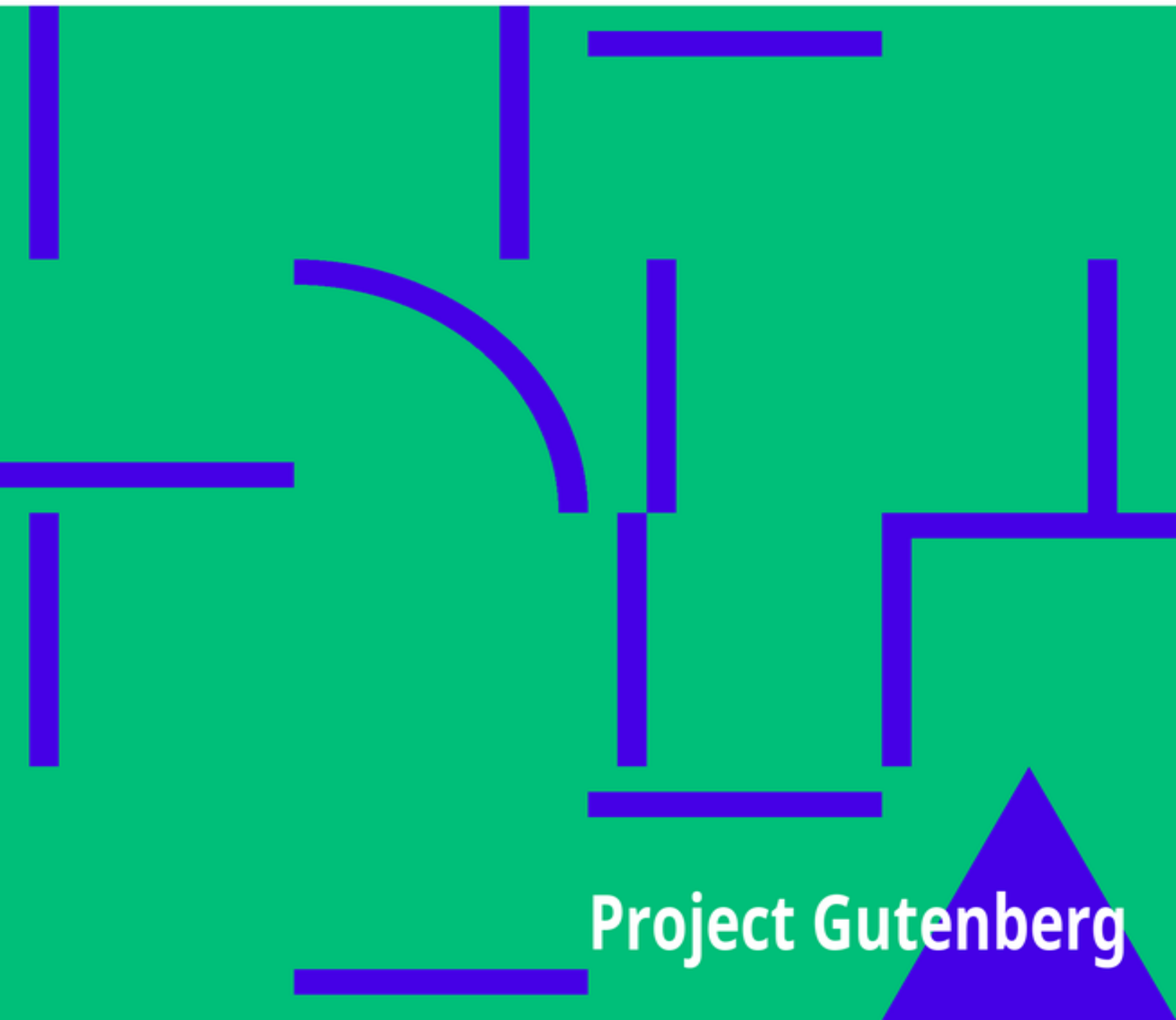


# The right to read =

Le droit de lire

Richard Stallman

An abstract graphic design featuring a solid green background. Overlaid on this background are various geometric shapes and lines in a vibrant purple color. These include several vertical and horizontal bars of varying lengths, a large quarter-circle arc, and a large triangle in the bottom right corner. The shapes are arranged in a way that suggests a stylized, modern architectural or digital theme.

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# The Right to Read

by Richard Stallman

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*This article appeared in the February 1997 issue of **Communications of the ACM** (Volume 40, Number 2).*

(from "The Road To Tycho", a collection of articles about the antecedents of the Lunarian Revolution, published in Luna City in 2096)

For Dan Halbert, the road to Tycho began in college--when Lissa Lenz asked to borrow his computer. Hers had broken down, and unless she could borrow another, she would fail her midterm project. There was no one she dared ask, except Dan.

This put Dan in a dilemma. He had to help her--but if he lent her his computer, she might read his books. Aside from the fact that you could go to prison for many years for letting someone else read your books, the very idea shocked him at first. Like everyone, he had been taught since elementary school that sharing books was nasty and wrong--something that only pirates would do.

And there wasn't much chance that the SPA--the Software Protection Authority--would fail to catch him. In his software class, Dan had learned that each book had a copyright monitor that reported when and where it was

read, and by whom, to Central Licensing. (They used this information to catch reading pirates, but also to sell personal interest profiles to retailers.) The next time his computer was networked, Central Licensing would find out. He, as computer owner, would receive the harshest punishment--for not taking pains to prevent the crime.

Of course, Lissa did not necessarily intend to read his books. She might want the computer only to write her midterm. But Dan knew she came from a middle-class family and could hardly afford the tuition, let alone her reading fees. Reading his books might be the only way she could graduate. He understood this situation; he himself had had to borrow to pay for all the research papers he read. (10% of those fees went to the researchers who wrote the papers; since Dan aimed for an academic career, he could hope that his own research papers, if frequently referenced, would bring in enough to repay this loan.)

Later on, Dan would learn there was a time when anyone could go to the library and read journal articles, and even books, without having to pay. There were independent scholars who read thousands of pages without government library grants. But in the 1990s, both commercial and nonprofit journal publishers had begun charging fees for access. By 2047, libraries offering free public access to scholarly literature were a dim memory.

There were ways, of course, to get around the SPA and Central Licensing. They were themselves illegal. Dan had had a classmate in software, Frank Martucci, who had obtained an illicit debugging tool, and used it to skip over the copyright monitor code when reading books. But he had told too many friends about it, and one of them turned him in to the SPA for a reward (students deep in debt were easily tempted into betrayal). In 2047, Frank was in prison, not for pirate reading, but for possessing a debugger.

Dan would later learn that there was a time when anyone could have debugging tools. There were even free debugging tools available on CD or downloadable over the net. But ordinary users started using them to bypass copyright monitors, and eventually a judge ruled that this had become their principal use in actual practice. This meant they were illegal; the debuggers' developers were sent to prison.

Programmers still needed debugging tools, of course, but debugger vendors in 2047 distributed numbered copies only, and only to officially licensed and bonded programmers. The debugger Dan used in software

class was kept behind a special firewall so that it could be used only for class exercises.

It was also possible to bypass the copyright monitors by installing a modified system kernel. Dan would eventually find out about the free kernels, even entire free operating systems, that had existed around the turn of the century. But not only were they illegal, like debuggers--you could not install one if you had one, without knowing your computer's root password. And neither the FBI nor Microsoft Support would tell you that.

Dan concluded that he couldn't simply lend Lissa his computer. But he couldn't refuse to help her, because he loved her. Every chance to speak with her filled him with delight. And that she chose him to ask for help, that could mean she loved him too.

Dan resolved the dilemma by doing something even more unthinkable--he lent her the computer, and told her his password. This way, if Lissa read his books, Central Licensing would think he was reading them. It was still a crime, but the SPA would not automatically find out about it. They would only find out if Lissa reported him.

Of course, if the school ever found out that he had given Lissa his own password, it would be curtains for both of them as students, regardless of what she had used it for. School policy was that any interference with their means of monitoring students' computer use was grounds for disciplinary action. It didn't matter whether you did anything harmful--the offense was making it hard for the administrators to check on you. They assumed this meant you were doing something else forbidden, and they did not need to know what it was.

Students were not usually expelled for this--not directly. Instead they were banned from the school computer systems, and would inevitably fail all their classes.

Later, Dan would learn that this kind of university policy started only in the 1980s, when university students in large numbers began using computers. Previously, universities maintained a different approach to student discipline; they punished activities that were harmful, not those that merely raised suspicion.

Lissa did not report Dan to the SPA. His decision to help her led to their marriage, and also led them to question what they had been taught about piracy as children. The couple began reading about the history of copyright,

about the Soviet Union and its restrictions on copying, and even the original United States Constitution. They moved to Luna, where they found others who had likewise gravitated away from the long arm of the SPA. When the Tycho Uprising began in 2062, the universal right to read soon became one of its central aims.

### Author's Note

The right to read is a battle being fought today. Although it may take 50 years for our present way of life to fade into obscurity, most of the specific laws and practices described above have already been proposed--either by the Clinton Administration or by publishers.

There is one exception: the idea that the FBI and Microsoft will keep the root passwords for personal computers. This is an extrapolation from the Clipper chip and similar Clinton Administration key-escrow proposals, together with a long-term trend: computer systems are increasingly set up to give absentee operators control over the people actually using the computer system.

The SPA, which actually stands for Software Publisher's Association, is not today an official police force. Unofficially, it acts like one. It invites people to inform on their coworkers and friends; like the Clinton Administration, it advocates a policy of collective responsibility whereby computer owners must actively enforce copyright or be punished.

The SPA is currently threatening small Internet service providers, demanding they permit the SPA to monitor all users. Most ISPs surrender when threatened, because they cannot afford to fight back in court. (Atlanta Journal-Constitution, 1 Oct 96, D3.) At least one ISP, Community ConneXion in Oakland CA, refused the demand and was actually [sued](#). The SPA is said to have dropped this suit recently, but they are sure to continue the campaign in various other ways.

The university security policies described above are not imaginary. For example, a computer at one Chicago-area university prints this message when you log in (quotation marks are in the original):

"This system is for the use of authorized users only. Individuals using this computer system without authority or in the excess of their authority are subject to having all their

activities on this system monitored and recorded by system personnel. In the course of monitoring individuals improperly using this system or in the course of system maintenance, the activities of authorized user may also be monitored. Anyone using this system expressly consents to such monitoring and is advised that if such monitoring reveals possible evidence of illegal activity or violation of University regulations system personnel may provide the evidence of such monitoring to University authorities and/or law enforcement officials."

This is an interesting approach to the Fourth Amendment: pressure most everyone to agree, in advance, to waive their rights under it.

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- The administration's "White Paper": Information Infrastructure Task Force, Intellectual Property and the National Information Infrastructure: The Report of the Working Group on Intellectual Property Rights (1995).
- [An explanation of the White Paper: The Copyright Grab](#), Pamela Samuelson, Wired, Jan. 1996

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# Le droit de lire

Richard Stallman

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(extrait de "The Road to Tycho", une collection d'articles sur les antécédents de la Révolution lunaire, publiée à Luna City en 2096)

Pour Dan Halbert, la route vers Tycho commença à l'université -- quand Lissa Lenz lui demanda de lui prêter son ordinateur. Le sien était en panne, et à moins qu'elle puisse en emprunter un autre, elle échouerait son projet

de mi-session. Il n'y avait personne d'autre à qui elle osait demander, à part Dan.

Ceci posait un dilemme à Dan. Il se devait de l'aider -- mais s'il lui prêtait son ordinateur, elle pourrait lire ses livres. À part le fait que vous pouviez aller en prison pour plusieurs années pour avoir laissé quelqu'un lire vos livres, l'idée même le choqua au départ. Comme à tout le monde, on lui avait enseigné dès l'école primaire que partager des livres était malicieux et immoral -- une chose que seuls les pirates font.

Et il était improbable que la SPA -- la Software Protection Authority -- manquerait de le pincer. Dans ses cours sur les logiciels, Dan avait appris que chaque livre avait un moniteur de copyright qui rapportait quand et où il était lu, et par qui, à la Centrale des licences. (Elle utilisait ces informations pour attraper les lecteurs pirates, mais aussi pour vendre des renseignements personnels à des détaillants.) La prochaine fois que son ordinateur serait en réseau, la Centrale des licences se rendrait compte. Dan, comme propriétaire d'ordinateur, subirait les punitions les plus sévères -- pour ne pas avoir tout tenté pour éviter le crime.

Bien sûr, Lissa n'avait pas nécessairement l'intention de lire ses livres. Elle pourrait ne vouloir l'ordinateur que pour écrire son projet. Mais Dan savait qu'elle venait d'une famille de classe moyenne et qu'elle arrivait difficilement à payer ses frais de scolarité, sans compter ses frais de lecture. Lire les livres de Dan pourrait être sa seule façon de graduer. Il comprenait cette situation; lui-même avait eu à emprunter pour payer pour tous les articles scientifiques qu'il avait eu à lire. (10% de ces frais allaient aux chercheurs qui écrivaient ces articles; puisque Dan visait une carrière académique, il pouvait espérer que si ses propres articles scientifiques étaient souvent lus, il gagnerait un revenu suffisant pour rembourser sa dette.)

Par la suite, Dan apprendrait qu'il y eut un temps où n'importe qui pouvait aller à la bibliothèque et lire des articles de journaux, et même des livres, sans avoir à payer. Il y avait des universitaires indépendants qui lisaient des milliers de pages sans subventions des bibliothèques gouvernementales. Mais dans les années 1990, les éditeurs aussi bien commerciaux qu'à but non lucratif avaient commencé à facturer l'accès. En 2047, les bibliothèques offrant un accès public gratuit à la littérature scientifique n'étaient qu'un pâle souvenir.

Il y avait des façons, bien sûr, de contourner la SPA et la Centrale des licences. Elles étaient elles-mêmes illégales. Dan avait eu un compagnon de classe dans son cours sur les logiciels, Frank Martucci, qui avait obtenu un outil illégal de débogage, et l'avait utilisé pour outrepasser le code du moniteur de copyright quand il lisait des livres. Mais il en avait parlé à trop d'amis, et l'un d'eux l'a dénoncé auprès de la SPA pour une récompense (des étudiants criblés de dettes pouvaient facilement être tentés par la trahison). En 2047, Frank était en prison, non pas pour lecture pirate, mais pour possession d'un débogueur.

Dan apprendrait plus tard qu'il y eut un temps où n'importe qui pouvait posséder des outils de débogage. Il y avait même des outils de débogage disponibles gratuitement sur des CD ou qu'on pouvait télécharger du Net. Mais des usagers ordinaires commencèrent à s'en servir pour outrepasser les moniteurs de copyright, et éventuellement un juge a décidé que c'était devenu leur principale utilisation en pratique. Ceci voulait dire qu'ils étaient illégaux; les développeurs de ces débogueurs furent envoyés en prison.

Les programmeurs avaient encore besoin d'outils pour déboguer, bien sûr, mais les vendeurs de débogueurs en 2047 ne distribuaient que des copies numérotées, et seulement à des programmeurs officiellement licenciés et soumis. Le débogueur que Dan utilisait dans son cours sur les logiciels était gardé derrière un garde-barrière spécial afin qu'il ne puisse servir que pour les exercices du cours.

Il était aussi possible de contourner les moniteurs de copyright en installant un noyau système modifié. Dan apprendrait éventuellement l'existence de noyaux libres, et même de systèmes d'exploitation entièrement libres, qui avaient existé au tournant du siècle. Mais non seulement étaient-ils illégaux, comme les débogueurs, mais vous ne pouviez en installer un, si vous en aviez un, sans connaître le mot de passe de l'utilisateur superviseur de votre ordinateur. Or, ni le FBI ni l'Aide technique Microsoft ne vous le révélerait.

Dan conclut qu'il ne pouvait simplement prêter son ordinateur à Lissa. Mais il ne pouvait refuser de l'aider, car il l'aimait. Chaque chance de lui parler le remplissait d'aise. Et le fait qu'elle l'avait choisi pour demander de l'aide pouvait signifier qu'elle l'aimait aussi.

Dan résolut le dilemme en faisant une chose encore plus impensable -- il lui prêta l'ordinateur, et lui dit son mot de passe. Ainsi, si Lissa lisait ses

livres, la Centrale des licences penserait que c'était lui qui les lisait. C'était quand même un crime, mais la SPA ne s'en rendrait pas compte automatiquement. Ils ne s'en rendraient compte que si Lissa le dénonçait.

Bien sûr, si l'école devait un jour apprendre qu'il avait donné son propre mot de passe à Lissa, ce serait la fin de leurs études, peu importe ce à quoi le mot de passe aurait servi. La politique de l'école était que toute interférence avec ses mécanismes de surveillance de l'utilisation des ordinateurs par les étudiants était punissable. Il n'importait pas qu'aucun mal n'ait été fait -- l'offense était de se rendre difficile à surveiller par les administrateurs. Ils supposaient que ça signifiait que vous faisiez quelque chose d'autre qui était interdit, et ils n'avaient pas besoin de savoir de quoi il s'agissait.

Les étudiants n'étaient habituellement pas expulsés pour cela -- pas directement. Ils étaient plutôt bannis des systèmes informatiques de l'école, et échouaient inévitablement leurs cours.

Plus tard, Dan apprendrait que ce genre de politique n'a commencé dans les universités que dans les années 1980, quand des étudiants commencèrent à être nombreux à utiliser des ordinateurs. Avant, les universités avaient une approche différente au sujet de la discipline auprès des étudiants; elles punissaient des activités qui causaient du tort, et non pas simplement celles qui soulevaient des doutes.

Lissa ne dénonça pas Dan à la SPA. La décision de Dan de l'aider mena à leur mariage, et les amena aussi à remettre en question ce qu'on leur avait enseigné durant leur enfance au sujet du piratage. Le couple se mit à lire sur l'histoire du copyright, sur l'Union soviétique et ses restrictions sur la copie, et même sur la Constitution originale des États-Unis. Ils déménagèrent à Luna, où ils trouvèrent d'autres gens qui comme eux avaient pris leurs distances par rapport au long bras de la SPA. Quand la révolte de Tycho commença en 2062, le droit universel de lire devint bientôt un de ses buts principaux.

### Note de l'auteur

C'est aujourd'hui même qu'on se bat pour le droit de lire. Même si cela pourrait prendre 50 ans pour que notre façon de vivre actuelle s'efface dans l'obscurité, la plupart des lois et pratiques décrites précédemment ont déjà été proposées -- soit par l'Administration Clinton ou par des éditeurs.

Il y a une exception: l'idée que le FBI ou Microsoft gardera les mots de passe de l'utilisateur superviseur des ordinateurs personnels. Ceci est une extrapolation du Clipper Chip et d'autres propositions de "key-escrow" de l'Administration Clinton, ainsi que d'une tendance à long terme: de plus en plus de systèmes informatiques sont configurés pour donner à des opérateurs absents le contrôle sur les gens qui utilisent le système.

La SPA, qui veut en fait dire Software Publisher's Association, n'est pas aujourd'hui une force policière officielle. De façon officieuse, elle se comporte ainsi. Elle invite les gens à faire de la délation à l'endroit de leur collègues et amis; comme l'Administration Clinton, elle préconise une politique de responsabilité collective où les propriétaires d'ordinateurs doivent activement faire respecter le copyright ou être punis.

La SPA menace actuellement de petits fournisseurs d'accès à l'Internet, en exigeant qu'ils lui permettent de surveiller tous les usagers. La plupart des fournisseurs capitulent lorsqu'ils sont menacés, parce qu'ils n'ont pas les moyens de contre-attaquer en cour. (Atlanta Journal-Constitution, 1er octobre 1996, page D3.) Au moins un fournisseur, Community ConneXion à Oakland en Californie, a refusé la demande et a été conséquemment poursuivi. Il appert que la SPA a abandonné cette poursuite récemment, mais ils vont sûrement continuer cette campagne de diverses autres façons.

Les politiques universitaires de sécurité décrites précédemment ne sont pas imaginaires. Par exemple, un ordinateur dans une université de la région de Chicago affiche le message suivant quand on s'y branche (les guillemets sont dans l'original -- ce qui suit est une traduction):

"Ce système est réservé aux usagers autorisés. Les individus qui utilisent ce système informatique sans autorisation ou au delà de leur autorisation pourront faire l'objet d'une surveillance et d'un enregistrement par le personnel de toutes leurs activités sur ce système. Lors de la surveillance d'individus utilisant le système inadéquatement, ou lors d'activités d'entretien du système, les activités d'usagers autorisés pourraient aussi être surveillées. Quiconque utilise ce système consent expressément à une telle surveillance et est avisé que si cette surveillance révèle des indices d'une possible activité illégale ou violation des règlements de

l'Université, le personnel du système peut fournir ces indices aux autorités de l'Université et/ou aux forces de l'ordre."

Il s'agit d'une approche intéressante face au Quatrième amendement: faire pression sur presque tout le monde pour qu'il accepte d'avance de renoncer aux droits qu'il leur accorde.

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