

To the Gowers Review
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General Questions

How copyright etc. is exchanged.

First I shall set out the social context in which I am making comment.

The fulfillment of a human life lies in personal culture. By this I mean that you gain the greatest satisfactions in pursuit of those things which interest you most. Thus 'culture' is all human activities which are for their own sake. They range from the base, through hobbies, to education and the highest achievements of mankind in art, science and religion. It follows that the whole reason for knowledge and science is to enhance the value of human life. Thus, and at once, the very notion of protecting ideas and so-called 'intellectual property' is not only contradictory but pernicious to society - it forms an anti-social act.

Either God or Nature has granted human beings the capability of thinking. If the products of thinking were a unix-like file system then its permissions would be 0777. This says:

0 - needing permission from no one
any one, any culture or the whole of humanity can read every idea,
any one, any culture or the whole of humanity can write every idea,
(ideas can be individuated by character, race or nation or species)
any one, any culture or the whole of humanity can execute every idea
within the realm of thought.

World readable, world writable, world executable: this is the nature of what we are given. It is foolish to design instruments contrary to natural law. It would be akin to attempting to run through a brick wall - you end up hurting yourself. By this natural law knowledge and ideas should be allowed to flow. It is this flow which assures continuous inventiveness. Science freely gives knowledge to industry and it is the cultural forces in society which 'feed' ideas to the economic system. Thus the 'knowledge economy' is again a contradiction in terms. The question is, "How did our society become so sick that we have fallen into such contradictions without even noticing?" and I shall return to this shortly.

There are people whose talent and culture is work. These people have a fascination for our relation to the material earth and perhaps they make the finest technicians, engineers and business folk etc. But what is the purpose of business and the economy. For the business people it is for its own sake, and has to be. They love their work. In our present situation the attitudes which work well in business appear to be forced upon the rest of society. Whether in government, in universities, hospitals or the arts the 'business model' is held forth as the height of efficiency. In a recent flurry of snow only half a dozen primary school children made it to the local school. All the teachers were there but the children were sent

home because it was not worth teaching so few. So five year olds were given the lesson that they, as individuals, do not matter. They are just sausage meat for the economic machine. Should I be surprised if, given continued lessons in this vein at home and at school, that they end up with ASBO's?

Another symptom of our social ills is the existence of the art gallery. The existence of these worthy institutions marginalises art into an added extra of life instead of a power capable of radically changing society and something present in every home and every street. Yet, for the foreseeable future, we need art galleries despite the fact that it means viewing many materialised ideas clashing in one and the same room. In a healthy society art galleries would be unnecessary.

I believe these social ills are related to the proprietisation of ideas. Our modern societies are now founded on egoism in most every branch of culture, economics and politics. In the economic sphere the ego asserts its existence through seizing property. Though this was still arguably progressive up to the mid-1850's (when the captains of industry were at large and many engineers were household heroes) we need desperately now to recognise that the progressiveness of this phase is past. The egoism which fuelled those times has gone sour, past its sell-by date.

Egotistical possession is what asserts the contradictions noted above. This anti-social behaviour by the economic and political spheres is the root cause of the social disharmonies all about us. But if individually owned capital has become pernicious then communally administered capital has been demonstrated impractical. Therefore capital must become socially owned but individually administered because only individuals have the talent to be good at business.

We need to move toward cultural institutions (such as Help the Aged, hospitals, universities, schools, libraries, art galleries, the Free Software Federation of Europe and all such things which exist for their own sake) to take control of capital. This can reasonably be done by passing copyright and death duties to such institutions. BUT the law should make it clear that they must put 90%, say, of the funds back into the economy and their task will be to appoint who it is who is given this this (life-long) loan. The person given the loan should be entitled to arbitrarily large amounts of wealth - provided he or she is that good at running a business. The cultural institutions would be major shareholders. In this way the cultural forces gain clout to balance the over-active egotistical economic forces in society - and the cultures begin to pay for themselves. If Prince Charles controlled the capital just imagine what a power of good he would do for sustainable agriculture and renewable energy! (In my view the monarchy should be a wholly cultural institution and after this Queen's death no monarch should ever again sign an act of parliament.)

Thus upon the death of an author the copyright of the works should go to a

library, painting and sculpture copyrights to museums and art galleries, software copyrights to the FSFE (with the source code) etc. I hope you get the sort of idea. Naturally provision should be made for authors' dependents etc.

It will cease to be the making of money for its own sake and become what it really is at heart: the platform upon which meaningful lives can be lived. The people might begin to see that working with a will is worthwhile because you are doing your bit to support the society which supports you to live fulfilled.

Please be clear that no money should go to the government in these exchanges. Have you noticed how fast Prime Ministers age? They are expected to know everything about everything and this is impossible. The Jack of All Trades is master of none. The above practical suggestions are a beginning to stripping the "business model" (ie. the present method of doing things) out of politics and culture. Politicians need to be alleviated of their excessive duties in order that they can perform their proper duties rightly.

Lastly, I must point out that copyright and patent are very different things so that IP is not a 'system' rather it is a composition of dischordant elements.

This little effort has been rather rushed so I do hope it reads sensibly.

Best Wishes and Yours Sincerely
Maurice McCarthy