The Impact of Electronic Publishing on the Academic Community

Session 2: Legal and political issues

Legal and ethical issues; managing legislation

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Copyright Information

The European Parliament, in which I served for 15 years, with the Legal Affairs Committee and the Technology Committee being those responsible for all the matters that are being considered here, is in the first place a very good sounding-board for projecting opinions throughout Europe, not only in Brussels, but in the capitals of the Member States. Secondly, its powers are now such that, in your field, it has the last say, the veto in legislation, and the ability to dictate the agenda.

The Parliament is based on specialization; you will find self-selected specialists in your field, but they always badly need guidance and support in making their decisions. Educate the few in the two committees I mentioned who concern themselves with your field, and you will have allies who will co-operate with those concerned in the European Commission. It is worth remembering that groups with interests contrary to yours will also be attempting such education. Being an academic, a lawyer or administrator is like being a novelist in contrast with being a journalist: such people publish original and novel information in periodic packages, erupting like volcanoes at intervals. They are remembered, they hope, for each work. In between they are relatively silent. A journalist on the other hand puts out smaller bits of information daily and he and everyone else forgets them the next day. The journalist thrives on information chaos, the other does not.

If academics are thrown into the presently emerging information flood they will be swamped in the babble of comment and back-chat, unprotected by peer-group editorial and the exclusivity of learned journals. In addition they will be copied unknown and free of charge. But the same will be true for other serious information producers and recipients, administrators, lawyers, etc. They all require authentification of authorship, content, date and source. They need to be sure of the receipt of their material by the desired audience, and they need to be able to carry on discussion with their peers on the subject matter. They preferably also want to exclude irrelevant 'noise'
from non-expert sources. Therefore, it is clear that systems of creating protected backwaters by
signature and content authorization, encryption and conditional access by payment or by being a
member of the 'club' will develop, in many cases having a secretariat to notarize date and
authenticity, and to collect fees.

In other words order will be restored to selected parts of the flood of information in secluded
information pools. Academics, authors and performers will need such order to make their living
and to make sense of their vocation. All busy people will need such order to protect themselves
from 'info babble'. The first thing to notice is that concerned people will have to organise
themselves into 'info groups' with membership, rules and possible secretariats. The second thing
they must to do is to decide what new legislation they need to protect their groups and to enable
them to be efficient.

Fortunately the basic requisite for influencing legislation is to constitute a group whose interests
and purposes legislators can understand. At present the only recognisable interest groups in
Europe are commercial companies, industry associations and one-issue pressure groups
(environmental, animal welfare, third world support and so on). I have no doubt that the arrival
of a number of species of entirely new animal, the 'info group', on the political scene will be
greatly welcomed by political circles first as an interesting novelty and secondly as giving sense
to the so-far incomprehensible new world of the information society and information technology.

The issues already raised in legislative circles are innumerable: censorship, racism, pornography,
encription by international criminals, spies and drug dealers, money laundering, tax evasion,
consumer protection, contractual rights in commercial transactions, reliability of electronic
payment, protection of subject matter, use of mixed media, manipulation of subject matter,
cultural diversity, language problems, inclusion of disadvantaged classes and countries (e.g. the
Third World). That is 14 major issues straight away which Parliamentarians are actively
considering, and on which they would welcome guidance from specialized 'info groups' based on
various specific interests.

For one of these 'info groups' to be coherent, and to make coherent requests, it needs to be a
coherent grouping. It needs to grow naturally, bottom up, combining people with common
interests. It must not be a large umbrella group imposed from above, it must be self-evidently a
living organism that is recognised by politicians as a natural interest group, not some
bureaucratic creature (of which they meet too many). But when difficult issues come to a head a
plurality of such groups can combine in coalitions for specific purposes, and because of their
components they will be respected.

On no account, however, allow yourselves to become a 'one issue' pressure group. These are the
bane of politics. The most notorious example in Britain being animal lovers! You want your
group to be able to present as comprehensive a snap-shot microcosm of the issues confronting
academics in the information society as possible.

Special interest groups who can put themselves in the context of the Parliamentary agenda will
be valued even more by legislators. For instance, an 'info group' interested in a particular
academic discipline might put forward proposals which protected their work from manipulation
and copying in multimedia forms, provided for reliable payment for the value of their work where desired, enabled exchange of views and discussion at a peer-group level by means of encrypted authorization, catered for different languages, had members in the Third World and provided for purchase of their work by the public through electronic transactions. Such a list concerns eight of the fourteen subjects I mentioned earlier that are being considered by the European Commission and the Parliament. If, in addition, the purpose of the group was cultural, there is a ninth. If such an info group in addition made proposals for new forms of tax based either on or not on bit volume rather than transaction value, a tenth problem would be addressed.

What a boon to legislators would be an 'info group' with coherent suggestions and requests on these subjects. If more than one academic group agrees you get coalitions of academic interests combining to put the case. But great discipline, perseverance, drive, effort and speed will be required to get effective groups going in time. All the above matters are already on the political agenda, and other interests are already addressing them. The time is now for answers, not for further questioning.

There remain a few issues which do not directly concern you on which you can be of service by offering clarification. One is the problem of censorship. Politicians do not yet admit that you can only censor what is received, not what is sent. Once this is realized governments, whether democratic, autocratic, oligarchic, theocratic or just generally repressive, will be able to pick and choose regimes for their own localities without affecting the rest of the world. Politicians also do not yet admit that encryption is an uncrackable problem. Criminals, terrorists, money launderers and drugs runners cannot be legislated not to encrypt. Any workable suggestions and education from the academic world would be welcomed. The practical problem of commercial transactions by fraudsters on remote islands where no law runs would also be acutely interesting to politicians.

But one final question for academics: how to preserve libraries? Will they be grafted onto the electronic age, or will they become museums? I don't like the idea of reliance only on ephemeral, however often 'migratable', electronics. One thinks of the library of Alexandria and its fragments which now only exist as bits of papyrus in the bindings of later Greek love stories and accounts ledgers. If you can, as a bonus for the political world, offer guidance on these matters even though they do not directly affect your interests, you will be performing a duty.

When you are ready with special interest groups you go to the Legal Affairs Committee of which I was formerly vice-chairman of the European Parliament, and perhaps to the Technology Committee, of which I was once spokesman, and you will find them receptive and concerned.

**Discussion following presentation by Turner**

Drenth raised the question of the most effective route for lobbying at the European level: was it through a Directorate of the Commission, through the European Parliament or through national structures? In reply, Turner emphasized the enhanced role of the European Parliament in European legislation since the Maastricht Treaty. Members of the Parliament would welcome a comprehensive briefing by experts in this difficult area. This briefing can be copied to the relevant Directorate of the Commission. The two institutions synergize each other.