


Public property?

Sir, — In an otherwise fair assessment of the biopic of Aaron Swartz's tragically short life, *The Internet's Own Boy* (Arts, September 5), Toby Lichtig skates over the fundamental ethical principle at stake in the pros-

ecution of those who share without permission other people's so-called intellectual property.

The district attorney in Swartz's case did indeed say that "Stealing is stealing whether you use a computer command or a crow-bar"; and had Swartz been using computers to move money this would be a reasonable comment. But Swartz was copying journal articles with an intention to give them away. By definition, stealing deprives someone of a possession, whereas unauthorized duplication and dissemination make more copies available.

The writers of works duplicated without permission may feel that they are deprived of income by the existence of free copies of what they had hoped to sell, and Lichtig suggests that this is reasonable. Thus he characterizes the JSTOR database of academic papers as "the sort of thing

we might rightly be asked to pay for". But the key point made by Swartz and his supporters is that in this case the public has already paid for the papers and JSTOR is an unjust attempt to make them pay a second time.

JSTOR papers are almost exclusively the results of publicly funded research, and although some of the papers' public-servant authors, and most of their private-corporation publishers, feel that they own this work, there really is no moral justification for that feeling. Swartz's defence, had his case come to trial, would have been that if these papers really are property, then in making copies freely available over the internet, he was preventing the private appropriation of public property.

Unless one believes that publicly paid academics, and the publishers they give their writings to, really do own what has been made using public money, it is hard to fault Swartz's logic. Curiously, some academics do believe that they have a moral right to claim personal ownership of their publicly funded writings, although they do not extend this principle to other public servants, whose writings everyone seems to agree belong to the public that paid for them, not the authors.

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