

Gamma

Prepared for Dr. John Portelli by Danny Fekete, January 6, 2009 (TPS 1471)

Note for Dr. Portelli:

This dialogue loosely follows an extended argument I had with a number of members of an online community, MobileRead.com, regarding the closure of TextbookTorrents.com (Cf. Note for 3), Internet piracy, and the cost of educational resources. I have adapted liberally from [the transcript of the argument](#)¹, and have referred to quotations and paraphrases by others where they occur (I have incorporated my own text into this project without referencing myself).

I encountered a great deal more difficulty in writing this than I expected (as is evidenced by its late submission and tolerated by your infinite grace and patience, naturally): fears of representing Alpha's opposition as a straw man, of being unfaithful to the intent and earnestness of my original opponents, and of presenting an unpalatable contrivance have made for excruciatingly slow going and remain unassuaged. I hope it's not a complete disaster; I'm not wholly unhappy with it.

¹ <http://www.mobileread.com/forums/showthread.php?t=30406>

Prologue:

- Alpha:** You know, I don't think I've ever seen a homeless woman keeping herself alive in the cold by burning a pile of books before.
- Beta:** It's improbable. Why wouldn't she sell them and use the money?
- Alpha:** It probably wouldn't burn as long.
- Beta:** No—
- Alpha:** You mean, rather than burn them, why didn't she sell them and use the money to buy shelter?
- Beta:** Yes.
- Alpha:** Maybe she doesn't own them.
- Beta:** You're an idiot.
- Alpha:** Can you make any of them out? There are some on the edge there that aren't on fire yet.
- Beta:** A lot of them are old. Some of them might be first editions. Let's see, there's *Paradise Lost*, some collected Chaucer—
- Alpha:** Is that a First Folio?
- Beta:** No, surely.
- Alpha:** It is. You can tell by the wailing archivists.
- Beta:** That's a lot of priceless Early-Modern English literature about to be ruined.
- Alpha:** Does it bother you?
- Beta:** Of course.
- Alpha:** Me too. Maybe we should leave.
- Beta:** Shouldn't we rescue some of the books?
- Alpha:** Should we?
- Beta:** It's not too late. We need to save them.
- Alpha:** They're not ours. She's using them right now.
- Beta:** She has no idea what they're worth!
- Alpha:** How do you know?
- Beta:** She's *burning* them! We don't have time—
- Alpha:** She knows she'll freeze without them. That suggests to me that she thinks they're worth her life.
- Beta:** They're not hers to burn! I can't believe you're letting this happen.
- Alpha:** Why don't you think they're hers to burn?

Beta: They're priceless. They're part of the cultural heritage of humankind. They're irreplaceable.

Alpha: While homeless women are readily reproduced?

Beta: More readily than First Folios.

Alpha: *This* homeless woman? *She's* more readily reproduced than a First Folio?

Beta: She's less valuable.

Alpha: Oh.

Beta: Culturally, I mean. Look, yes, as an individual, she's irreplaceable: no one will ever be born again with precisely her genetic code and precisely her environmental input, but that doesn't make her valuable—it just makes her unique.

Alpha: Alright.

Beta: And this First Folio of Shakespeare is one of a handful of surviving collections published after the death of one of the greatest authors in our language. It represents the towering linguistic, poetic, and philosophical greatness achievable one man, personally edited by his closest friends and contemporaries, preserved by a piece of technology that was then only recently introduced in the Western world, yet would revolutionise our ability to build and preserve our culture. It's a physical monument to human potential, and it's irreplaceable. *And now it's on fire.*

Alpha: Go, then. As the guardian of monuments to human potential, it's your duty to remove that book from the fire, and every other book which constitutes your purview, even though you condemn that woman to die.

Beta: . . . I can't.

Alpha: No. And now it's gone.

Beta: I'm a coward.

Alpha: You're immoral, at least.

Beta: You always do this.

Alpha: What do I do?

Beta: You put me in these absurd positions. This was a false dichotomy: we could have saved the Folio, sold it for millions of dollars to a library or a museum, and bought the homeless woman a house to keep her warm for years. The choice you presented, to let the book burn or to let her die, was unnecessarily binary.

Alpha: Fair. But it remains that the book wasn't ours to sell.

Beta: It wasn't hers to burn! Better we sell something we don't own and the world is richer, than she burns something that she doesn't own, and the world is poorer.

Alpha: Is *this* a valid dichotomy?

Beta: I don't care anymore. You made me hesitate and now the book is lost.

Alpha: It is, but we didn't get a very good look at it. As you said, it's pretty improbable to find a homeless woman warming herself by a pile of blazing, expensive books. Cheer yourself: the existence of a burning First Folio may here have been a fiction.

Beta: Whatever.

Alpha: Let's abandon this contrivance and get some tea.

Alpha: I wish you'd lighten up.

Beta: I don't like the idea of burning books.

Alpha: Neither do I.

Beta: It didn't seem to bother you very much.

Alpha: Well, I have the First Folio in facsimile at home. You can have my copy, if it'd make you happier.

Beta: No, it's alright—I have one too.

Alpha: What's the issue, then? The information remains. In fact, thanks to the Internet and our current scale of print publishing, it's probably now impossible to purge a text entirely out of existence. Surely that's a warming thought.²

Beta: I suppose so.

Alpha: Far more important, I think, is when those structures of publication and access are themselves attacked.

Beta: Ah, that reminds me, though I suppose you've already heard about the closure of The Emporium?³

Alpha: I have. It drives me a little bit to violent thoughts.

Gamma: I haven't heard it. What are the two of you talking about?

² I'm grateful to my friend, Jenny Salisbury, for discussion which elucidated this fact and the idea that the burning of books in modern, Internet-capable society can have only a symbolic rather than practical significance. The censorious sentiment which informs wilful destruction of information, to repudiate an idea with this physical act while invoking a sort of protective ignorance, remains gravely at odds with my aesthetic—nonetheless, it pleases me to think that where the act cannot actually deprive someone of access, it threatens to irk her curiosity and may rather serve as an enticement.

³ The Emporium here serves as a reference to the former Bit Torrent Tracker, TextBookTorrents.com. I've chosen the pseudonym to avoid the obligation of being factually consistent with the minutiae of the site while exploring the philosophical implications of intellectual property.

Beta: The Emporium was an online community of teachers and post-secondary students who collected and publically shared copyrighted educational resources like textbooks, manuals, exercise hand-outs, and encyclopaedias. It's moved from country to country as its various web providers have been harassed on legal grounds by publishers, but recently it became clear that the organizer of the website would be targeted personally, so he's shut the project down.

Gamma: Well, good! You folks think this is a bad thing, that illegal activity has been stopped?

Alpha: I think it's a shame that this avenue of information has been lost, regardless of the legality of the enterprise.

Gamma: That justifies breaking the law? Having an "avenue of information?"

Beta: Well, no. I think what motivated people to participate in it was that scholastic materials, textbooks especially, are often a non-negotiable expense for students, and that very often, that expense becomes prohibitive of the rest of their education.

Gamma: So, because textbooks are too expensive for students, it justifies them breaking the law?

Alpha: It definitely made *these* students creative in finding other ways to access the information they needed. The Emporium had a well-running request-system, for example, where one member would publically ask for a digital copy of a required textbook or coursepack, and then, from among the community, another member who had bought the needed the text for another course, or who was going to buy the text as part of her own requirements, would scan the contents page by page, and then publically "announce" its availability on The Emporium's website. The person who requested the text would be notified, and everybody else who was interested in the material was welcome to pick up a copy for themselves.

Gamma: They'd scan in a whole textbook? All three-hundred or so pages?

Alpha: Meticulously. Very often, contributors would also add digital tags, bookmarks, and annotations to the document to make it as usable and intuitive as possible for everyone else.⁴

⁴ Appropriately, the sharing process at TextbookTorrents and other similar communities relies upon a data transfer protocol called Bit Torrent, which is itself successfully reliant upon an ethic of sharing and community welfare: the process begins when someone wishes to make a package of data available and "announces" the fact on a website devoted to tracking and publishing such announcements (hence, a Bit Torrent "tracker"). Through information contained in the announcement, the first interested recipient is able to connect directly to the host, who begins transmitting random, non-redundant pieces of the package. Gradually, the entire package is rebuilt as a copy on the recipient's computer. The true power of the system is revealed, however, when multiple interested parties attempt to acquire the package at the same time. Rather than each party connecting to the host in isolation, everyone involved forms a network together and they share the random pieces they've acquired with those who haven't yet received them (in aggregate, this is the "torrent" of "bits"). This speeds the process significantly, since the original host of the package doesn't need to personally send a complete copy to everyone else, and has the added benefit that, once someone else has a complete copy of the package, the original host is no longer needed to continue making the package available. The "health" of a torrent is determined by how many people have chosen to continue making the package available, even after they've acquired it for themselves, and thus perpetuates through the altruism or gratitude of those who have participated. Once a package has been successfully "seeded" thus, it's possible for it to continue on for years.

Gamma: That's crazy! It'd take hours! No one would go out and buy a book they thought was too expensive in the first place, and then spend hours scanning it into a computer just so that a complete stranger could avoid the same expense and hassle.

Alpha: If you're right, it must be said that the destruction of the website and the harassment of its curator were even more unjust than many have suggested.

Beta: These people understood that their contributions added to a whole that they could all enjoy.

Gamma: Sure, and apparently anyone else who happened to be poking around and thought they'd use it for their own purposes.

Alpha: Do you generally object to altruism?

Gamma: No, what I object to is breaking the law. We've got a bunch of morons here—present company excepted—

Beta: —No, we're not—

Gamma: —who think that their friendly little system of sharing and giving makes them exempt from copyright laws for some reason. "The prices are just too high, so let's get together and ignore them."

Alpha: I think that the enterprise operated with a very keen attention to price, actually.

Gamma: If it did, these people would realise that all they're doing by not buying books is making it harder and harder for publishers to operate.

Beta: What do you mean?

Gamma: Well, the objection to traditional publishing is that the costs to the students are too high, right?

Beta: Sure.

Gamma: So, just think: they've got to commission and include diagrams, get the rights for photographs and text, send out the books for verification by the academic community, and actually print the things in a durable, attractive format to compete with other publishers. That doesn't come cheap, so you're never going to see a book for the same price that you buy paperback fiction.

Beta: Fine, but what bearing did The Emporium community have on that, then?

Gamma: The second thing you need to remember is that these books aren't going to sell like Harry Potter. If you're publishing a book on differential calculus as it applies specifically to signal processing for Texas Instruments calculators built after 2007, you'd be lucky to sell a hundred copies. If you can't take advantage of the economics of scale, you can't make a cheap product.⁵

⁵ Cf. Post #3 by HarryT, [Textbook Torrents Says Final Goodbye](#).

Alpha: And you think, by finding alternative avenues to the contents of these books, The Emporium community was reducing that pool of buyers even more.

Gamma: Exactly! By making it even harder for publishers to sell their books, they need to sell them at even higher prices. The Emporium, by sharing copies of those books, makes it even harder for good, honest people to legally buy copies.

Beta: I suppose you'd like to see libraries outlawed too, then, for the same reason. What an atrocity, people getting to read a book without paying for it.

Gamma: With libraries, at least, the damage to a bookseller's market is limited to a number of physical copies, and to the amount of time each borrower has access to the book. It sounds like both of those safeguards were gone at The Emporium, since people could make as many copies as they wanted to and keep copies forever. The Emporium would have done much worse.

Alpha: If the project was large enough, it probably would have, at least initially. You've illustrated a loop where the more people acquire free copies of their textbooks, the more publishers need to charge in order to make a profit, which puts "good, honest people" at a disadvantage. I think there's a danger in imagining this pattern unidirectionally: another feedback loop I notice, for example, is the pressure to get textbooks from *non-traditional* sources as traditional ones become more financially prohibitive.

Gamma: It sounds to me like the more people steal or borrow their books, the more pressure there is for people to steal or borrow books. That's no better.

Beta: Right, but you could just as easily say that the more publishers gouge their customers, the less sustainable their sales will be. That shouldn't be an epiphany.

Alpha: Regardless, since these two loops work against each other, in a closed system I'd anticipate that an optimal or sustainable compromise would be reached.

Gamma: And that's exactly why we have laws to interfere in this closed system. What kind of world would it be if everyone could go around stealing things when they didn't agree with the price, just to force businesses to charge less? If you don't like the price of something, you don't get to buy it.

Beta: Don't ever go to late Eighteenth-century France. You'll hate it.

Gamma: —What?

Beta: And if you do, bring food.

Gamma: Food's different. You need food to live, so it's less wrong to steal food, and it's more wrong to overcharge for food.

Beta: Food's more important than education?

Gamma: Are you even asking that?

Alpha: Hold on, hold on; we'll come back to this discussion in a moment. I'm uncomfortable with this talk of stealing things.

Gamma: Well, so am I! But here you folks are, defending theft.

Alpha: We are?

Gamma: Yes! We've been talking about the relationship between cost and willingness to pay as if it was a negotiable thing. You've described that relationship in a circuitous, morally neutral way, as if piracy was a natural, inevitable consequence of doing business.

Alpha: That's true.

Gamma: You can talk all you want, but you're simply not addressing the moral reality that the ends do not justify the means. It is not up to you or me to set the price of the products we wish to own. We either agree to buy something at a certain price, and then we own it, or we disagree about the price and don't buy it, and then we don't own it. That's real life. Cost does not justify theft.⁶

Alpha: May I put it to you that those who'd be interested in justifying piracy would suggest an examination of your definitions of ownership and stealing?

Gamma: You may, but it sounds exactly like you're about to start the sort of rationalising that criminals and sociopaths do when someone calls them on their crimes. Heck, even I rationalise in my mind when there's something I want and I can't have it through honest means. You can talk yourself into circles for hours, and come out confused and figure, "if this is really so complicated, it can't be 'simply wrong,' so I'll just do it and make myself happy." It's been my experience that this "taking the long way around" is never better, or more morally defensible, than just going with your gut instinct. Just stop all this over-analysing and ask yourself, "is this right or wrong? Yes or no?" You're probably a better person than you might think.⁷

Beta: Hallelujah, asshole.

Alpha: Well then, with that permission, I'll proceed. I regret I rarely have at my disposal the sort of in-built moral compass you seem to be blessed with, though I'm very grateful to have you as my corrective lodestone tonight. Let's begin.

Gamma: Fine.

Alpha: What is theft?

Gamma: Oh, come on.

Alpha: Be patient with me, please. This part's the most important part.

Gamma: Theft is when we take something that doesn't belong to us.

Alpha: What's "taking?"

Gamma: Taking is when I have something, and then you "take it," and then you have it.

⁶ Cf. Post #10 by dsuden, [Textbook Torrents Says Final Goodbye](#).

⁷ Cf. Post #25, 28 by dsuden, [Textbook Torrents Says Final Goodbye](#).

Alpha: So if you're telling a story, and I hear it, so that I know it now, then I've taken the story from you?

Gamma: No. Look, it's a transfer of ownership. If you take something from me, then I don't have it anymore.

Alpha: And "belonging?"

Gamma: Belonging, here, is the right of ownership.

Alpha: So if I go into a store and as the proprietor, you have a loaf of bread behind the counter—

Gamma: You weren't going to bring food into this, remember?

Alpha: Fine. So if I go into a store and you have a pornography magazine behind the counter, it belongs to you.

Beta: Heh.

Alpha: I then tell you, "I want to buy that pornography magazine," and relinquish to you the money equalling what's on the price tag, then the magazine *belongs* to me.

Gamma: Yes. Then you can *take* it. If you had *taken* it before it *belonged* to you, it would have been *theft*. The transfer of ownership would have taken place before the porn *belonged* to you.

Alpha: Okay. This makes sense to me.

Gamma: Good. You're ready for kindergarten, now.

Alpha: Wonderful. Let's apply this to Internet piracy. The product being acquired in the case of The Emporium was the information content of the textbooks.

Gamma: Right, they were acquiring the textbooks.

Alpha: No, specifically, they were acquiring the *information content*. Community members weren't leaving with printed, bound, serial-numbered objects. The act of downloading in and of itself made *no* impact on the current stock of printed textbooks on shelves or in boxes, nor on the availability of those that have been printed.

Gamma: So what?

Alpha: My point is just that they have not been *physically* taken away; there has not been a discrete loss of possession on the part of anyone to whom the books *belonged*.

Gamma: Okay, I'll grant that, but it doesn't mean that the book now *belongs* to the pirate who duplicated it.

Alpha: That's completely correct. There has been a digital duplication, resulting in the existence of a copy of the product that really belongs to no one, and is in the possession of the pirate.

Gamma: I say that the copy *belongs* to the copyright holder. That's what copyright *means*. And because the copy is, nonetheless, in the possession of the pirate, that means that the pirate has committed a theft.

Alpha: Because a transfer of ownership has taken place between the pirate and the copyright holder without the information content of the textbook *belonging* to the pirate?

Gamma: Exactly.

Alpha: But the copyright holder still has ownership of the information content.

Gamma: But you just admitted that a transfer of ownership has taken place between the copyright holder and the pirate.

Alpha: Yes, but interestingly, the copyright holder still owns the information content of the textbook. She hasn't lost it even though the pirate now possesses a copy, just as she doesn't lose it whenever a print run goes into distribution. Copyright isn't concerned with possession of a discrete copy, it's a monopoly on the right to make and permit copies.

Gamma: So the pirate has breached copyright.

Alpha: Exactly.

Gamma: So I win. The pirate is a thief.

Alpha: No. Possession deals with ownership; copyright deals with permission. A thief is someone who *takes* something that doesn't belong to him, with all of the connotations of *belonging* that we've already discussed, and with the understanding that the action wholly deprives the owner of her rightful possession. A pirate is someone who possesses something without the permission to do so. Piracy is not theft.

Gamma: But in breaching copyright, the pirate is depriving the copyright holder of the value of her monopoly and the publishers the value of their products.

Alpha: Depriving? The pirate is definitely *compromising* the monopoly of the copyright holder, but he's not actually *taking* it for himself. There's no *theft* there. Likewise, publishers' marketability of their product is diminished if their consumer base becomes aware that a part of it—only the information content, again—is available elsewhere at less expense, but so long as the pirate doesn't then proceed to manufacture, market, and sell the textbooks, it could not be said, even figuratively, that he's *stealing* from publishers.

Gamma: He's taking away their ability to make money.

Alpha: Yes.

Gamma: That's *wrong*. That's unfair to the publishers.

Alpha: Ah, I see. I think your perception of "*wrong*" done to the textbook publishers may be explained, perhaps, as your recognition that the result of the pirate's duplication reduces the ratio of consumer demand to publisher supply.

Gamma: What do you mean?

Alpha: Where a potential buyer discovers that a needed product can be acquired more cheaply, or entirely gratis in the case of The Emporium, the selling power of the publisher is reduced

appropriately, as is the financial safety and motivation of the publisher's dependents—the authors and contributors to the publication of the book, for instance.

Gamma: Yes. By making and taking advantage of these duplicates, pirates are hurting these people.

Alpha: I think this ratio shift—this decrease in overall demand—also occurs whenever the publisher sets the suggested retail price of a given book too high, or whenever a book is discovered to be available for use in a library, or whenever a review influences a professor's decision about which book to use for her required course readings, among other things, many arbitrary. Of itself, I don't think one needs to ascribe a moral signature the fact that a potential buyer, rather than the publisher or anyone else in particular, is causing the ratio to shift in his favour.

Gamma: None of this justifies violating the copyright.

Beta: And that's the big sticking point, then? Copyright says "no," and therefore it's morally wrong?

Alpha: I'd suggest that a reevaluation of copyright would be beneficial as the nature of copyrightable data is changing with new technology.

Gamma: That's silly. People are still people, and still deserve the same rights even if technology changes.

Alpha: Yet, rights are fundamentally arbitrary things which change and evolve depending on our broader societal trends, events, and indeed, technological developments. *Our* notions of human rights and minimal standards of dignity and freedom, even if they've been considered and debated for millennia, exist in their current form largely because they were codified after the second world war, and by no need will remain static henceforward. They're by no means timeless, enduring, or innate, let alone perfect. Moreover, if we agree that "rights" are fundamentally arbitrary things, concordantly "wrongs" must be as well. I would extend, also, that in a democratic society, these things are necessarily and beneficially open to debate and re-design.

Gamma: Fine, but copyright exists for a reason. It protects our intellectual work from being taken advantage of by others. Without that protection, there'd be no incentive to do anything, or invest one's effort in anything.

Alpha: No?

Gamma: Okay, look: let's say you go on vacation, and while you're gone, I come into your apartment, sleep in your bed, use your toilet, surf your web, make local calls on your phone, and read your books. I make sure to clean and tidy everything up and leave before you get back so that I haven't left any trace that I've been there. I didn't help you pay your cable, or your phone, or your rent, but it didn't *cost* you anything that I was there, so it's alright, right? Do you really think there's nothing wrong with this?⁸

⁸ Cf. Post #14 by pilotbob, [Textbook Torrents Says Final Goodbye](#).

Alpha: I think it'd be a little bit impractical to arrange things precisely as you've described them, but if you left no trace and inconvenienced me not at all—if you truly cost me nothing—then why on earth would I take it out on you if I was paying those bills but you weren't?

Gamma: Perhaps I didn't inconvenience you, but I benefited from your property without making any contribution to you or to it. Don't you feel that I should contribute something to you in exchange for the benefit that I derived?⁹

Alpha: It might motivate me to find ways to get around paying those bills (perhaps by magically using someone else's house the way you did with mine), but my argument wouldn't be with *you*. If you can convince me that your impact on my home and bills would be as non-existent as the impact on the physical stock of textbooks when a digital duplicate is made, if you can derive benefit from something of mine and it costs me nothing that you did, then yes, yes absolutely, enjoy! Why should I stop you? I don't hate you.

Gamma: Because I'm taking advantage of your work, of your investment, at no cost to myself. My enjoyment of your things, without the same requirements of money and effort, mean that I'm eroding their value.

Alpha: The value of my *things*, or the value of *money and effort*?

Gamma: All of it!

Alpha: I don't think so. I didn't exactly have you in mind when I invested in an apartment, Internet connection, books, and toilet. If you haven't damaged them through your use, their value relative to me hasn't changed. In fact, since they got use that I didn't anticipate, really I think that their value, relative to you and to us, *increased* as a result of your benefit.

Gamma: This is infuriating. No one else thinks like this.

Beta: The Emporium community did.

Gamma: Well, I bet, if they'd actually written any of those textbooks and stood to make some money from the proceeds, they would've behaved differently.

Alpha: My understanding of capitalism as it pertains to this discussion is that it declares the right of the individual to seek compensation—typically monetary—for resources expended—in our case, money, time, effort, etc.

Gamma: Yes, and textbooks are produced under a capitalist framework. The authors aren't eating good vibes.

Beta: Are we back to food, now?

Alpha: Yes, in just a moment. My concern is that this capitalist framework is often extended into a moral, prescriptive realm, and the conclusion becomes, rather than it is *right* to seek compensation for resources expended; consequently, it is *wrong*—or at least weird, gauging by your frustration—not to. From this perspective, it would indeed be strange for me not to care

⁹ Cf. Post #17 by pilotbob, [Textbook Torrents Says Final Goodbye](#).

that you're enjoying my apartment without compensating me (I'm even uncomfortable saying "compensate," because I still don't think you've taken anything from me), and it's *wrong* to enjoy the use of a textbook or educational resource without paying for it.

Gamma: We *need* to think about things in these terms. Fine, let's, for convenience, equate the importance of food and education—I think what I'm saying is fundamental enough to apply to both.

Alpha: Alright.

Gamma: There may have been a time, when life was simpler, that we could feed ourselves, teach ourselves, clothe ourselves, or at least do so within a family that felt it shared an ultimate interest in its survival as a whole. Here, making bread and giving it to your sister would satisfy the same drive that eating it yourself would have, insofar as you could expect someone else in your family to do the same thing for you.

Alpha: Alright.

Gamma: As societies get larger and more complex, their members specialise. Maybe one person makes bread all the time, and gets really good at it, and one person teaches, and gets really good at it. As long as everyone is working together and keeping the good of the society as a whole in mind, this works very nicely.

Alpha: I think we're in unusual accord.

Gamma: The trouble is, if you're a big society instead of a small family, it's hard for you to know everyone else, to remember that everyone else is your responsibility. Maybe the baker doesn't know whether or not the teacher is getting the bread he needs.

Beta: Poor teacher.

Gamma: Or maybe there's some dead weight. Maybe the teacher knows he's going to get his bread, and he lets his teaching slide a little. It's a lot easier and faster to tell if someone isn't getting food than if someone getting taught.

Alpha: So, we need a system to make sure that everybody's doing their jobs. Preferably one which rewards them with the things they need to live.

Gamma: So you *have* heard of money.

Alpha: I'm familiar with it.

Gamma: This is how the world has to work. If we don't incentivise labour, sure, it may get done, but not necessarily. If people can't make money writing textbooks, even if they really, really just like writing textbooks, when they get hungry enough, they'll have to stop and do something that'll get them money. Or, they'll starve. Either way, the textbooks will stop. If people keep expecting to get their educational resources for free, they'll be in for a rude awakening.

Alpha: Alright, I agree with you that incentive is a prerequisite for labour. I also like the way you've described this state of affairs in so matter-of-fact a way: I'm much more comfortable talking about actualities than goods and bads.

Gamma: I'm pleased that I've found a way to teach you.

Alpha: If you're willing to suspend our capitalist viewpoint for the moment, though, consider entertaining a behavioural one which, as you've demonstrated, does not prescribe rights and wrongs, but just tries to describe phenomena.

Gamma: Fine.

Alpha: People will create content as a matter of course: as a teacher, I create lesson plans and handouts for my students; as a student, I create papers for my professors and for publication. What compels me (behaviourally) to do so is *necessity*: I feel obligated to give my students the best resources I have access to (or can create), if not for my individual, moral reasons, then more practically because it improves my security in my teaching position and guarantees an income that will keep me in apartments and toilets. As a student, that content creation likewise drives my viability to remain and advance in academe, which I may wish to do for individual, moral reasons, or because it will lead to something else I want (like a source of income that requires academic credentials). Here, content creation is rewarded by prestige or personal satisfaction, both of which motivate behaviours that will secure my financial, and eventually physical, security.

Gamma: Right. Your rewards may be prestige or promotions, but you do these things because you ultimately want money.

Alpha: Well, *ultimately* because I want to live in a certain way, under conditions that appeal to me. But yes, and in this system, there are behavioural elements that can determine my standpoint to other people using my materials, or my using other people's materials. As a teacher, I may feel that what I can produce, plus the resources I invest in producing it, is of superior value to what I can access (if this isn't the case, I will probably get my resources elsewhere rather than create them; I frequently do). As a student, the risk of discredit and expulsion from academe, the individual moral inquietude, and the perception that I am reducing my educational rewards may, if they are powerful enough, mitigate my compulsion to plagiarise; they frequently do.

Gamma: Glad to hear it.

Alpha: Certainly, I don't think about these things quite so discretely in my day-to-day decisions. Indeed, my individual morality and aesthetic serves me as shorthand in this way. A right to compensation for my efforts does not enter into this description, as is required in a capitalistic framework, yet, if my model is robust enough to be extended to educators and students in general, the description accounts for perpetual content creation. Educators and students making their resources and research freely available, as was done at The Emporium (admittedly without their consent), does not interfere with this description and does not rely

upon compensation. In fact, a bonus of this approach is the prestige and validation of having one's efforts appreciated and used by someone else.

Gamma: You're not talking about textbooks, though. You're talking about lesson plans and handouts—creating and using these things are included in your job description as a teacher. Writing textbooks isn't exactly an incidental responsibility of, say, flipping burgers.

Alpha: That's strictly true, but there's no reason it *couldn't* be.

Gamma: Uh huh.

Alpha: Well, it may not be the most efficient way to go about things, making restaurant employees write textbooks, especially if we value academic rigour in that area of authorship. Serendipitously, you'll be pleased to learn that a large number of textbooks, articles, and other educational resources are indeed authored by academics.

Gamma: Imagine my relief.

Alpha: You may be surprised, however, to discover that much of the revenue from these resources escapes their authors, even when their dissemination is conducted through entirely "legitimate" channels.

Gamma: Oh?

Alpha: Most academic articles are provided to publishers gratis, that prestige and the honour of exclusive dissemination being sufficient incentive to furnish it, and often to wholly relinquish one's copyright. It's pleasing to speculate how our previous discussion of theft and piracy resolves when the content producer's chief drive is exposure and prestige, while only the publisher is immediately concerned with financial remuneration. And, recalling the economics of scale you so rightly pointed out with reference to textbook demand, it's not improbable that, if the prospective author's chief incentive is money, flipping burgers may prove a more efficient use of her time. However, that must be the topic of a subsequent discussion.

Beta: Good. The company's getting a bit stale. You have a big finish, coming, though. I know you.

Alpha: Piracy, particularly of resources that are produced as a result of fulfilling the broader requirements of an occupation, and especially where those resources stand to benefit individuals not initially considered, rather than being conceived of as isolated instances of personal ethical failure, is more constructively viewed as a symptom of an obsolete economic and social model rigidly maintained in the face of a changing technological reality. In an environment saturated by digital information, where what was once locked in a discrete physical commodity can now be duplicated and transmitted perfectly and without cost, established notions of property and remuneration, supply and demand, and the ethics with which we discuss them, must be reevaluated.

Afterword:

This dialogue contracted in scope and exploded in length far beyond what I initially workshopped in seminar and hoped to write. As I had mentioned during my presentation, piracy of educational resources is only a small part of the Open Access and Open Educational Resource movements, and while I had planned to deal with issues of right to education, the necessity of education for the development of critical dispositions of mind and active democratic participation, quality control of exponentially broadened access to resources, and some of the dangers of that broadened access, such as cultural imperialism and lost incentive to create, it's clear that I became mired in the ethics of piracy and dallied a little with issues of incentive. I think, however, that the stigma of "piracy" must be addressed, lest it stain other elements of Open Education with its perceived moral failure, or at least, its notoriously laissez-faire engagement; likewise, the moral approbation which defends the exaction of fees for commodities of vital and universal importance, and consequently the erection of economic barriers to those commodities, must be challenged. Particularly in the age of digital information, when some of those commodities are truly exempt from actual scarcity and the relationship between supply and demand is rendered meaningless, it is indefensible that those barriers be allowed to remain.

This dialogue could be situated within a much larger work. Alpha's hinting at the incongruity between an academic author's and a publisher's monetary interest in the production of articles drives the Open Access movement and holds promise in the growing adoption of open publishing models. The justice and utility of copyright has been under attack since the first "copyleft" movements of the 1960s, and most recently by Lawrence Lessig, designer of the alternative Creative Commons (www.creativecommons.org) system of graded copy-protection, and I would love to explore, as he and Cotter do, the problematic relationship between rigid copy-protection and creativity. Finally, meticulously coordinated systems of teaching-resource sharing, from lesson and unit plans to peer-reviewed educational modules with which to build open-access, financially accessible (or free), wholly-customised textbooks are growing, notably in the Connexions project (www.cnx.org) by Richard Baraniuk at Rice University. It is appealing to imagine developing this dialogue into a much more comprehensive and articulate work.

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