

Aaron Swartz, JSTOR and The Five “Why?”s

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Last weekend brought the tragic news of the suicide of Aaron Swartz, one of the most innovative young—if troubled—minds in the computer industry, [hounded to death](#) in the name of [state-sanctioned](#) protection of monopoly rents. His death has, fortunately, not gone unnoticed: I would suggest if a 26-year-old who is a victim of prosecutorial excess rates an [obituary in *The Economist*](#), the system is sufficiently screwed up that some additional commentary is not inappropriate.

In the quality control folklore, there is a system called “[The Five Whys](#).” This says that when evaluating a problem, don’t settle on a single layer of explanation, but keep asking “why?” until you get to the root of the problem.

For example, were we to ask “Why is the Boeing 787 Dreamliner [grounded](#)?” the first “why” is the surface level “Because the lithium batteries are catching fire.” But dig deeper: “Why are the lithium batteries catching fire when every engineer below the age of 50 has stared in horrified fascination at multiple [YouTube videos](#) of blazing laptops and thought “Wow, that could happen to something I have on my *lap*?!” And keep digging below that, probably ending up somewhere like “Why the hell are we even in the business of trying to sell things to an industry where bankruptcy is part of the standard business plan [1], which believes in the magical power of GameBoys to disrupt sophisticated runway communications systems and which follows standards for customer service originally set by Orville Wright for his passenger [Thomas Selfridge](#) and which have only deteriorated since?”

I don’t have all of the details to pursue a drill-down “five whys” on Aaron Swartz’s death—though some people in the Justice Department could and should—but I will use this to ask five questions, first on the treatment of Aaron Swartz, and then on the academic complicity in the support of proprietary journals.

Five Whys: Aaron Swartz

1. Proportionality: compare the treatment of Swartz with the following three cases which were newsworthy in a mere week following his death

- The U.S. government “settlement” over malfeasance in the [mortgage foreclosure crisis](#) which ruined literally tens of millions of lives;
- Lance Armstrong, who received celebrity treatment for finally confessing to actions which

arguably defrauded [what is left of] the U.S. postal service, the millions of people who naively contributed to his foundations and wore those silly yellow wristbands, and damaged the reputation of what was once one of the world's greatest sporting events;

- Lawrence Wright's [meticulously documented book](#) on the decades of abuses by the Church of Scientology, financed and protected by a Hollywood elite; [2]

All apparently beneath the notice of the Department of Justice, intent as it was on heinous crimes like illegally connecting to MIT's network.

2. The prosecutorial over-reach has been amply discussed [here](#), [here](#) and [here](#), with more to follow I'm sure. Why was the prosecutor allowed to pursue a trivial case—a prank at an institution which [prides itself on pranks](#) [13]—against someone who was [known to be](#) on an emotional edge?

Meanwhile, sign the [petition](#).

3. Why is the establishment so unbelievably freaked out about these issues: the decision by the recording industry that they could preserve their business model by suing their customers [3] and the judicially-sanctioned torture of [Bradley Manning](#): when you read that someone's situation dramatically improved when they were transferred to Ft. Leavenworth [4], things must have been pretty bad.

So we've got two martyrs now: Swartz and Manning. Who gets to be the third?

4. MIT is pursuing an internal investigation to see whether there was internal complicity in this affair. Are universities going to demand the same thing of JSTOR?: JSTOR's story of total and complete innocence in the whole affair seems—like [Manti Te'o's dead girlfriend](#)—just a little too convenient.

<13.01.21: [This story](#) in the *NYT* suggests that JSTOR may have been less of a bystander than they first implied, though they still claim no involvement in the prosecution. A presumption of innocence does not seem appropriate here.

Still, for godsakes, we're talking about the content of *JSTOR* here! What did they think was going to happen: Kim.Com was going to create a mash-up of all of the articles citing the Oneal-Russett democratic peace data set—except those behind the Sage Publications paywall—and it would be surreptitiously downloaded from BitTorrent by some exotic grad-punk subculture? That they'd lose out on the t-shirt and beer sales at those fabulously wild parties that accompany

the quadrennial release of the American National Election Survey data?<>

5. Why didn't Swartz have a better set of options for dealing with severe depression? This is serious stuff, folks: fiendishly difficult to treat, and yes, even in the absence of the complications Swartz found himself in, it can kill. To what extent are we as a community of computer programmers—predominantly introverts with limited interest in the behavioral nuances of carbon-based life forms—complicit in not recognizing the difference between quirks and something that is life threatening? One of the few points of consensus in the wake of the Sandy Hook school massacre seems to be the need to reassess the many dysfunctional aspects of the U.S. mental health system: about time.

JSTOR

Embed this deeply in your brain [5]: JSTOR is not your friend. JSTOR is just another self-centered rent-seeking bureaucracy and they are looking after their interests, not yours. Not as bad as [Elsevier](#) or [Sage Publications](#) [6] but, I repeat, not your friend.

This is invisible on campuses. JSTOR is not-for-profit—but then so is a certain four-letter organization with a headquarters located between two embassies in some of the most expensive real estate on the planet and also not your friend—and as long as you are accessing it from a university with a subscription, it looks like a wonderful public resource that allows you to write entire literature reviews and syllabi without once leaving your desk, replacing hours of physically prowling the library stacks which, truth be told, would probably substantially increase your life span.

Leave the university: welcome to the paywall, punk.

JSTOR and other proprietary publication solutions made sense before the development of the Web in the same way that outhouses made sense before the development of indoor plumbing. But in civilized society, neither is needed now. I have written a much more extended discourse on this issue [elsewhere](#), and this being only my second blog post, feel it a bit early to engage in a flagrant pattern of self-duplication [7]. Still...

1. Why in 2013 does anyone who is remotely sane and has tenure publish in any proprietary journal: give away 100% of your intellectual property in exchange for referees who insist on your removing all of the interesting results, “editing” that is confined to rearranging the commas and page numbers in the bibliography, and a corporate promise to eternally block access to your work? [8]

2. Why do departments continue to simply count publications in the sacred “Top Three” journals [9] instead of employing some variation on the NSF rule which limits the number of works you can present as evidence of your accomplishments, forcing one to focus on quality, not quantity? Which would relieve the pressure on reviewers and editors and quite possibly restore those journals to something actually worth reading?
3. Why haven’t we developed ungameable networked citation metrics as an alternative measure of quality and impact of the *article*, not the *journal*: this is a solvable problem, and we know a lot more about network metrics than we knew even ten years ago.
4. Given the billions spent on serials subscriptions and decades of unjustified price increases for these—accompanied by endless whining about this by library administrators over the same period—combined with the exponentially declining costs of database hardware and software, why haven’t the universities collectively solved the open access issue? They could do this almost overnight given the funds and technical expertise available. Exactly what sort of co-dependency is going on here?
5. Why isn’t there a social science equivalent to the [Public Library of Science](#) (PLoS)? We’d need a few modifications, and clearly PLoS’s publication charges are vastly inflated now that it is successful [10], but it has solved most of the relevant issues and simply needs to be copied.

And finally, hey, Schrod, cool off: why are you so upset about this open access thing? Allow me to present a little scenario, decidedly non-fictional: Someone you care deeply about is extremely ill, and you are trying to decide among courses of treatment, all thoroughly researched with public financing, and you’ve quickly ascertained that whatever their many skills as clinicians, most people in medical practice do not know the first thing about statistics [11], and you do. And you find almost 100% of that publicly-funded research is blocked by extortionately expensive paywalls.

You will find a story like this behind the intensity of feelings of quite a few people advocating for open-access.[12] Self-interest aside on access to my own work, I frankly do not give the proverbial rat’s ass about whether I can access some article on JSTOR speculating that *Moby Dick* is in fact an extended metaphorical exposition on Herman Melville’s heretofore unnoticed cocaine addiction. But when the profits designed to finance Rupert Murdoch’s fifteenth yacht and multiple alimony payments get in the way of my being able to make an informed medical decision with life-or-death consequences, I get more than a little irritated.

And someday you may be in this situation as well.

Unless, of course, you get targeted first. Like Aaron Swartz.

Notes:

[1] A process apparently accelerated by the act of establishing a hub in Kansas City: Braniff, TWA, Midwest Express, Frontier.

[2] Though I must confess to a certain grudging admiration with how completely thoroughly the Scientologists have the Google search for “Scientology” under control.

[3] Or the [Centre Daily Times](#) to put up a new paywall on the expectation I’m going to fork out good money to read a bunch of knuckledraggers explaining for the upteenth time that *Joe Paterno was wronged! 409! 409! 409!* Yeah, that’s what life is like here in Happy Valley.

[4] After years of always explaining “The Command and General Staff College, not the prison”, this time I mean “the prison/disciplinary barracks, not the Command and General Staff College.”

[5] Or Millennials: get it tattooed somewhere, just as long as I don’t have to see it.

[6] Come on, did you think I was going to drive traffic to their sites?

[7] Cf. Friedman, T., Krugman, P., Hanh, T.N., and numerous academics in the cross-hairs of Andrew Gelman.

[8] An all-too-common answer to this question, alas: untenured co-authors.

[9] Though this past week I learned that the most recent development in the toolkit of Boomer administrative harassment measures is “forbidding” their untenured faculty from publishing books. Probably a good strategy for insuring those faculty aren’t competitive for alternative employment as well.

[10] Earth to PLoS: economies of scale, declining marginal costs of production and the amortization of fixed costs? Not—please, please, please!—yet another case of rent seeking? Though as this [pay-walled] [article in Science](#) discusses, the PLoS model is already experiencing intense parasitism, so there are still some adjustments to be made.

By way of comparison on costs, an ad-free WordPress site—probably a system with roughly comparable bandwidth demands as those required by PLoS or JSTOR—will provide 10Gb of storage—enough, I’m guessing, to accommodate a decade of productivity of an entire department—for \$50 per year. Thus the cost of a *single* PLoS article would sustain archiving for about a quarter century. Those numbers won’t be stable—they will go down—but the point is that this is doable at a modest cost and with current technology.

[11] I spent a [great deal of time in hospitals](#) over the course of my late wife’s extended experience with cancer, and when making small talk—and having no desire to become engaged in political discussions, particularly about the Middle East—I usually described myself as a statistician. The inevitable response: “We had to take statistics in medical/nursing school, and I hated it.”

[12] As I discovered with my visceral response to the defeat of California’s Proposition 8 in 2008, experience with the extraordinary powers a spouse has when their partner is incapacitated also sheds important light on the fundamental issues of basic human rights that are involved in the debate on marriage equality. As well as end-of-life legal documents: yes, at any age, you are one accident away from a situation where a lot of people you care about—first and foremost yourself—will wish that you had these.

[13] From an MIT alum quoted in the [NYT](#): “When I was at M.I.T., if someone went to hack the system, say by downloading databases to play with them, might be called a hero, get a degree, and start a company. But they called the cops on him. Cops.”

The admissions offices at Cal Tech and Carnegie Mellon, meanwhile, are presumably radically revising their yield projections.

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