

This paper is one of a series of individual essays written within the conceptual constraints provided by "Forms for a Future." The collection of essays will become the individual episodes of the podcast.

'... Forums for A Future...'

Podcast (#14) Knowledge as Public Domain, NOT a Private Commodity
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Prelude

Part I of my podcast series contains a brief 2-minute promotional and a conceptual foundation for thinking about change as the convergence of economic, political, social and personal perspectives. Part II is a set of four podcasts providing a philosophy for the 21st century. Part III is a set of four podcasts describing three lessons from modern history on the interplay of Power, Wealth and Belief for informing the present. Part IV presents three prescriptive principles for having a future. Today, in Podcast # 14, I will discuss the third of these three principles: Knowledge as Public Domain, Not a Private Commodity.

Key Concept

Above all else, knowledge is the engine for human progress, not personal financial fortunes.

Introduction

In his book, Thomas Friedman quotes Bill Gates as saying:¹

“You need capitalism (to drive innovation). To have a movement that says innovation does not deserve an economic reward is contrary to where the world is going.”

This is corporate double-speak. It is the assertion that human progress and personal financial fortunes are one and the same. It is the modern version of the clearly absurd assertion from the past that what is good for General Motors is good for the country.

Putting information and knowledge in the public domain does not eliminate its capacity to create wealth. The enormous power of information and knowledge are one in the same with human progress. They are the antithesis of building personal financial fortunes; fortunes that are largely responsible for the income and wealth inequalities that actually inhibit growth, and that force increasing numbers of the world's population into the despair of severe economic need.

In the context of "human progress," I am using the terms information and knowledge in their broadest sense. Information and knowledge are not just the inventions and discoveries that produce patents. They are the ingredients that sustain our cultural, social and political processes.

Music, art, communication between and about other people and places, as well as elections, all requires unregulated free sources of information and knowledge. There are three elements for establishing information and knowledge in the public domain:

- Ownership of information and knowledge should not be treated the same as ownership of land and natural resources.
- Preservation of free and open information and knowledge is essential for the survival of the democratic process.
- Determination of who shall control information and knowledge is the economic struggle of 21st-century.

1. Land, Natural Resources and Information

In the Pre-Modern Era, wealth was based on land and the crops that could be produced. However, with the agricultural and industrial revolutions of the Modern Era, these became less important as the basis for wealth. There has been a shift to natural resources, and in particular to energy. Now, In the Post-Modern Era, both land and natural resources are becoming less important. The basis of wealth is shifting to owning information and knowledge. With this change, there is growing pressure to move knowledge out of the public domain, where it has been historically. Now, old notions of property entitlements are being expanded to knowledge. We have popularized the term “intellectual property rights” to make them seem like land or oil.

Owning knowledge is a relatively recent historical event. The wheel, the sail, pottery, weaving, corn, sweet potatoes, music, stories and many more examples of industry and culture spread through social exchanges. Personal ownership of information and knowledge is the aberration, not the standard. Today, the music industry’s attempt to stop the sharing of digital music files is an illustration of the ownership of creative information. And, the commercial role assumed by pharmaceutical firms to mass market as a commodity high-priced prescription drugs illustrates knowledge in the service of corporate profits, not in the service of greater health as human progress.

Personal fortunes were not one and the same with human progress in the historical struggles for land and natural resources, nor are they now, even though we have shifted to knowledge and information as the currency for power and wealth in 21st century.

2. Information and Democracy

Democracy is not primarily about elections. Fundamentally, democracy is about responsible civic participation. Fulfilling civic responsibility requires open and truthful information, as well as the political and economic security to participate freely in civic life. These twin conditions are fragile. They require vigilance because they are under constant threat from those who would use their absence to acquire power for private not common ends. These conditions are most at risk at times of social change. At these times, people feel a psychological need for a greater sense of personal certainty. Now is one of those times. The personal capacity for living with greater, not

lesser, uncertainty about the future is what is required to have an appropriate philosophy for the 21st century.

Times of change expose us to the underbelly of fear. Information that can be manipulated to provide a false sense of security is the spear that can cost us the capacity for fulfilling our democratic civic responsibilities. Most often these are false calls to patriotism based on a self-protective sense of security that quell the fears of uncertainty. The Bush Administration has engaged in just such a campaign against open and truthful information, under the pretext of fighting a war on terrorism. A far greater threat to democracy and an open society is this unrelenting war on truth, not Iraq. It has severely eroded the democratic ideal used as the pretext for aspiring to the New American Century. Democracy is too fragile to withstand complacency in the name of patriotism. A false sense of certainty based on information that is outside the public domain sacrifices the essential vigilance of civic responsibility.

3. Information: The Economic Battle of the 21st Century

We are used to thinking of an open society in political terms, in which information and knowledge are the antidote to abuse of power. But, as knowledge becomes a commodity, it assumes economic power as well, and the antidote also becomes the poison for which it has been the remedy of choice.

As the poison, information is the new leverage for expanding the class-divide between the rich and poor. It is the tool for an ever-expanding inequality of income and wealth. But, as the antidote, it is the potent for the reduction of poverty, and the lever for achieving the good that results from the Power of Balance.

The challenge is to prevent the transformation of information and knowledge from a resource for human progress to a commodity for private financial gain. The turn of this century has seen the start of these struggles. Some examples are:

- Who killed the electric car? In 1990 California was in a pollution crisis. Smog threatened public health. The California Air Resources Board targeted auto exhaust as the source of the problem. Inspired by General Motors' prototype electric vehicle, the Zero Emissions Mandate was issued. It required 2% of new vehicles sold in California to be emission-free by 1998. GM Launched Its EV-1 electric vehicle in 1996. It was a revolutionary modern car, requiring no gas, no oil changes, no mufflers, and rare maintenance. Ten years later the car was gone. The electric car was killed by its own creators, and by petroleum industry through power politics and public spin to rescind the Zero Emissions Mandate and to preserve the status quo of dependence on oil.²
- Who owns the Internet? Legislation to protect Internet neutrality is currently under attack. The phone and cable giants have launched a legislative counterattack to be able to charge a fee for preferential access. They have done so under a misleading banner of "Hands off the Internet." In reality, "hands off" means an unregulated opportunity for price gouging by selectively controlling the flow of information.³

- Who owns research? Universities are devising programs to commercialize “their” inventions. The keyword is "their" inventions. As an illustration, the National Hurricane Center for many years use a forecasting model developed by Florida State University, which public dollars helped to support. The University then sold their model to a private corporation that in turn plans to lease the use of the intellectual property to the Hurricane Center for a fee.⁴
- Who owns culture? One of the products of the Modern Era “...has been to commercialize artistic production, which, what today we view as normal, represents a strange chapter in the history of creativity.” Technology allowed previously fleeting entertainment to be captured, distributed and then sold. As a result, the arts are increasingly defined by a new class of professionals, which has emerged to provide passive consumers the commodity of culture.⁵

How can Public Domain compete with these challenges, which treat information as if it were land? How can our political process work when millions of dollars are spent on sound bites and negative ads at election time? Where is the leverage to battle the wealth and power of those who would control information?

The Emergence of Public Domain

Discovery and technology were the defining elements of modern historical struggles to achieve human progress. Today it will be the place of information in the public domain.

- The challenge for creating an efficient car will not go away given the threat of environmental collapse due to global warming and \$3.00 plus prices for gasoline. But, neither will the push from oil companies to maintain the status quo for global dependence on oil and to expand exploration and extraction technologies, as opposed to sustainable alternatives.
- The challenge for wider and more open access to information will not go away. But, neither will the push from research universities to profit from patents and inventions that will increase their competitive position with respect to other research institutions, their dependence on public funding notwithstanding.
- The challenge of net-neutrality will not go away. But neither will the lure of potential profits for the large communication giants who are waiting to reap the gains from commanding fees for efficient access, thus contributing to the growing inequalities between the rich and poor, and between the elite and the common.
- The challenge for reversing the trend toward the professionalization of culture is critical. The key to the resistance to knowledge as a commodity is the emerging new Renaissance of popular culture. Individuals are participating in increasing numbers in hobbies, crafts, art, home videos, podcast, and other forms of nonprofessional creative expressions. This counter-movement is a deeply personal response to the loss of identity that occurs when creative self-expression is commercialized. Keeping this spirit alive will be the springhead for sustaining the many specific struggles that will be required to preserve and enlarge Public Domain.

There are encouraging signs that this new Renaissance is starting to take hold, like a large information “commons” in the center of civic life, in the same way the “commons” used to be a green area in the center of a village supporting the social, economic, political and psychological vitality of the community. Several examples of these trends, although all are under attack, are:

- Open Course Ware. MIT has made access to all of its’ course materials available online for free, without registration, by self- learners around the world.⁶
- The Death of DRM. Digital Rights Management codes which protects music from unauthorized duplication is under pressure to allow music distributions that can be copied, ripped, mixed and burned.⁷
- Wikipedia. Wikipedia, the free Encyclopedia that is written and maintained by users has demonstrated that people will freely share their knowledge and information in a highly reliable and responsible manner.⁸
- Intellectual Work. Professors routinely put copies of their own work on their web pages. They are now threatened with lawsuits from the publishers who wish to protect the text for sale, and who oppose the unrestricted flow of ideas.⁹
- Open Access. The National Institutes of Health have announced a policy for providing free access to the large scientific literature it has funded. The Association of American Publishers among others is resisting the Institutes’ request for scientists to make their work freely available.¹⁰
- Freeware/Shareware. There is a strong tradition of people who have developed software applications for common tasks and have made them freely available.

Knowledge Is Not a Private Commodity

Knowledge As Public Domain is an essential element for the social cohesiveness that is required to place human progress in front of economic growth as the proper means and purpose of globalization, and which will put sustainability of the planet over collapse as the end-point.

Knowledge As Public Domain is an essential element for a political "commons" in which civic responsibility, as the cornerstone of our democratic process, rest on information that is open and free from overt manipulation.

But, above all else, Knowledge As Public Domain is the engine for regaining a psychological sense of self, a sense in which the human condition is both our personal responsibility and our own personal destiny. The future is ours to claim, or forfeit, while we watch; we are living our children’s future.

¹ Thomas Friedman. The World Is Flat, p 101.

² Who Killed the Electric Car? www.sonyclassics.com/whokilledtheelectriccar. See also, NOW, www.pbs.org/now/transcript/223.html.

³ H. K. Cheng, S. Bandyopadhyay & H. Guo. The Debate on Net Neutrality: A Policy Perspective, The University of Florida. www.savetheinternet.com.

⁴ G. Blumenstyk. Purdue U. is poised to announce \$100-million deal with Foundation to commercialize research. The Chronicle of Higher Education Daily, 3/15/2007. H. Troxler. FSU and hurricanes: who owns the research. At. Petersburg Times, June 16, 2006.

⁵ B. Ivey & S. J. Tepper. Cultural Renaissance or cultural divide? The Chronicle of Higher Education, May 19, 2006, B4-8.

⁶ MIT. MIT Open Courseware. <http://ocw.mit.edu/index.html>.

⁷ S. Gordon. The slow death of DRM. The Register. www.theregister.co.uk/2007/02/09/steve_gordon_drm.

⁸ B. Read. Can Wikipedia ever make the grade? The Chronicle of Higher Education, Oct. 27, 2006.

⁹ J. M. O'Neill. Professors get 'F' in copyright protection knowledge. Seattle Post-Intelligencer, 11/20/2006. http://seattlepi.nwsource.com/business/292898_copyright20.html.

¹⁰ A. K. Walters. House Committee would require open access to NIH backed research. The Chronicle of Higher Education Daily, 6/19/2006. S. Brown. Publishers' group reportedly hires PR firm to counter push for free access to research results. The Chronicle of Higher Education Daily, 1/26/2007.