

AARON SWARTZ AND THE SPIRIT OF INFORMATION¹

Ronald E. Day

Department of Information and Library Science, Indiana University-Bloomington.

Email: roday@indiana.edu

Abstract

Today, I will discuss aspects of my project on the Spirit of Information. I will present part of a chapter of a new book that I am working on documentation and expression, where I discuss information as an attempt to break away from documentation during modernity and today.

Key-words: Information as expression. Internet control.

AARON SWARTZ E O ESPÍRITO DA INFORMAÇÃO

Resumo

Hoje vou discutir aspectos do meu projeto sobre "O espírito da informação". Irei apresentar parte do capítulo de um novo livro em que estou trabalhando sobre documentação e expressão, onde discuto a informação como uma tentativa de romper com a documentação durante a modernidade e hoje.

Palavras-chave: Informação como expressão. Controle da internet.

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The late Aaron Swartz, for those who may not know, was an Internet activist who, sadly, committed suicide in 2013 at the age of 26, after being pursued by U.S. federal prosecutors for downloading a very large amount of the JSTOR digital repository (the database was returned to JSTOR soon after the downloading). Neither MIT (where the downloads occurred) nor JSTOR desired to press charges. A digital technology entrepreneur and Harvard research fellow, Swartz was also a defender of the power of the Internet to mediate and stand outside of traditional modernist institutions and their support and defense of capitalism and state power. In 2012, Swartz spoke about his work as a leading activist opposing the United States Congress's PIPA (Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property) and SOPA (Stop Online Privacy) Acts at the F2C: Freedom to Connect 2012 conference in Washington, D.C., on May 21, 2012 (Swartz,

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2012). His speech was titled "How We Stopped SOPA." After Swartz's death, his former partner, Quinn Norton, in a conversation with filmmaker Brian Knappenberger, uttered that Swartz "was the Internet's own boy... and the old world killed him"(NORTON, 2014), the first part of this phrase becoming what would be the title of Knappenberger's 2014 film on Swartz (THE INTERNET'S, 2014).

I'd like to start with Quinn Norton's account of Swartz in her posted article on the Internet site medium.com, entitled, "The Internet's own Boy." It was posted about the time of the opening of Knappenberger's film, June 27, 2014. I will be reading portions of this text together with Swartz's keynote talk at F2C 2012 in order to try and interpret not only the argumentative content, but also the rhetorical and emotional vigor of their expressions. In this reading, I am trying to engage what I will be calling the "spirit of information," and I will be trying to think this in relationship to the documentary tradition, specifically a modern documentary tradition going back several hundred years, but also the Western modern documentary tradition going back several thousand years, which I understand as being deeply intertwined with, if not synonymous, with the Western metaphysical tradition and its notion of truth as presence. In a recent book (DAY, 2014), I read the modern documentary tradition as inscribing documents, information, and data within the Idea of documents as evidence of *aboutness*, that is, subjectness. In contrast to the reading of that book, in this article (which is part of a new book on this topic which I am writing) I would like to open up the problem of the *spirit* of information as being a type of expression that attempts to work against, and perhaps willingly or not asserts itself *against* documentation. The spirit of expression that I am referring to we could call a "post-documentary" sense of information. In this article I would like to explore the peculiarity of that spirit through Norton and Swartz's expressions.

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Norton (2014) starts her article with the following:

This documentary about the life and death of Aaron Swartz is in theaters around the country today, as well as available to stream on the net. I accidentally named this movie. Less than a week after Aaron died, Brian Knappenberger asked me, on camera, why the reaction to Aaron's death had been so extreme. Puffy-eyed and broken I told him, "He was the internet's own boy ... and the old world killed him." This remains, for me, the best encapsulation of this terrible story. I knew I had more to say even then, though it wasn't time yet. We were all in shock, and I wanted those of us closest to him to have our time to grieve before he became the world's property. We had to grieve fast. The world wanted him, and wasn't waiting.

Of course, there is no one story of Swartz or Norton's activism or lives together, or Knappenberger's film even, that could adequately analyze or describe the personal and social complexities involved. Personal lives are complicated, and particularly when set in non-institutional settings personal lives have complexities of motivations and intentions that sometimes exceed even what occurs in institutional settings. And it is just common sense that this is even more true in the case of young people, who generally have much wider social spheres and psychological impulses than those who are older and more settled in their ways, and who may be more cautious from experience, as well. So, in what follows, it is necessary to stress that my analysis attempts to honor both the activism and the statements of the participants, while also trying to think through in the manner of my recent research Swartz's speech and Norton's article.

In the first half of her article Norton discusses her relationship with Swartz and the difficulties of trying to help him during his times of public troubles. But in the second part of her article, which interests us here, Norton suggests that she was more pessimistic than Swartz as to the possibility of internal political reform. The United States' government suppression of protest, its world-leading incarceration rates, its global state surveillance system, and the political gerrymandering of elections are all given by Norton as reasons for her pessimism. Norton lay the ultimately blame, however, on the lack of U.S. citizen participation against these powers and events. This lack is due to both the "stories" that people tell themselves and the priorities that they place on their private lives, which lead them to fail to live their passions for changing the political system. Hers is itself a passionate argument. What I want to do here is to explore both the argument and passion of Norton's article, because I think that there is a spirit in it, that is, an expressive force, that makes her argument so forceful, and also helps to illuminate Swartz's earlier F2C talk.

Here is the passage from her article on medium.com that is of most relevance to us:

Only around 3% of charged cases ever see the inside of a courtroom. This is what our right to a fair and speedy trial has become. Hundreds of thousands of people exist in cruel and unusual conditions, including the mind-breaking torture of solitary confinement. We are spied on with impunity by all levels of our government and managed like cattle for elections. Political protest is unsupported and meaningless. We are gerrymandered and sorted and isolated and indebted, and we look at the hapless unfortunates that go to prison and imagine they somehow deserve their Hell on Earth. And there is no

resistance. We just let our rights go, and hope the bad things happen to other people.

I have watched this system chew through vets whose lives were destroyed for nothing at all. I have watched the environment raped with pollution and extraction, other peoples oppressed with our government's blessing (and funding) and their countries plundered. I have spent my life watching police here murder and maim without accountability. Our intelligence agencies drain our economy on the pretense of protecting us from a nearly non-existent threat. At its worst, terrorism doesn't get anywhere as close to hurting us as our working conditions, our prisons, our debts, our medical system, our own police, or our vast proclivity for killing ourselves.

I don't really blame the government, per se. All governments tend toward rapacious thievery and murder, if their people let them. I don't even blame the DOJ for driving Aaron to suicide. I blame you. They are monsters, and they do monstrous things, but you let them.

The American people have spent my whole life telling themselves stories that let them off the hook when it comes to being responsible wardens of our country and our world. And you're still doing it. You're even using my dead, beloved Aaron to do it, whom you let die. People love to say Aaron was a genius, and prodigy, and there's no one like him. But he wasn't. He just cared and believed in things and he let his care and his belief move his life. You could do that any day, any minute. You could be like any of the characters in this movie, all of whom are real people, and let your convictions be more important than your job or your mortgage or your debt or any of the million little things Americans let keep them small and separated and afraid. You could organize your communities. You could help Taren's efforts to pressure companies into being better actors on the global stage. You could help by contributing to Larry's superpac attempt to reform our broken democracy. You could listen to Ben's stories of political reform, and get involved in the issues he talks about. You could even come over to my side of our grand debate and try to work out how to build a society without government as we know it.

But you can't just sit there and call Aaron a hero and a genius and whatever. He is dead. He is dust. He is now just one more of the millions of victims of this American dream that has only been a nightmare for so many.

Your ass will be in a seat watching a movie. When it is done, get up, and *do something*." (NORTON, 2014)

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Swartz's F2C talk in 2012, too, narrated the overall struggle of trying to change the political system from the "inside" and expressed what we'll call the "spirit" of the Internet. In Norton's article and in the title of Knappenberger's film, the "Internet" is posited as a social community that exists in a certain sense beyond modernist institutions. In his talk, with great power of expression and passion Swartz narrated how he went from first seeing copyright issues as not being worth the time of his activist energies to seeing them as embodying the nature of the larger struggles that he was dealing with as an activist, namely, corporate ownership of expression and corporate ownership of government. Norton's notion of "old

world” in her article corresponds in Swartz’s speech to modernist institutions of governmental power that attempt to reterritorialize a space of “free” expression through capitalist ownership and national governance, not in small part through governing the authorship and property of documents (i.e., copyright). National governance begins by treating individuals as evidence of nations themselves (i.e., as citizens), not least through documentary processes such as passports and now Internet surveillance. National and international laws upon the internet attempt to reintegrate persons into modernist notions of citizenship, legal precedent, and the state and capitalistic structures that have dominated social and cultural life in nation states and internationally for the past several hundred years.

The ways that the notion of “freedom” may occur in or through the Internet, and even how the “Internet” may be seen as “free,” are variable today, not only in the case of copyright, but also in the case of governmental surveillance, though this last is difficult to measure because much of the surveillance is unknown. Though the terms “free” and “freedom” are not used by either Swartz or Norton in the sources that I am citing from, I am using the term here to indicate an alterity or Otherness that is not due to, and perhaps may not lie within, the domains of modernist governance and corporate markets. Of course, the personification of the Internet as having a will or community or spirit of its own or even a commonly reducible set of platforms or technologies is highly problematic in its own right, but what I’m trying to explore here is what Swartz and Norton *could* mean by not only the content of their arguments, but also its passion and the passion of their organizing—online and off. Such “spirit” is certainly part of the modernist Enlightenment struggle for achieving freedom, but theoretically and practically the question here is whether the internet can embody this notion of spirit in a way that prevents its cooptation as so many previous modernist information and communication technologies (e.g., radio and television and film) have been coopted. This is to say, whether those bundles of technology and expression that we call “the Internet” can be truly politically revolutionary in a way that has eluded most revolutionary movements and technologies in modernity.

Two things are immediately worth noting in this regard. First, that speaking of a “new” world occurring through new information and communication technologies is quite old, not least reaching back to the foundations of modernity. And, too, even newer discourses often carry with them remnants of older discourses. When the “father” of European

Documentation in the early 20th century, Paul Otlet, spoke of a new world of modern documentation, he very much carried with his vision that of an old world, namely, 19th century globalism. Second, we saw in the 1990s in the United States a liberalist vision of the Internet in terms of Hillary Clinton's notion of the "global village" and the then Vice President, Al Gore's, vision of the Internet as the "information highway." Both of these visions, the one based on a rather neoliberal market notion of participatory community and the other on an individualistic notion of information gathering, described the social possibilities of the then new graphic user interface technological mediums that became known as "the Internet" in terms of very normative social senses of community and personal agency. Clearly, I think, both Swartz and Norton wished and wish for something more radical than this. In brief, their texts push toward a spirit of information that is not so easily captured by documentary notions of being or information, one that pushes toward some community without limits and without national boundaries, toward some speech that does not necessarily end with settled evidence and substantial truth.

One could not help but note that the expression of such a spirit has been common to younger people throughout modernity, whose very social psychology and bodies at a certain age are much more flexible and energetic than later in life, so as to allow them to dream of and pursue the various social and personal communal "passions" that are suggested in Norton's article. This observation isn't meant in any sense to be snide, belittling, or dismissive of either the arguments or the passions of Swartz and Norton's discourses, but rather, it points to the rather obvious problem of getting particularly older people, though, of course, also younger people as well, to "think outside the box" of the "old world," because it is sometimes uncomfortable and also uncertain in terms of the risks and the success of doing so. But, second, and perhaps more importantly, it is important to note that a gesture toward an ineffable spirit against the "old world" has been present in most revolutionary discourses in modernity. Indeed, in Norton's article this rhetoric is used as a technique for producing guilt for inaction, which Norton's article sees as complicit with the evils that she opposes and which Swartz's work was in opposition to.

State power remains skeptical of such a spirit, however, since the state, almost by definition, relies upon political stasis for its durability and its legal structure is based on precedence. Whereas Swartz and Norton asked and ask us to look forward, states are by

nature conservative and look backwards. Politicians and others in charge of states conserve power, they do not easily disperse it. In his F2C keynote talk, Swartz gave an example of the not only the conservative, but the reactionary, nature of United States state power in his account of meeting with a relatively progressive congressperson during his activism against SOPA:

If there was one day the shift crystallized, I think it was the day of the hearings on SOPA in the House, the day we got that phrase, "It's no longer OK not to understand how the Internet works." There was just something about watching those clueless members of Congress debate the bill, watching them insist they could regulate the Internet and a bunch of nerds couldn't possibly stop them. They really brought it home for people that this was happening, that Congress was going to break the Internet, and it just didn't care.

I remember when this moment first hit me. I was at an event, and I was talking, and I got introduced to a U.S. senator, one of the strongest proponents of the original COICA [Combating Online Infringement and Counterfeits Act] bill, in fact. And I asked him why, despite being such a progressive, despite giving a speech in favor of civil liberties, why he was supporting a bill that would censor the Internet. And, you know, that typical politician smile he had suddenly faded from his face, and his eyes started burning this fiery red. And he started shouting at me, said, "Those people on the Internet, they think they can get away with anything! They think they can just put anything up there, and there's nothing we can do to stop them! They put up everything! They put up our nuclear missiles, and they just laugh at us! Well, we're going to show them! There's got to be laws on the Internet! It's got to be under control!"

Now, as far as I know, nobody has ever put up the U.S.'s nuclear missiles on the Internet. I mean, it's not something I've heard about. But that's sort of the point. He wasn't having a rational concern, right? It was this irrational fear that things were out of control. Here was this man, a United States senator, and those people on the Internet, they were just mocking him. They had to be brought under control. Things had to be under control. And I think that was the attitude of Congress. And just as seeing that fire in that senator's eyes scared me, I think those hearings scared a lot of people. They saw this wasn't the attitude of a thoughtful government trying to resolve trade-offs in order to best represent its citizens. This was more like the attitude of a tyrant. And so the citizens fought back.

[...] The people rose up, and they caused a sea change in Washington—not the press, which refused to cover the story—just coincidentally, their parent companies all happened to be lobbying for the bill; not the politicians, who were pretty much unanimously in favor of it; and not the companies, who had all but given up trying to stop it and decided it was inevitable. It was really stopped by the people, the people themselves. They killed the bill dead, so dead that when members of Congress propose something now that even touches the Internet, they have to give a long speech beforehand about how it is definitely not like SOPA; so dead that when you ask congressional staffers about it, they groan and shake their heads like it's all a bad dream they're trying really hard to forget; so dead that it's kind of hard to believe

this story, hard to remember how close it all came to actually passing, hard to remember how this could have gone any other way. But it wasn't a dream or a nightmare; it was all very real. (SWARTZ, 2012)

And Swartz concludes:

The senators were right: The Internet really is out of control. But if we forget that, if we let Hollywood rewrite the story so it was just big company Google who stopped the bill, if we let them persuade us we didn't actually make a difference, if we start seeing it as someone else's responsibility to do this work and it's our job just to go home and pop some popcorn and curl up on the couch to watch *Transformers*, well, then next time they might just win. Let's not let that happen. (SWARTZ, 2012)

The narrative of “citizens” vs. the state and the identification of such citizens with the “Internet” is sometimes an explicit or implicit trope for the type of information discourse that I am pointing to. In it, “citizens,” like the Internet, are literally “out of [the] control” of the state. They are the constituency by which any state gets to be, but are, as such, inherently beyond this, in excess to the state. They are, in Antonio Negri's words, a “constituent,” rather than a “constituted,” body.

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The above internet-information discourse is founded upon a notion of a spirit of expression that is more radical than Mill's notion of deliberative discourse and the later global village Internet model that comes from this, and certainly more radical than Paul Otlet's notion of a library at the service of world leaders. It is a model that contains Enlightenment notions of free expression by individuals as the foundations for whatever state of governance that may occur, but which also exceed that or any state.

But, this notion of spirit holds within itself a tension between notions of information as documentation and information as conversation. Modern states and institutions not only exist through documentary means (passports, census, documentary and data surveillance, etc.), but they themselves *are* documents. They are evidence of a modernist world order in which populations are identified as *citizens of a governmental state*. The state to which they belong controls not only the movements of individuals and groups of individuals between and across such states, but it also controls their expressions, or at least, their revolutionary expressions,

when such threaten the state (such control varies, depending on the threat involved). At the same time, the traditions and histories of these documentary states, as well, also sometimes carry the spirit of free expression, not least when the nation originates from the Enlightenment period or soon after. Such expressions are viewed as necessary for reinventing the state, and the state, as such, is viewed as evidence of this inventive spirit, though this paradoxically involves having a state that is not a state—i.e., one that is not at least assumed to be permanent or *static*. Such states, as political entities, are unknown in modernity. Indeed, the very notion of identity, whether nationalistic or personal, is, in the Western metaphysical tradition one of unchanging essence in the midst of variable existence. In brief, the essentially static state, that is to say, the ideal state that is both unchanging and is evidenced as unchanging by its very endurance in the midst of change (and its changing according to its Idea, concept, or ‘tradition’), is the idea of truth in the Western metaphysical tradition. It is the political basis for law. To put this starkly, in terms of the present argument: *the notion of documentation as evidence of something true is the very notion of truth that predominates in Western culture and society since Plato.*

Within a modernist framework, then, it remains unclear as to how much “out of control” we can think “the Internet,” if such is tied to a documentary notion of information. Here, we should not think of the notion of the documentary as a technical condition (that is, as something historically before information or data processing), but rather as an epistemological and as a political condition of containment and representation. For this is how Swartz seems to have thought of information, namely, as something beyond being a “content” or evidence of something else, which is essential and true. But here too it is necessary to think of information and the Internet as something beyond citizenship. One cannot be a citizen of the Internet if the Internet is ontologically “out of control” because it is not containable, and so, controllable. The spirit of information that is signified by Swartz’s notion of the Internet and by Norton’s commentary on community is that it cannot be controlled because it is not finite. The Internet cannot be a document. The Internet grows faster than is even countable and its expressions exceed indexical governance, despite the best search engines and despite the best surveillance states. Indeed, there is no such thing as “the Internet” per se, but rather, the term is a rhetorical trope for collections of technologies that together exceed representation, but yet, have performative affects, that is, expressions.

Where could this expressiveness of information be if what we signify by “the Internet” is nothing but a spirit, a spirit of openness and non-closure? Or is this, too, supposed to all end up somewhere, either partially or totally? That is to say, *must* the destiny of the Internet always be toward some other representation—‘the people,’ ‘truth,’ ‘community,’ or some other noun? Must conversation cease somehow and end up as documents?

These questions are almost impossible to think in our documentary era and ways of thinking, metaphysically and religiously, in formal traditions and in our daily habits. If the Internet is not the symbol of either truth or falsity, could it be an event of the true, instead? Could it be the event of conversation itself, and the value of this, without closure? Neither modernist state nor religious tribes, neither national governments nor bound citizens, neither truth or falsity, neither documentary origins or indexical governance. Is this *spirit* of the Internet a yearning, *toward* something beyond documentary modernity, indeed, beyond a metaphysics and politics of truth? Or is it a moment in the closure of that spirit, the spirit itself being necessary to the documentary tradition and the metaphysical notion of truth as presence? Could there be expressions “toward” without a something *being certain*? Or could these moments of breaks from documentary evidence, from Norton’s “old world,” be both a statement of what is and what cannot be, *simultaneously*? Is that what the community of the Internet is and is not, *simultaneously*? What expression *is*, beyond or before documentary closure? Is this a sense of “information” that lay under and has escaped “the information age,” the “information society,” and every other nominal predication of “information”? Some information other than *truth as evidence*? Some other sense of *communication* other than so-called “information transfer”?

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These, I would suggest, are some of the questions that not only Swartz and Norton’s arguments leave us with, but moreover, the performance of their words and their activism leave us with.

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