded.

And no matter how many people share it, the idea is not diminished. When I hear your idea, I gain knowledge without diminishing anything of yours. In the same way, if you use your candle to light mine, I get light without darkening you. Like fire, ideas can encompass the globe without lessening their density.

Thus, inventions cannot be property. Sure, we can give inventors an exclusive right to profit, perhaps to encourage them to invent new useful things, but this is our choice. If we decide not to, nobody can object.

Accordingly, England was the only country with such a law until the United States copied her. In other countries, monopolies may be granted occasionally by special act, but there is no general system. And this doesn't seem to have hurt them any — those countries seem just as inventative as ours.

(I am not directly quoting Jefferson here, I am translating what he said to modern English and omitting a bit, but I have not put any words in his mouth — Jeferson said all these things.)

The first thing to note is that Jefferson may have been the first to say, in essence, "information wants to be free!" (Jefferson attributed this will to nature, not information, but the sentiment was the same.) Thus, all those people who dismiss this claim as absurd have some explaining to do.

The second is that while Jefferson repeatedly says "idea", his logic applies equally to, say, a catchy tune or phrase and thus pretty much everything we commonly call "intellectual property law" (mostly copyright, trademarks, and patents).

The third is that, surprisingly (especially to me!), Jefferson is just as crazy as I am:

- By their very nature, ideas *cannot* be property.
- The government has no duty to make laws about them.
- The laws we do make aren't all that successful.

If Jefferson wasn't happy with the comparatively modest laws of 1813, can anyone seriously suggest that he wouldn't be furious with the expansionist laws of today? Forget the Free Software Foundation and the Creative Commons, Jefferson would be out there advocating armed resistance and impeaching the Justices that voted against *Eldred*! (OK, maybe not, but he'd certainly do more than write copyright licenses.)

It's true that in Jefferson's day there were no movies or networks, but there were certainly books and inventions. People made their livelihoods as writers or inventors. It's difficult to argue that Jefferson would change his mind now on economic grounds — if anything, I suspect that upon seeing the ease of sharing ideas over the Internet, he would argue for less restrictive laws — not more.

Jefferson thought these laws were contrary to human nature when they only affected people with large workshops or commercial printing presses — imagine how angry he would be when he saw that these laws restricted practically everyone, even doing perfectly unobjectionable things (like teaching your AIBO to dance or making a documentary).

Now perhaps folks will find Jefferson as easy an argument for ad hominem attack as they found me. And just because Jefferson said it doesn't make it true — obviously his views were even the subject of some discussion at the

time. But when the suggestions of our third president are called the "a ball of self-justification", "bullshit", "the far left", "selfishness", "shallow", that of a "moron", "disgusting", a "misunderstanding" of the law (!), and "immoral" (source), you sort of have to stop and wonder: what in the world is going on?

Comments

Aaron, since when ideas, songs, and literatures become synonyms?

posted by Don Park at January 12, 2004 08:05 AM #

Jefferson was incorrect (as quoted) about England being the first country to have an intellectual property system. From the ISI (http://www.isinet.com/patents/3pptimeline.html), it appears that people have been patenting things since the 1200's. Similarly, copyright laws first came about with the advent of the printing press in the 1500's (though they were granted to publishers instead of authors). So I think the idea that IP protection was a new idea around the time of Jefferson is a bit misleading (and I may be reading too much into Jefferson above) and ignoring the actual historical contexts.

Perhaps I'm also being dense, but I also don't follow the bit of argument that all things that apply to ideas (as perceived by Jefferson) automatically applies to all information. Would Jefferson considered a thing like a musical score an idea? How about a painting? Reading the quote above, I don't get the impression one way or another. Perhaps you could quote some more to clarify this.

So to finally dissect your conclusions about what Jefferson thought:

"By their very nature, ideas cannot be property."

This makes sense if you think that all IP is the same. Jefferson in the quote above said inventions. Did he think the same about all art, writing, and music? More information is needed to confirm this before I'd say that Jefferson thought it was true.

"The government has no duty to make laws about them."

Conversely, the gov't has no duty to refrain from making laws protecting ideas.

“The laws we do make aren’t all that successful.”

If you’re a downloader on Kazaa, then the laws don’t favor you. If you’re a producer of copyrighted material, then they probably are. Now this is not to suggest that we have a perfect or even good IP regime, but to say that they are not all that successful is to ignore the producers while focusing on the consumers. If you wanted to be fair, I would like to see a counterpoint to this statement written by someone who makes a living creating IP. I imagine that they would make a very compelling case about the success of the IP laws that we have.

posted by Chris Karr at January 12, 2004 08:11 AM #

I really like your metaphor of information as some sort of caged animal that yearns to roam freely on the internet.

I can hear your credit card (and pin) number calling out to me. The card numbers of your friends and family are also struggling to be free. Please post them here so that they can roam freely. Oh, and don’t forget that extra security code on the back of the credit card. It wants to be free too.

Remember, Jefferson never said that credit card numbers should be exempt from this free information idea.

posted by Tom Layton at January 12, 2004 08:22 AM #

Leaving aside the fact that Jefferson was a hypocrite (despite condeming the ownership of slaves in the Declaration of Independence he owned approaching 200, of which he freed about 3) an idea clearly means a concept. A song is not a concept, or an idea, its a song.

posted by Harry at January 12, 2004 09:27 AM #

“No one seriously disputes that property is a good idea, but it’s bizarre to suggest that [songs] should be property. Nature clearly wants [songs] to be free! While you can keep an [song] to yourself, as soon as you share it anyone can have it. And once they do, it’s difficult for them to get rid of it, even if they wanted to. Like air, [songs] are incapable of being locked up and hoarded.”

“And no matter how many people share it, the [song] is not diminished. When I hear your [song], I gain knowledge without diminishing anything of yours. In the same way, if you use your candle to light mine, I get light without darkening you. Like fire, ideas can encompass the globe without lessening their density.”

Substitute in any other idea dirvative you want in there. Ideas are the root of all IP.

Why ask Aaron to prove that ideas are equal to other IP artifacts, when clearly that is his (and my) assertion? Why do you believe they are different?

posted by Myers at January 12, 2004 10:45 AM #

Are the "Ideas" you and Jefferson referring to inspirations that come in a flash without a great deal of effort or are they the result of a great deal of time and effort? If the latter then surely the author of those "ideas," whether it is music or a new computer program or whatever is entitled to payment for the time spent, just as the labourer digging a hole in the road is entitled to payment for his time. Equally the company employing that person or those persons is entitled to payment to cover their wages. That surely is the principle of capitalism, which has been in use well before Jefferson was born.

posted by Geoff at January 12, 2004 10:46 AM #

Anyway, as Jefferson says, paying people for their "ideas" (*very* loose interpretation of the word) could be a good idea "to encourage them to invent new useful things". Basically, if you don't reward people for, say, writing a popular song, then they won't write any more, why should they? Its like suggesting a plumber shouldn't be paid for his work, absolutely ludicrous.

posted by Harry at January 12, 2004 12:05 PM #

Are we talking ideas here, or their execution? It strikes me as a vast oversimplification to reduce music and art down to just "ideas." Sure, the argument holds water that way (if I write a song about drinking, do I now hold exclusive rights to that concept? No.), but a finished song is not merely an idea: it's are fully-realized product, the tangible end result of the execution of that idea. Does this not merit some sort of protection in an age where products as well as ideas can be digitized and distributed?

IP law may be broken, but it's my opinion that this is true because we've allowed it to extend all the way down to the root, the "idea" level. So I agree with Aaron in a sense. But to imply that since a thing begins with an idea, therefore there should be no price on the end result, simply doesn't ring true to my ears.

That's a distinction that players on both sides of this argument fail to make. Downloading a copy of "Speakerboxxx" off of Kazaa — does that really

qualify as “sharing an idea” as Aaron’s described it, outside of perpetuating awareness of Outkast?

posted by scottandrew at January 12, 2004 12:06 PM #

I’ve been reading a number of copyright / IP-related weblogs and discussions (What a hornet’s nest to jump into!), and had a thought.

I’d like to pose a simple question: Should someone spend time and labor doing something that I benefit from, should I not be compelled to attempt to do something in return to benefit that person? This question seems to be a root of a lot of the flames being thrown back and forth (here and elsewhere — I enjoyed the discussion at http://www.docuverse.com/blog/donpark/EntryViewPage.aspx?guid=7a592614-ff21-4817-b7c0-3ea9a7007122).

So to rephrase the question: “Is it immoral to benefit from the time and labor of the other without attempting to provide some benefit to the other?” I’d answer this question in the affirmative. Others will disagree, and I don’t see how the two sides can be reconciled on this question, or any of the derivative questions such as the ones posed by this entry.

Thoughts?

posted by Chris Karr at January 12, 2004 12:43 PM #

And a related question: “Does a person who spends time and labor to do something to benefit another have the right to demand benefit himself, given that the other has a choice whether to accept the benefit and cost?” Personally, I answer in the affirmative in this case also as I suspect most other people do.

posted by Chris Karr at January 12, 2004 12:49 PM #

How does “idea” become “music” or anything we consider intelelctual proeprty?

Just curious. You make these logical leaps and don’t provide the steps to get to those points.

An idea for a song is not the same thing as a song. Thinking about writing out sheet music is not the same as sheet music itself.

And also, when quoting someone quote them. Don’t paraphrase them, don’t re-write what they said. Quote them, then explain and modernize the quote.

posted by James at January 12, 2004 12:57 PM #

The only sentence that matters and the one that all of us except aaron agree with is:

"Sure, we can give inventors an exclusive right to profit"

When Jefferson says ideas are inherently not property he's saying that once they get out, you cannot get them back. Sort of like the AP list of athlete phone numbers that was recently accidentally sent out.

posted by pb at January 12, 2004 01:02 PM #

Chris Karr, I posted a bit about those very questions in an earlier thread on Aaron's site, starting with the case of some people who claimed an exclusive property right in their occupations.

Aaron has satirized copyright by talking about what would happen if he claimed property rights in his name (although in fact some legal systems recognize a "publicity right" related to that, but will not go as far as letting Aaron charge everyone who mentions him).

Your question was phrased as "Does a person who spends time and labor to do something to benefit another have the right to demand benefit himself, given that the other has a choice whether to accept the benefit and cost?"

I think this is a pretty useful question. The proviso that "the other has a choice whether to accept the benefit and cost" as well as "to do something to benefit another" may lead into some difficulty, because they try to frame the interaction as somehow contractual (as the Romans put it, *do ut des*, I give so that you will give).

A broader question is "Does a person who spends time and labor to do something have the right to demand benefit himself?" — this question includes a wider range of controversies. I think that's useful because I think it's interesting to see copyright in the context of other controversies about whether people should be "entitled to benefit from their effort". I want to try to start collecting some examples of where the application of this principle might create some difficulty.

posted by Seth Schoen at January 12, 2004 02:26 PM #

Just some musings, so please forgive any wandering thoughts…

Seth: You are correct that I've made my question as one of contracts instead of morality. I did this intentionally as I've never found any clean-cut discussions of morality, and talking about contractual obligations is much cleaner and fruitful than those of morality. (Should one even subscribe to a notion that there is a thing called morality.)

Your comments made me ask myself if there is some sort of default contract involved between IP producers and consumers. I think that the clear answer is yes, and it's laid down by copyright law. So, I would hold that if you decide to consume one form of IP or other, you're obligated to hold to the default contract as specified by US copyright law unless the consumer and producer mutually agree to another set of terms (from the GPL on one side to NDA's and the like on others). I think that if you look at things this way, then things clear up a bit.

Now the question is whether this idea of a contract makes sense? One weakness is that you don't sign a license to listen to music. On the other hand, music producers do not release music with the expectation that they will get any less than the full protection of copyright law. So it seems like there may be some sort of understanding between the two. I guess I view it a lot like the idea of a social contract that is bandied about so much in political theory. "I will consume your media, and thus I agree to be bound by constraints put upon me by copyright law." or "I don't agree to restrictions specified by copyright, and thus I will not consume your media."

Thoughts on this?

posted by Chris Karr at January 12, 2004 02:51 PM #

pb: "all of us except aaron"? It's great to meet you - you must be a highly evolved being to know what "all of us" believes - or are you only referring to you and your brother wizards? And how is it that you infer that Aaron disagrees? The key is "profit" - inasmuch as non-commercial file sharing is explicitly unprofitable, I see no contradiction in insisting that it is only the profitable activity that should be the creator's exclusive right, not all possible activity relating to the "idea". (insert favorite synonym - "information", "IP" etc - here)

But of course, most of the profitable activity involving "ideas" in todays world is carried on by individuals and groups other than the creator - by construing these ideas as "property" they can and do become alienated from the creator and become the property of someone (or something) else. Given the massively unequal bargaining position between the media cartels and the independent creators, it's no wonder that the creators and their

creations are soon parted, under some very onerous terms indeed. For instance, are you aware that the standard record company contract calls for all expences to be "recouped" from the share of the artist? And that even after these expences are paid, the company still owns all rights to the work? This has been likened to "paying off the mortgage on your house, but the bank still owns it."

I think the point is really to discover some middle ground between the extremist positions - one of these is the idea that some sort of compulsory licensing will be necessary to break the impasse. Consider radio for instance - in the early days many record companies considered radio play to be "piracy" - "why will folks buy our product if they can hear it on the radio for free?" Eventually, an agreement was reached which required that all radio stations pay the copyright owners for the use of their material, based on the number of listeners, along with some other rules which the stations must adhere to. (not announcing playlists ahead of time, etc.) Nowadays the labels pay big bucks to get their music played, because they know that airplay doesn't prevent sales, it stimulates it. Now consider the Sony Betamax case - Jack Valenti and the MPAA argued passionately and shall we say expensively for *years* that home video technology would kill the movie business - "it's like the Boston Strangler, with its hands around our necks, squeezing…. gasp…." Fast forward a few years - video rentals is one of the most important sources of revenues for the same MPAA members who tried to kill the golden goose in the cradle.

Is there a pattern here? In both cases some potential or imaginary harm nearly derailed a hugely profitable industry before it began - in the same way, many believe that lurking just behind the highly emotional controversy of "file sharing" lies an embryonic industry waiting to be born. Aaron owes no allegience to the status quo, so he has nothing to lose by calling it like he sees it. The question is not, how do we stop 60 (+) million people from doing what they insist on doing, but, how do we create a revenue stream from this process? Compulsory licencing is one option, perhaps there are others….

posted by Jim Carrico at January 12, 2004 03:08 PM #

Chris Karr says he thinks it is "immoral to benefit from the time and labor of the other without attempting to provide some benefit to the other". So when he goes to parks, does he looks up all the organizations that clean up the litter and pays them, as well as the artists who provided the public sculpture, not to mention the landscapers and architects who make the area pretty. Or does he thinks this is too burdensome, so he chooses not "to

accept the benefit and cost" and never walks thru parks? Neither seem reasonable to me.

Maybe what Chris meant is that he does this went people demand the benefit, so he's off safe because park-cleaners do their jobs for other reasons and don't demand a benefit from him. But what if one of them changes their mind and decides to start demanding to get paid?

Chris will probably say my analogy is silly, but I think this is the heart of the current copyright issue: in an age of easy copying, creative works become public goods like clean parks and lighthouses. (Terry Fisher provides the lighthouse analogy in the introduction to his ACS proposal.) Once they're built, it's pretty much impossible to get money from people who use them. It's also pretty unreasonable to demand that everyone who uses them must pay for them. Maybe boats that use a lighthouse to find land should donate to its upkeep, but the fact is that doing so is rather burdensome and apparently unnecessary (there is no great lighthouse shortage, AFAIK). So I think Chris needs a better principle.

pb says that I don't agree that "we can give inventors an exclusive right to profit". That's wrong, I do think we can give inventors an exclusive right to profit. (Obviously we can, since we have been doing so since Jefferson's day!) But, like Jefferson, I'm not convinced that doing so is necessarily a good idea.

posted by Aaron Swartz at January 12, 2004 05:47 PM #

I say that you're silly as I've explicitly taken this out of a moral realm and looked at it from the realm of contracts.

And for what it's worth, while you're sitting at home living on your parent's dime, I've been paying taxes for those things like parks, sculptures on public lands, and so forth (I'm surprised that you didn't throw in roads). Do you think that the guy who mows the lawn of the park works for free? And what of the salaries of the park mowers in the parks in the parts of town I'll never see?

And I do think your analogy is silly. Parks are paid for indirectly by my taxes. Do any of my taxes pay the songwriters whose songs are on Kazaa? No. So, on what grounds can I claim that I have a right to those labors?

Nice try at erecting yet another strawman. I have noticed that you do it quite often. You can quit putting words into my posts that are not there and

debate the points as I have made them, not as you choose to reinterpret and restate them.

posted by Chris Karr at January 12, 2004 06:01 PM #

Also, nothing in my posts said that altruism is not allowed in this sense. The people sponsoring the cleaning of the park choose not to demand payment for those services and do it for whatever reason that they do. I never said anything about not using something that has been given to you, but I was questioning whether it was right to do so with something that has expressly not been given to you without payment. Park cleaning by volunteer organizations is a gift. The latest Metallica on Kazaa is not, no matter how you hard to convince yourself otherwise.

posted by Chris Karr at January 12, 2004 06:05 PM #

Upon reflection, I think what upsets me the most is not the blatent downloading of music, movies, and literatures, but the feeling of alienation. This is probably how I would feel when my son reaches adulthood and have our first big arguments as adults.

I can take different opinions, but I am find it difficult to accept alien thoughts. It's not that they are innovative, they are not, but they violate and taint what I thought was shared by all. This saddens me more than upsets me.

posted by Don Park at January 12, 2004 06:30 PM #

Once they're built, it's pretty much impossible to get money from people who use them. It's also pretty unreasonable to demand that everyone who uses them must pay for them. Maybe boats that use a lighthouse to find land should donate to its upkeep, but the fact is that doing so is rather burdensome and apparently unnecessary (there is no great lighthouse shortage, AFAIK).

Man, Aaron. Must you always go off with generalizations that are patently false. To wit: parks are often paid for by licenses. In S.C. and elsewhere, people who go to state parks for the day or camp overnight pay for the privilege. It's a small amount, but payment nonetheless. You must be talking about city parks. except the people who use parks *do* pay for them through taxes (as with libraries, civic centers, etc.).

also, the boat/lighthouse analogy is really no longer applicable, since most ships use GPS tracking, etc. these days. Also, most shipping related lighting of harbors is paid for through docking fees, etc.

Further, lighthouses and parks are quantitatively and qualitatively different than a piece of music or a piece of art or a piece of video. The lighthouse exists for very clear safety reasons. The park exists because the *community* decided that a green area would contribute to the general welfare of the *community*. No such motivation *necessarily* exists behind a song, movie, etc. If an artist wishes to let his/her IP be "free", then that's fine. But it is the artist's decision to make, not yours, or Kazaa's or the myriad other thieves who steal from the people they claim to support.

posted by bryan at January 12, 2004 07:04 PM #

Jim, the radio and video tape stories are totally irrelevant. The question has nothing to do with whether or not unfettered file sharing would increase or decrease sales of something. It's whether or not the content creators should get to make that decision. They ought to be able to decide if they would like to go that route or not. Whether or not the label rapes the artist or not is also of no relevance whatsoever. The artist knowingly enters into an agreement with the label. I would actually argure that the lable provides most of the value but that's a totally different discussion.

You lost me on the profitability thing. The compulsory tax is absolutely the wrong thing to do. If the labels want to offer that collectively or individually, let 'em. But please don't bring the government into this.

posted by pb at January 12, 2004 07:59 PM #

Chris, I suspect implicit contracts are about as murky as morality. For one thing, the scope of copyright law has changed over time in response to political pressures. We can say that copyright law is what it is and that it's a certain kind of "deal", yet many people on both sides of the bargain see it as "unfair" and resent having it imposed on them. They would still consider it unilateral and not a choice. For example, an author who believes in a natural rights theory might think that copyright expiration or fair use are unfair, yet be unable to use the law to prevent either. The author's only "choice" in order to avoid the feeling of being taken advantange of might be to refrain from engaging in any authorship.

There are also lots of people who feel that their investments of time or effort entitle them to some kind of property right, even if it isn't recognized by the law at some point in history. So they believe that they should be able to stop people from "taking advantage" by deriving some sort of disapproved-of benefit. You could say that these sentiments are too murky to be analyzed, and we should just conclude that some people are weird, but I might be disappointed by that. Some people's sense of entitlement is supported by

the law and other people's isn't? Is there a better story than that about how this came to be?

I mean, one problem with a social contract theory is describing exactly what the terms are. Another problem is describing exactly how the terms came to be that way.

I want to emphasize, as I did in the other thread, that there are property claims that get made other than for copyright. Some of them might seem silly to us now, but they don't seem silly to the people making them. One example is the schoolmasters' argument that they have a right to the schoolmastership and therefore that their exclusive right is violated when someone else comes along and starts doing a similar job. We might call that "ordinary business competition", but might find it a challenge to describe qualitatively why performing a job that someone else has traditionally performed (to the detriment of that person's income) is a more legitimate kind of competition than making copies of a work that someone else has traditionally been the exclusive publisher of (to the detriment of that person's income).

Another case is the European droit d'auteur rules, which may seem to Americans to impair what we would call first sale rights. Yet perhaps European artists might be very offended that their droits d'auteur aren't respected in the U.S. Can you tell whether there's an implicit social contract that has something to say about this question?

If I felt offended that someone else was getting a benefit from my actions — since there are so many things we do that benefit others for which we aren't directly compensated — and started to lobby for a new kin of property right, could you predict how you would react? I do, as I said, want to make a catalogue of hypothetical property rights and see how people feel about them. In the old days, the right to trade with a particular country was sometimes treated as a property right; we could probably find some others that have lapsed into obscurity and try to see what it was that had discredited them and what it was that had made them seem appealing in the past.

One other interesting point for me is that question of contract versus morality (lawyers might call it contract versus status). A lot of people's sense that their rights have been violated arises when they have made some kind of investment in the expectation of some kind of result. You gave an example of that when you pointed out that people make music under the expectation that copyright law will be enforced. If copyright law isn't enforced, they may feel wronged. One interesting point is that this doesn't

necessarily depend on whether they thought the copyright law was a great idea, or whether they thought it should have been changed. They may first and foremost notice that *they relied on it*. You can probably find a lot of cases where there is no explicit contract at all, and yet someone formed an expectation (based on law, custom, personal belief, hope, physics, social norms, or many other possible reasons) that an investment would yield a certain result. If another person frustrates that expectation, the person making the investment may well be extremely upset even though there may have been no prior agreement whatsoever.

For instance, suppose a mining company buys mining rights to a tract of land in a developing country from some seller. And suppose that there are indigenous people living there who didn't know about the transaction and didn't convey any kind of consent or authority to the seller. The mining company has already paid for the land and may expect to recover its investment by mining, which might harm the people who live there. Those people didn't do anything wrong to the mining company (in several different senses!). Nonetheless, their actions have ended up in conflict with the company's expectations, and its sense that its investment should be protected necessarily implies that their way of life should be undermined. They may have a disagreement about property rights even though neither specifically intended to harm the other (and perhaps both can be seen to have made relevant investments that would give each a certain kind of claim to the land). The same kind of conflict can develop in other ways. Professor Lessig has talked about property rights in equipment that uses the radio spectrum, which can be impaired (and vice versa) by property rights in the radio spectrum itself. If you bought a walkie-talkie, someone who later comes along and says you can't use it (because he's got a claim to that part of the spectrum) will seem to you to be interfering with the legitimate use of your property. If someone else buys some spectrum from the government and you come along and use it with your walkie-talkie, you will seem to him to be trespassing on his spectrum. And neither of you has any kind of obvious contractual relationship to the other!

posted by Seth Schoen at January 12, 2004 09:31 PM #

Great points, Seth. I guess the way that I look at it — and this may not be supported by history, the law, or morality — is that copyright is like a default license for content. It's used because people understand the terms and limitations of the license. Producers wanting to grant more rights to users can do so via the use of things like Creative Commons licenses. People wanting to limit the use can do so through things like the traditional licenses and user agreements. I guess the thing that is key to me in all of this is not

that the producers and consumers are required to like the terms of the licensing, but they both understand the agreement and are able to make informed decisions whether to engage in the transaction or not. Of course, this depends upon whether both sides fully understand the "contract" (and your mining example is a great example of problems that can happen).

Personally, I'm not opposed to producers licensing all content such as text or media. As long as the consumers know what they are getting into, great. If someone wants to see the latest Bond film and is willing to limit what they could do under normal copyright, that's fine by me. If a producer wants to give away music or code, that's also okay. I guess I'm just a market idealist as I think that if producers and consumers are informed about the licenses and the costs that they entail, the optimal balance between producers and consumers of IP can be reached using the usual market mechanisms. If producers want to put onerous terms on one piece of IP or another, let them and let the consumers vote with their dollars by not purchasing a license to the content. If a producer wants to get his stuff out as widely as possible, let him give it away. I guess the key thing for me here is that the transaction involves the mutual consent of both producers and consumers.

And before anyone goes after me about expirations, I don't think that this view exempts copyright expiration. I'm all for the public domain, and would support the "contracts" listed above losing effect after X amount of years. Of course, I would also like to see market forces encourage producers to liberate the content earlier if consumers are willing to pay for it.

Just my $0.02. Have I beat this dead horse enough yet?

posted by Chris Karr at January 12, 2004 10:25 PM #

Can you hear something, Aaron? Is that a trembling distant voice unclear calling out? Can it be? I think it is. Indeed: WikiDB is calling you!

Surely when you've been honed on the likes of Dan Connolly and Robert Swartz, you don't need to further practice this kind of rhetoricization? As amusing as the Park thread was, I think it'd've been a less futile use of time to cosy yourself in front of a fireplace with an Ayn Rand tome.

The shorter posts on Park's site—from Mark Baker, Mark Nottingham—were the more interesting to me. Mnot's especially. I understand how it's difficult when you receive a wealth (or should that be a poorth?) of ad hominems—most of which weren't even justified [duck]—and that responding clearly and calmly to your opponents without resorting to the same tactics is a nice moral high ground. But all is vanity.

Sure I've been engaged in megathreads with Patrick Stickler on the URI lists, and this very message is ironic; but I think there's a clear limit: when you start to take comments such as being on the "far left" as ad hominems, something's wrong! Wasn't Gandhi far left?

I'm not sure why you chose to "translate" Jefferson's letter to McPherson. It's not as if he's the Poet in Timon of Athens: Jefferson is an excellent writer, and one whom we can only do an injustice by trying to clarify. If you want intelligent conversation on a subject, you would do well not to admit those who can't even follow the communicational prose of the third president. But again, your intention is not clear to me; the engendered side effect is that it appears you've tried to embellish the original.

The paragraph above was supposed to segue into a warning against debate and logic, but it didn't. Park already tried to make this point in the hillarithread; perhaps I can explain it better by pointing to the W3C member-privacy issue as an example. Being a slave to logic and process isn't so good when you start to believe in it too much. It's the quickest way to an impaired judgement. But cf. our conversation about the aim of debate.

When you're getting resistance on a subject—whether you're discussing heliocentrism, women's/blacks'/invalids' rights to vote, capital punishment, or whatever—it's either because you're wrong, taboo, people are stupid, there are powerful people who have something to lose by the comments, or some combination thereof. That's self-evident. What's less evident is that in order to overcome those things, you really have to pick your battles.

Ben would probably be willing to play a game of Go with you. Like all strategy games, it's infuriating if you take it too seriously. Enjoy, Aaron.

posted by Sean B. Palmer at January 13, 2004 01:24 AM #

pb: you misquote me - the phrase I used (twice) was "compulsory license" - this is what allows radio stations to play whatever they like *without negotiating individual licences for each copyrighted work* as long as they pay the statutory rate and comply with the other stipulations of the blanket license. In other words, copyright owners cannot withhold permission for anyone to use their work within the limitations of the licence. (ie. it is compulsory for copyright owners, rather than end-users.) If radio stations had to get separate permissions, and negotiate separate rates, for every track they play, radio as we know it simply would not exist. Recall as well that copyright itself is precisely the result of "bringing the government in" - it is a "right" created by the state, for the public good, so arguing that we

need to keep "government" out of the copyright debate is like saying we need to keep the sun out of a discussion of solar energy.

The point of creating such a compulsory license would be to stimulate a functioning market in an area in which entrenched interests have persistently shown their willingness to stifle the development of such a market. For example, the whole file-sharing "movement" from Napster onwards can only be properly understood in the context of the enormous void created by the refusal of the RIAA to license music to internet startups for any price. It took a company with the deep pockets of Apple (and one with ulterior motives ie. selling iPods) to produce a situation - arguably, 5 years too late - in which it is possible to at long last actually *buy* digital music files.

posted by Jim Carrico at January 13, 2004 01:39 AM #

Seth Schoen: The most obvious property right under debate now, is *databases*, and revivifying the associated sweat-of-the-brow theory of legal rights. We are, right now, witnessing the attempts to create a new property-right in raw data itself, a "data-right". So it's hardly a hypothetical issue.

And look at the "hot news" property right discussion in http://www.bitlaw.com/source/cases/copyright/nba.html

posted by Seth Finkelstein at January 13, 2004 10:20 AM #

Well, Aaron, you haven't stated it right.

Jefferson said, quite simply:

Information is free.

And as a matter of fact, it's a well-established principle of copyright jurisprudence: the fact/expression or idea/expression dichotomy. Look at Feist Publications to see how the principle is applied:

http://www.bitlaw.com/source/cases/copyright/feist.html

In fact, please start stating it this way, because this principle is essential to how natural rights settle with exclusive rights. Coyright does not cover information, and it never has. It's just that the stakeholders have been a long time coming to face up to where this puts us in the digital age.

Information is free. It always has been.

posted by Seth Johnson at January 13, 2004 11:39 AM #

Exclusive rights are not determined by authors or inventors. They are not determined by hardware or software. They are not determined by private contracts or licenses.

They are determined by Congress, for a purpose other than the interests of those who are granted these statutory rights, and within the constraints of other, fundamental rights in the Constitution.

posted by Seth Johnson at January 13, 2004 12:44 PM #

Jim, if your compulsory license is not government mandated, then OK. Obviously, I was referring to government involvement in the financial transfers, no in copyright which of course involves no financial transfers.

posted by pb at January 13, 2004 10:31 PM #

ok let me try this one more time.

Of course a compulsory liscence must be “government mandated” - how the hell else would it be compulsory? The key sticking point here seems to be the notion that creators have an innate right to control the terms on which their work is to be made available, that is, each and every end user needs to negotiate a unique permission to have the use of the work - by buying it or some other mutual contractual agreement. This sounds good (maybe) - but the point I was trying to make is that that’s not what copyright is about, and that’s not how radio works, or video rentals for that matter. This has been around for, oh, a half-century or more, so it shouldn’t be news to anyone with an interest in this subject. You as a creator have no choice if someone wants to play your song on the radio. Music publishers tried to prevent this scenario, they agreed with you that they should have the right to refuse the use of their work to any and all as they saw fit. The point is, “the public”, via it’s representative “the government” disagreed, and passed laws which stated that, no, you don’t have the right to refuse to allow people to play your song on the radio - as long as they follow the rules laid down about allowable use - these rules are the same for everybody, no exceptions. That’s what a compulsory license is. It’s not a “tax” because it mandates that the radio station (the beneficiary) pay the copyright holder, not the government - it is a licence that the copyright holder must accept, whether or not they feel like it. Extrapolate to the internet, and broaden the scope to include software or any type of “intellectual property” and you can see where this is going.

posted by Jim Carrico at January 15, 2004 12:02 PM #

Well, I'll admit that I do not know exactly how this works bu my understanding is that the RIAA (a non governmental association) represents the artists and reached an agreement with radio stations regarding the playing of tracks owned by its constituents and the remuneration. Artists would technically have the right to forbid their music from playing on the radio but I suspect standard label agreements include radio play as it is primarily a benefit. THe only government involvement is in the enforcement of contracts and the notion of copyright, without which the song owners would have no grounds to request payments.

posted by pb at January 15, 2004 11:25 PM #

http://www.aaronsw.com/weblog/001115

The Network Transformation

Interview with Aaron Swartz for *Steal This Film 2*
Shot in San Francisco, April 2007

Complete talk is here http://www.youtube.com/watch?v=CzNXDdjtXQI

RAW THOUGHT

by Aaron Swartz

April 22, 2005

Social Class in America

One night the other weekend I was walking back with my dad to the hotel. I think we were talking about college admissions and things when he said 'We don't have class in America.' 'What?' I said, stunned. 'We don't have a class system here. That's only in places like Britain.'

My dad has always found occasion to repeat the absurd propaganda he picks up from his daily doses of NPR and the *New York Times* — evolution is a fraud, global warming is perfectly normal, etc. — but this claim just floored me. How could anyone believe we didn't have social class in America? The evidence is all around us, all the time — it must take real training not to see it.

A large part of it is that the media pretends class doesn't exist. It never talks about it, except to say that we're all middle class or imply that class is a purely cultural construction, not an economic one. (It is this last thing that allows multimillionaire George W. Bush to become lower class by speaking in a Texas twang and wearing cowboy boots.) And the realities of other classes are never portrayed, except in a stereotyped, mocking tone. In the media, everyone is middle class.

The PBS documentary *People Like Us: Social Class in America* is the rare exception. While it too mostly ignores economic issues, through a series of local stories highlighting the mixtures and contradictions of class, it at least begins to build a portrait of what class cultures really looks like in America. However, there is one particularly heart-wrenching clip (available at the link below)

http://www.aaronsw.com/weblog/001686

RAW THOUGHT

by Aaron Swartz

August 16, 2006

The Smalltalk Question

One of the minor puzzles of American life is what question to ask people at parties and such to get to know them.

“How ya doin’?” is of course mere formality, only the most troubled would answer honestly for anything but the positive.

“What do you do?” is somewhat offensive. First, it really means “what occupation do you hold?” and thus implies you do little outside your occupation. Second, it implies that one’s occupation is the most salient fact about them. Third, it rarely leads to further useful inquiry. For only a handful of occupations, you will be able to say something somewhat relevant, but even this will no doubt be slightly annoying or offensive. (“Oh yeah, I always thought about studying history.”)

“Where are you from?” is even less fruitful.

“What’s your major?” (in the case of college students) turns sour when, as is tragically all too often the case, students feel no real passion for their major.

“What book have you read recently?” will cause the majority of Americans who don’t read to flail, while at best only getting an off-the-cuff garbled summary of a random book.

“What’s something cool you’ve learned recently?” puts the person on the spot and inevitably leads to hemming and hawing and then something not all that cool.

I propose instead that one ask “What have you been thinking about lately?” First, the question is extremely open-ended. The answer could be a book, a movie, a relationship, a class, a job, a hobby, etc. Even better, it will be whichever of these is most interesting at the moment. Second, it sends the message that thinking, and thinking about thinking, is a fundamental human activity, and thus encourages it. Third, it’s easiest to answer,

since by its nature its asking about what's already on the person's mind. Fourth, it's likely to lead to productive dialog, as you can discuss the topic together and hopefully make progress. Fifth, the answer is quite likely to be novel. Unlike books and occupations, people's thoughts seem to be endlessly varied. Sixth, it helps capture a person's essence. A job can be forced by circumstance and parentage, but our thoughts are all our own. I can think of little better way to quickly gauge what a person is really like.

"What have you been working on lately?" can be seen, in this context, to be clearly inferior, although similar.

So, what *have* you been thinking about lately?

http://www.aaronsw.com/weblog/smalltalkq

RAW THOUGHT

by Aaron Swartz

November 27 2007

Sick

I'm sorry I haven't been keeping up with Bubble City. I've spent a lot of the last few weeks lying in bed and drinking fluids. (With occasional breaks to play Rock Band, much to the annoyance of my neighbors.) Once again, I've been sick — this time, with four different illnesses.

I have a lot of illnesses. I don't talk about it much, for a variety of reasons. I feel ashamed to have an illness. (It sounds absurd, but there still is an enormous stigma around being sick.) I don't want to use being ill as an excuse. (Although I sometimes wonder how much more productive I'd be if I wasn't so sick.) And, to a large extent, I just don't find it an interesting subject. (My friends are amazed by this; why is such a curious person so uncurious about the things so directly affecting his life?)

One of my goals for this blog is to describe what it's like to be in various situations and it struck me that I've never said much about what it's like to be sick. So I figured I'd try to remedy that. (Unfortunately, being sick has made this slightly more difficult. I started this post on thanksgiving and now it's almost four days later.)

Cold: All the time I feel tired and woozy. My throat is sore and I'm constantly searching for kleenex to address my nose. Sometimes I feel too hot, like I'm burning up. I'm always thirsty. Concentrating on anything is difficult. I just feel kind of wasted.

Upset stomach: Huge pains grind through my stomach, like it's trying to leap out of my body. Food is always followed by pain, followed by running to the bathroom. I'm afraid to go out because I wouldn't want to get too far from a toilet. I'm always thirsty and the dehydration makes me angry and confused. At times the pain is excruciating and even after it goes I spend some time just reeling from it.

Migraine: Ever felt someone's nails dig into your scalp? Imagine that their nails are knives and they're scratching thru your brain and you can begin to imagine what a

migraine feels like. Light, sound, touch — everything makes it worse, making the most painful pains even more painful. Even when you quell it with a pill, you still end up feeling woozy and disconnected, as if the pill is just barely keeping the pain at bay.

Depressed mood: Surely there have been times when you've been sad. Perhaps a loved one has abandoned you or a plan has gone horribly awry. Your face falls. Perhaps you cry. You feel worthless. You wonder whether it's worth going on. Everything you think about seems bleak — the things you've done, the things you hope to do, the people around you. You want to lie in bed and keep the lights off. Depressed mood is like that, only it doesn't come for any reason and it doesn't go for any either. Go outside and get some fresh air or cuddle with a loved one and you don't feel any better, only more upset at being unable to feel the joy that everyone else seems to feel. Everything gets colored by the sadness.

At best, you tell yourself that your thinking is irrational, that it is simply a mood disorder, that you should get on with your life. But sometimes that is worse. You feel as if streaks of pain are running through your head, you thrash your body, you search for some escape but find none. And this is one of the more moderate forms.As George Scialabba put it, "acute depression does not feel like falling ill, it feels like being tortured … the pain is not localized; it runs along every nerve, an unconsuming fire. … Even though one knows better, one cannot believe that it will ever end, or that anyone else has ever felt anything like it."

The economist Richard Layard, after advocating that the goal of public policy should be to maximize happiness, set out to learn what the greatest impediment to happiness was today. His conclusion: depression. Depression causes nearly half of all disability, it affects one in six, and explains more current unhappiness than poverty. And (important for public policy) Cognitive-Behavioral Therapy has a short-term success rate of 50%. Sadly, depression (like other mental illnesses, especially addiction) is not seen as "real" enough to deserve the investment and awareness of conditions like breast cancer (1 in 8) or AIDS (1 in 150). And there is, of course, the shame.

So I hope you'll forgive me for not doing more. And hey, it could be worse. At least I have decent health insurance.

http://www.aaronsw.com/weblog/verysick

RAW THOUGHT

by Aaron Swartz

July 18, 2006

The Fruits of Mass Collaboration

I often think that the world needs to be a lot more organized. Lots of people write reviews of television shows, but nobody seems to collect and organize them all. Good introductory guides to subjects are essential for learning, yet I only stumble upon them by chance. The cumulative knowledge of science is one of our most valuable cultural products, yet it can only be found scattered across thousands of short articles in hundreds of different journals.

I suspect the same thoughts occur to many of a similar cast of mind, since there's so much effort put into discouraging them. The arbiters of respectable opinion are frequently found to mock such grand projects or point out deficiencies in them. And a friend of mine explained to me that soon out of school he nearly killed himself by trying to embark on such a grand project and now tries to prevent his friends from making the same mistake.

One can, of course, make the reverse argument: since there is so much need for such organization projects, they must be pretty impossible. But upon closer inspection, that isn't true. Is there a project more grand than an encyclopedia or a dictionary? Who dares to compress all human knowledge or an entire language into a single book? And yet, there's not just one but several brands of each!

It seems that when the audience is large enough (and just about everyone has use for encyclopedias and dictionaries), it is possible to take on grand projects. This suggests that the hold-up is not practical, but economic. The funding simply isn't there to do the same for other things.

But all this is only true for the era of the book, where such a project means gathering together a group of experts and having them work full-time to build a Reference Work which can be published and sold expensively to libraries. I tend to avoid net

triumphalism, but the Internet, it would seem, changes that. Wikipedia was created not by dedicated experts but by random strangers and while we can complain about its deficiencies, all admit that it's a useful service.

The Internet is the first medium to make such projects of mass collaboration possible. Certainly numerous people send quotes to Oxford for compilation in the Oxford English Dictionary, but a full-time staff is necessary sort and edit these notes to build the actual book (not to mention all the other work that must be done). On the Internet, however, the entire job — collection, summarization, organization, and editing — can be done in spare time by mutual strangers.

An even more striking, but less remarked-upon, example is Napster. Within only months, almost as a by-product, the world created the most complete library of music and music catalog data ever seen. The contributors to this project didn't even realize they were doing this! They all thought they were simply grabbing music for their own personal use. Yet the outcome far surpassed anything consciously attempted.

The Internet fundamentally changes the practicalities of large organization projects. Things that previously seemed silly and impossible, like building a detailed guide to every television show are now being done as a matter of course. It seems like we're in for an explosion of such modern reference works, perhaps with new experiments into tools for making them.

http://www.aaronsw.com/weblog/masscollab

RAW THOUGHT

by Aaron Swartz

September 27, 2006

A Feminist Goes to the Hospital

In *A Pattern Language*, Christopher Alexander comments on the idiocy of trying to nurse people to health by locking them up in the land of the sick, but a visit to an actual hospital makes the point more vividly than logical argument ever could. The modern hospital is a place of nightmares, even visiting I cannot manage to spend more than an hour here without beginning to go insane. I cannot imagine how anyone ever escapes.

An island of white in an ocean of green, the modern hospital's landscaping dangles the promise of verdant beauty while its insides are all white sterility. The hallways of identical doors twist and turn around so much that it's impossible to find any room that isn't carefully numbered, even after several attempts to try to discern the building's layout. The muted colors and dreary duplication do not reward such attempts at investigation, or even mere attempts at life.

It seems like the building itself is ill. Odd pieces are blocked off with white sheets, larger ones with completely opaque walls. Bizarre machines with large tubes line the hallways, apparently standing in for broken parts of the building's innards, while workmen wander around attempting to treat the other symptoms.

The rooms themselves are monstrous cells, tiny boxes with doors that stay open and walls that fight any attempts at individuality or privacy. The size makes entertaining guests awkward, while the lack of activities makes loneliness unbearable.

Were the large sign reading "Hospital" to go missing, one might easily mistake the facility as one for torture: men whose clothes have been replaced by dreary gowns slowly wander the halls in dreary stupor, their battered faces making them appear as if they have been badly beaten. They are not permitted to escape.

Were one, under such amazing conditions, to try to mount an attempt at fruitful work, it would quickly fail. Even assuming one was able to muster the energy to focus, the noises

through the thin walls and unclosed doors would quickly distract. The beeps and buzzes from the assorted machinery would frustrate to no end. The screeching announcements from the loudspeakers would fast derail any trains of thought. And if one manages to get past all these things, well, it will only be a short while until a nurse or orderly comes to insert another needle or run some other humiliating and invasive task.

And so one simply watches the seconds tick away, as in some odd form of Chinese water torture. Sometimes the pain is made more vivid by the combination of very real physical discomfort, which incapacity makes difficult to alleviate. Itchiness, dirtiness, and restlessness are the orders of the day, with powerlessness coming in to make sure the others don't escape.

Ostensibly this place is meant to cure things, the unimpeachable knowledge of science and the clean sterility of the building meant to combine to induce health. But, as before in history, the cure may be worse than the disease. Robert Karen has documented how early concerns about antisepsis led hospitals to keep children far away from their parents. The result, as was plain to anyone paying attention, was severe psychological trauma for the children, who assumed their parents had abandoned them, leading to mental problems that last a lifetime.

While modern hospitals induce problems apparently less severe, they are still problems. Again, the doctors that are supposed to help the patients seem less concerned about the patients as people than bodies, things to be measured and operated upon, puzzles to solve, problems to fix. They do not tell the patient what is being done to them, do not reap the benefits that could be received by engaging them in the search for the solution, but instead only share knowledge when forced by law and precedent, preferring to keep the real details private among the priesthood of doctors and nurses.

Barbara Ehrenreich and Deidre English note how well-off women of the pre-feminist era suffered from mysterious symptoms of inactivity, a condition they diagnose as the psychological result of their inactivity and powerlessness; society entrusted them with no responsibility and so their minds collapsed from lack of active use.

While women have made great strides in the years since, for many the problem is still quite real. And laid up in a hospital, with domestic and childrearing tasks undoable, they may find the responsibilities they had fade away, their condition stripped back to that of their afflicted forebearers.

And so patriarchical society and patriarchical medicine combine to strip all vestiges of humanity away. No freedom, no responsibility; no movements, no tasks; no privacy, no thought. The person becomes the body that the doctors treat them as.

Friends and family may try to visit, in an attempt to bring a bit of their outside world into this sterile place, but the awkward situation strains even the best relationships. Friendly conversations become hard when one party is lying in bed moaning, while strained family relationships are stretched further, surfacing their most disgustingly dysfunctional aspects. Family members, whatever else they may accomplish, somehow learn the remarkable skill of knowing just what to do to drive you up the wall. And as the hospital environment (along with the psychological stress of seeing you trapped in it) drives them insane as well, their presence quickly becomes more curse than blessing.

I've never seen an environment so effective at inducing such severe psychological pain. After just an hour, I feel like screaming, tearing, pounding, killing. I go "out of my mind" and yearn to get out of my body as well, running around in circles, pounding against the floor, with not even exhaustion appearing to cure me.

It needn't be this way, for there is a cure: the joy of life. Sanity can be restored through attempts at music, channeling the fundamental disorder into form and elegance, focusing the energy toward good. Art, especially the art of nature, as Alexander suggested, is likely another cure. But hospitals aren't built for that.

Bonus: Life in the Hospital

http://www.aaronsw.com/weblog/femhosp

RAW THOUGHT

by Aaron Swartz

March 25, 2005

The Truth About the Drug Companies

Whenever someone wants to talk about how great our society is, one example that always seems to come up is our many innovative and powerful new drugs invented by the pharmaceutical companies. Perhaps it's just the $54 billion a year the companies spend on marketing, much of it going to ads talking about how innovative and helpful drug companies are, bur it does seem like these life-saving wonder pills have really captured the public's imagination.

But in her new book, The Truth About the Drug Companies, Marcia Angell, former editor-in-chief of the respected New England Journal of Medicine, shows that much of what we thought about the drug companies is wrong. For one thing, they're not innovative. Believe it or not, drug companies simply do not do research into major new drugs. All the real research is done at universities and funded by the government.

Thanks to the Bayh-Dole Act, universities can then patent these medical discoveries made by their employees using public funding, which they then turn around and sell to the drug companies for a relative song. Often the universities have done all the work — including clinical trials — and drug companies just start up the manufacturing plants.

Because the drug companies have bought exclusive patent rights, they can now charge whatever they like for these drugs without fear of competition. And what little research the drug companies do mostly involves coming up with "me too" drugs — modifying an existing drug a little bit (even things as minor as changing the color or coating it) and then filing new patents on the result so that the exclusive profits keep rolling in. Thanks to armies of lawyers and various FDA patent loopholes, drug companies can use various patent tricks to keep generic competitors away for years.

Even when competitors do finally arrive, the drug company marketing campaigns start up, encouraging everyone to switch to their new, slightly-different-but-patented drug.

For example, take AstroZeneca's heartburn drug Prilosec ($6 billion in annual sales): when its patent ran out, AstroZeneca took the inactive half off of Prilosec, repatented it, and marketed as Nexium. It then ran clinical trials which compared 20mg of Prilosec with 20mg of Nexium, but since half of Prilosec was inactive, this was like comparing 10mg of the old drug and 20mg of the new drug. Somewhat surprisingly, Nexium's double dose appeared to be only slightly more effective, but AstroZeneca touted these results in a massive marketing campaign involving tons of ads and gobs of free samples, enough to get doctors to switch most prescriptions before the Prilosec patent ran out.

These marketing campaigns are huge: $11 billion a year in free samples, over $6 billion on sales reps (one for every five doctors), $3 billion on vague ads to consumers. But on top of this are massive campaigns of deception: bribing doctors, bribing researchers, bribing universities, bribing HMOs, providing kickbacks, running "medical education courses" which state law requires doctors to attend, running in-hospital television networks which are one long drug ad, and funding deceptive studies (like the Nexium one) that wrongly make it appear that the company's new drug has amazing beneficial properties.

These studies are so pervasive that when the rare honest study is done, the results are incredible. The US government funded a massive study called ALLHAT (8 years, 42,000 people, 600 clinics) to compare different treatments for high blood pressure. It compared a series of different popular modern drugs (Norvasc, Cardura/doxazosin, Zestril/Prinivil/lisinopril) which worked in different ways and an "old time diuretic" or "water pill". The results were stunning: the diuretic was more effective and had less side effects than the expensive fancy new drugs — less heart failure and fewer strokes, so much so that the Cardura part of the trial had to be stopped early since so many people were getting heart failure. These expensive new drugs weren't just wasting people's money (as much as $678 a year per person), they were seriously hurting them.

But nobody prescribed diuretics, perhaps in part because nobody marketed them to doctors. Drug companies aren't required by the FDA to compare their new drugs to older treatments, so doctors had no way to know which was more effective. And drug companies aren't even required to publish the studies the FDA does require. For example, the study that led the FDA to approve antidepressants (like Prozac, Paxil, Zoloft, Celexa, Serzone, and Effexor) found that placebos were 80% as effective. But these studies weren't released until fifteen years later, when someone filed a Freedom of Information Act request against the FDA. There are even worse cases: for decades,

women were prescribed estrogen and progesterone hormone replacement therapy because industry-sponsored studies said it would prevent heart disease. But a large NIH clinical trial found the therapy actually increases heart disease!

Our utopia of miracle pills is now beginning to look a bit like a nightmare. Drug companies use our tax money to pay for their research, turn around and sell the results to us at high prices, spend the resulting profits on massive campaigns to mislead us about their effects, which then encourage doctors to prescribe an expensive pill which may not help much and might even make things worse. Year after year, drug companies are by far the most successful industry. They use their stunning profits to buy off politicians and propagandize the public into maintaining this state of affairs. Only by learning the true state of affairs can we begin to fight back.

http://www.aaronsw.com/weblog/001626

FAIR Fairness & Accuracy In Reporting

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Rachel Carson, Mass Murderer?

The creation of an anti-environmental myth

Sometimes you find mass murderers in the most unlikely places. Take Rachel Carson. She was, by all accounts, a mild-mannered writer for the U.S. Fish and Wildlife Service—hardly a sociopath's breeding ground. And yet, according to many in the media, Carson has more blood on her hands than Hitler.

The problems started in the 1940s, when Carson left the Service to begin writing full-time. In 1962, she published a series of articles in the **New Yorker**, resulting in the book *Silent Spring*—widely credited with launching the modern environmental movement. The book discussed how pesticides and pollutants moved up the food chain, threatening the ecosystems for many animals, especially birds. Without them, it warned, we might face the title's silent spring.

Farmers used vast quantities of DDT to protect their crops against insects—80 million pounds were sprayed in 1959 alone—but from there it quickly climbed up the food chain. Bald eagles, eating fish that had concentrated DDT in their tissues, headed toward extinction. Humans, likewise accumulating DDT in our systems, appeared to get cancer as a result. Mothers passed the chemical on to their children through breast milk. *Silent Spring* drew attention to these concerns and, in 1972, the resulting

movement succeeded in getting DDT banned in the U.S.—a ban that later spread to other nations.

And that, according to Carson's critics, is where the trouble started. DDT had been sprayed heavily on houses in developing countries to protect against malaria-carrying mosquitoes. Without it, malaria rates in developing countries skyrocketed. Over 1 million people die from it each year.

To the critics, the solution seems simple: Forget Carson's emotional arguments about dead birds and start spraying DDT again so we can save human lives.

Worse than Hitler?

"What the World Needs Now Is DDT" asserted the headline of a lengthy feature in the **New York Times Magazine** (4/11/04). "No one concerned about the environmental damage of DDT set out to kill African children," reporter Tina Rosenberg generously allowed. Nonetheless, "*Silent Spring* is now killing African children because of its persistence in the public mind."

It's a common theme—echoed by two more articles in the **Times** by the same author (3/29/06, 10/5/06), and by **Times** columnists Nicholas Kristof (3/12/05) and John Tierney (6/05/07). The same refrain appears in a**Washington Post** op-ed by columnist Sebastian Mallaby, gleefully headlined "Look Who's Ignoring Science Now" (10/09/05). And again in the **Baltimore Sun** ("Ms. Carson's views [came] at a cost of many thousands of lives worldwide"—5/27/07), **New York Sun** ("millions of Africans died . . . thanks to Rachel Carson's junk science classic"—4/21/06), the **Hill** ("millions die on the altar of politically correct ideologies"—11/02/05), **San Francisco Examiner** ("Carson was wrong, and millions of people continue to pay the price"—5/28/07) and **Wall Street Journal**

("environmental controls were more important than the lives of human beings"—2/21/07).

Even novelists have gotten in on the game. "Banning DDT killed more people than Hitler, Ted," explains a character in Michael Crichton's 2004 bestseller,*State of Fear* (p. 487). "[DDT] was so safe you could eat it." That fictional comment not only inspired a column on the same theme in Australia's Sydney**Morning Herald** (6/18/05), it led Sen. James Inhofe (R-Ok.) to invite Crichton and Dr. Donald R. Roberts, a longtime pro-DDT activist, to testify before the Senate Committee on Environment and Public Works.

But other attacks only seem like fiction. A web page on JunkScience.com features a live Malaria Death Clock next to a photo of Rachel Carson, holding her responsible for more deaths than malaria has caused in total. ("DDT allows [Africans to] climb out of the poverty/subsistence hole in which 'caring greens' apparently wish to keep them trapped," it helpfully explains.) And a new website from the Competitive Enterprise Institute, RachelWasWrong.org, features photos of deceased African children along the side of every page.

Developing resistance

At one level, these articles send a comforting message to the developed world: Saving African children is easy. We don't need to build large aid programs or fund major health initiatives, let alone develop Third World infrastructure or think about larger issues of fairness. No, to save African lives from malaria, we just need to put our wallets away and work to stop the evil environmentalists.

Unfortunately, it's not so easy.

For one thing, there is no global DDT ban. DDT is indeed banned in the U.S., but malaria isn't exactly a pressing issue here. If it ever were, the ban contains an exception for matters of public health. Meanwhile, it's perfectly legal—and indeed, used—in many other countries: 10 out of the 17 African nations that currently conduct indoor spraying use DDT (**New York Times**, 9/16/06).

DDT use has decreased enormously, but not because of a ban. The real reason is simple, although not one conservatives are particularly fond of: evolution. Mosquito populations rapidly develop resistance to DDT, creating enzymes to detoxify it, modifying their nervous systems to avoid its effects, and avoiding areas where DDT is sprayed — and recent research finds that that resistance continues to spread even after DDT spraying has stopped, lowering the effectiveness not only of DDT but also other pesticides (**Current Biology**, 8/9/05).

"No responsible person contends that insect-borne disease should be ignored," Carson wrote in *Silent Spring*. "The question that has now urgently presented itself is whether it is either wise or responsible to attack the problem by methods that are rapidly making it worse. . . . Resistance to insecticides by mosquitoes . . . has surged upwards at an astounding rate."

Unfortunately, her words were ignored. Africa didn't cut back on pesticides because, through a system called the "Industry Cooperative Program," the pesticide companies themselves got to participate in the United Nations agency that provided advice on pest control. Not surprisingly, it continued to recommend significant pesticide usage.

When *Silent Spring* came out in 1962, it seemed as if this strategy was working. To take the most extreme case, Sri Lanka counted only 17 cases of malaria in 1963. But by 1969, things had once again gotten out of hand: 537,700 cases were counted. Naturally, the rise had many causes: Political

and financial pressure led to cutbacks on spraying, stockpiles of supplies had been used up, low rainfall and high temperatures encouraged mosquitoes, a backlog of diagnostic tests to detect malaria was processed and testing standards became more stringent. But even with renewed effort, the problem did not go away.

Records uncovered by entomologist Andrew Spielman hint at why (*Mosquito*, p. 177). For years, Sri Lanka had run test programs to verify DDT's effectiveness at killing mosquitoes. But halfway through the program, their standards were dramatically lowered. "Though the reason was not recorded," Spielman writes, "it was obvious that some mosquitoes were developing resistance and the change was made to justify continued spraying."

But further spraying led only to further resistance, and the problem became much harder to control. DDT use was scaled back and other pesticides were introduced—more cautiously this time—but the epidemic was never again brought under control, with the deadly legacy that continues to this day.

Instead of apologizing, the chemical companies went on the attack. They funded front groups and think tanks to claim the epidemic started because countries "stopped" using their products. In their version of the story, environmentalists forced Africans to stop using DDT, causing the increase in malaria. "It's like a hit-and-run driver who, instead of admitting responsibility for the accident, frames the person who tried to prevent the accident," complains Tim Lambert, whose weblog, **Deltoid**, tracks the DDT myth and other scientific misinformation in the media.

Front and center

Perhaps the most vocal group spreading this story is Africa Fighting Malaria (AFM). Founded in 2000 by Roger Bate, an economist at various

right-wing think tanks, AFM has run a major PR campaign to push the pro-DDT story, publishing scores of op-eds and appearing in dozens of articles each year. Bate and his partner Richard Tren even published a book laying out their alternate history of DDT: *When Politics Kills: Malaria and the DDT Story*.

A funding pitch uncovered by blogger Eli Rabbett shows Bate's thinking when he first started the project. "The environmental movement has been successful in most of its campaigns as it has been 'politically correct,'" he explained (**Tobacco Archives**, 9/98). What the anti-environmental movement needs is something with "the correct blend of political correctness (. . . oppressed blacks) and arguments (eco-imperialism [is] undermining their future)." That something, Bate proposed, was DDT.

In an interview, Bate said that his motivation had changed after years of working on the issue of malaria. "I think my position has mellowed, perhaps with age," he told **Extra!**. "[I have] gone from being probably historically anti-environmental to being very much pro-combating malaria now." He pointed to the work he'd done making sure money to fight malaria was spent properly, including a study he co-authored in the respected medical journal the **Lancet**(7/15/06) on dishonest accounting at the World Bank. He insisted that he wasn't simply pro-DDT, but instead was willing to support whatever the evidence showed worked. And he flatly denied that AFM had ever received money from tobacco, pharmaceutical or chemical companies.

Still, AFM has very much followed the plan Bate laid out in his original funding pitch to corporations: First, create "the intellectual arguments to make our case," then "disseminate these arguments to people in [developing countries]" who can make convincing spokespeople, and then "promote these arguments . . . in the West." The penultimate page gives

another hint that stopping malaria isn't the primary goal: "Is the DDT problem still relevant?" is listed as an "intellectual issue to be resolved"—once they got funding. (When asked for comment on this, Bate became upset and changed the subject.)

Bate continues to insist that resistance isn't much of an issue, because its primary effect is to keep mosquitoes away from DDT-covered areas altogether. Instead he claims "resistance was a useful device by which it was easy to pull the plug" on an anti-malaria campaign that was failing because of administrative incompetence. "You're not likely to see an aid agency [admit this]," he said when asked for evidence. "I'm not sure what you want me to say. If you read enough of the literature, you get that strong impression." But few experts aside from those affiliated with AFM seem to have gotten the same impression.

DDT's dangers

These myths can have serious consequences. For one thing, despite what is claimed by the right, DDT itself is quite harmful. Studies have suggested that prenatal exposure to DDT leads to significant decreases in mental and physical functioning among young children, with the problems becoming more severe when the exposure is more serious (**American Journal of Epidemiology**, 9/12/06; **Pediatrics**, 7/1/06), while the EPA classifies it as a probable human carcinogen.

For another, resistance is deadly. Not only has DDT's overuse made it ineffective, but, as noted, it has led mosquitoes to evolve "cross-resistance": resistance not only to DDT but also to other insecticides, including those with less dangerous environmental effects.

And perhaps most importantly, the pro-DDT line is a vast distraction. There are numerous other techniques for dealing with malaria: alternative

insecticides, bed nets and a combination of drugs called artemisinin-based combination therapy, or ACT. ACT actually kills the malaria parasite fast, allowing the patient a quick recovery, and has a success rate of 95 percent (World Health Organization, 2001). Rollouts of ACT in other countries have slashed malaria rates by 80 to 97 percent (**Washington Monthly**, 7/06).

But such techniques require money and wealthy nations are hesitant to give it, especially when they think they can just avoid the whole problem by unbanning DDT. "DDT has become a fetish," says Allan Schapira, a former senior member of the malaria team at the World Health Organization (**Washington Monthly**, 7/06). "You have people advocating DDT as if it's the only insecticide that works against malaria, as if DDT would solve all problems, which is obviously absolutely unrealistic."

As a result, senators and their staff insist that DDT is all that's necessary. And the new director of WHO's malaria program, Arata Kochi, kicked off his tenure by telling the malaria team that they were "stupid" and issuing an announcement that "forcefully endorsed wider use of the insecticide DDT" while a representative of the Bush administration stood by his side. Half his staff resigned in response (**New York Times**, 9/16/06).

There are genuine issues with current malaria control programs: incompetent administration, misuse of funds, outdated techniques, a lack of funding and concern. And, much to their credit, many on the right have drawn attention to these problems. Africa Fighting Malaria has frequently called for more effective monitoring, and conservative Sen. Tom Coburn (R-Ok.) has used his influence to fight corruption in anti-malaria programs.

But the same Tom Coburn recently held up a bill honoring the 100th anniversary of Rachel Carson's birth on the grounds that "millions of people . . . died because governments bought into Carson's junk science claims about DDT" (**Raw Story**, 5/22/07). Even AFM's Bate was quoted as

finding this a bit too much, pointing out that Carson died in 1964, just two years after *Silent Spring* was published (**Washington Post**, 5/23/07). But apparently getting a few digs in at the environmental movement is just too hard for conservatives to resist.

http://fair.org/extra-online-articles/rachel-carson-mass-murderer/