

E-DOCS: Exchanges among Jon Roland, Paul Halsall, and Jerome Arkenberg

[Editor's note: The following messages were compiled on this page with the permission of Jon Roland <<mailto:jon.roland@constitution.org>>, Paul Halsall, <<mailto:phalsall@unf.edu>> and Jerome Arkenberg, <<mailto:varromurena@yahoo.com>>. The messages have been copied "as is," except that a few silent corrections of spelling and formatting have been made from the originals and generic signature banners have been deleted.]

Date: Mon, 26 Jul 1999 11:56:57 -0800
From: Jon Roland <jon.roland@constitution.org>
Subject: Ancient Greek & Latin Library

We have pulled the ancient Greek and Latin documents out of our Liberty Library of Constitutional Classics into a new Ancient Greek and Latin Library, and added a number of items to it, taken from a variety of sources, converted into HTML where necessary, ASCII text versions created where necessary, and both types of documents cleaned up and corrected. Visit <http://www.constitution.org/grlatlib.htm> often to see what else we may have added.

We also welcome any contributions and corrections to our collections.

Incidentally, does anyone have an original publication date on the work, *Vindiciae Contra Tyrannos*, by "Junius Brutus". It is supposed to have been translated from Latin in the "17th century", but there is no indication of the date of the original work or any pedigree information.

--Jon

From: "Paul Halsall" <halsall@bway.net>
To: <jon.roland@constitution.org>, <E-DOCS@LISTSERV.UIC.EDU>
Cc: "J. S. Arkenberg" <varromurena@yahoo.com>
Subject: Re: Ancient Greek & Latin Library (Roland)

Date: Wed, 28 Jul 1999 08:59:33 -0400

>From: J. S. Arkenberg <varromurena@yahoo.com>
>To: H-Net and ASLH Legal History Discussion list
<H-LAW@H-NET.MSU.EDU>
>Date: Tuesday, July 27, 1999 8:35 PM
>Subject: Re: Ancient Greek & Latin Library (Roland)
>

[... Jon Roland's announcement deleted -- ed.]

>>You know, Jon, that when you make these announcements,
>>you should indicate that many of the texts in your
>>library have been pulled from other sources--notably
>>the Internet Ancient History Sourcebook, and I'm
>>guessing the Perseus Project--and reduplicated (not
>>merely linked) on your site, especially those who have
>>laboriously worked to modernize texts, such as myself,
>>which means we modernizers hold copyright on those
>>texts, and I, for one, have not released such
>>copyright to you or anybody else. It's gratifying to
>>know that you at least acknowledged the sources of
>>your texts on the site itself, but I haven't seen any
>>royalty checks in the mail lately.

>>

>>===

>>J. S. Arkenberg, <varromurena@yahoo.com> OR
>><jarkenberg@fullerton.edu>
>>Associate Editor, H-Law <<http://www.h-net.msu.edu/~law/>>
>>Contributing Editor, Internet History Sourcebooks Project
>><http://www.fordham.edu/halsall/ancient/asbook.html>;
>><http://www.fordham.edu/halsall/sbook.html>;
>><http://www.fordham.edu/halsall/mod/modsbook.html>
>>Dept. of History
>>Cal. State Fullerton

Jon,

I am furious about this. Jerome is quite correct: It is one thing for teachers involved in classes to set up temporary websites with Sourcebook documents, it is quite another for another text site to grab the whole lot. That does not fall under "educational use."

I want this reversed [i.e. I want the texts removed.] or I shall simply do the same thing.

Paul Halsall

Date: Wed, 28 Jul 1999 08:09:48 -0800
From: Jon Roland <jon.roland@constitution.org>
Subject: Re: Ancient Greek & Latin Library (Roland)
To: E-DOCS@LISTSERV.UIC.EDU, Paul Halsall <halsall@bway.net>
Cc: "J. S. Arkenberg" <varromurena@yahoo.com>

This is in response to the complaints about our putting up modified copies of some of the documents we have found on university sites.

First, the sites themselves and each document has contained permission to download the document for non-profit educational purposes, with attribution. The Constitution Society is certainly non-profit (we don't charge for anything), public education is normally considered "education" (especially when it's free), and we have given proper attribution. Once such permission is granted you can't complain if someone accepts it, nor can you take it back.

Second, we offer all the documents on our site on the same terms. Feel free to download all or any of them. We plan to add many others you don't have and that may make valuable additions to your own collections.

Third, we are not maintaining the same HTML used in the ones we take. We are only taking the texts, which are indicated to be public domain. We redo the HTML to our standards. We also correct errors we find on the original, corrections that others might want to take advantage of, and we encourage everyone to do that.

Fourth, by providing attribution, we advertise the efforts of those from whom we took the texts, and thereby enhance their status in their academic communities.

Fifth, we acknowledge there may be copyrights on editorial enhancements such as language modernizations, or on translations, but for none of the documents we have taken the texts is there any indication of that. In each case they indicate a public domain source, and we take their word on that, verifying it

where feasible. We, on the other hand, do make such enhancements, and while we do claim copyright on most of these, we also grant permission to copy to anyone on a nonprofit basis with attribution. We really only make that claim to try to maintain some quality control on the copies in circulation, to make them as accurate as possible. Our aim is to disseminate them as widely as possible, as they are works that contribute to the world becoming a better place. We also plan to insert links in each document to each of the others and to and from a set of "library guides" that, like the Syntopicon of the Great Books of the Western World, will trace ideas from one work to another.

Sixth, in case any of you are wondering about the CD-ROM we plan to offer, it will be at cost (probably less than \$1), or free (if we can find a donor to finance production and distribution) to schools and students everywhere. A copy will be free to any of our sources. We will certainly not make money on it.

--Jon

From: "Paul Halsall" <halsall@bway.net>
To: "Jon Roland" <jon.roland@constitution.org>, <E-DOCS@LISTSERV.UIC.EDU>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Wed, 28 Jul 1999 11:53:04 -0400

From: Jon Roland <jon.roland@constitution.org>

>This is in response to the complaints about our putting up modified copies of
>some of the documents we have found on university sites.
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>anything), public education is normally considered "education" (especially
>when it's free), and we have given proper attribution. Once such permission is
>granted you can't complain if someone accepts it, nor can you take it back.

Perhaps we need to change the wording, but let me address these issues:

It is one thing to use the texts for classroom use, quite another to use them to construct another website.

The front page of the Sourcebook contains a page on "Copyright and Fair Use." It says "As for material prepared by Paul Halsall, permission is given to use freely in electronic form, and in print at educational institutions, as long as source and author are indicated." The constitution society is *NOT* an educational institution, so no such permission was given..

I have had exactly the same arguments made about "educational purpose" a number of publishers. It doesn't work. But at least they asked!

>Second, we offer all the documents on our site on the same terms. Feel free to
>download all or any of them. We plan to add many others you don't have and
>that may make valuable additions to your own collections.

What I do, universally, is I link to the site/web page where the document is. If the document seems to be public domain, then I make a local copy *in case the website disappears.* Why not follow that model?

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In fact, a good many of the texts are indicated as "modernized" in some way by Jerome Arkenberg. I have done this with a number of others.

>We redo the
>HTML to our standards. We also correct errors we find on the original,
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>everyone to do that.

Since no one told me, until Jerome raised the issued, I fail to see how I could correct any typos. [I agree correction is an issue.]

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This simply is not correct. See the texts from Polybius for instance.

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>Sixth, in case any of you are wondering about the CD-ROM we plan to offer,

This is the BIG problem, and the core of the issue.

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>finance production and distribution) to schools and students everywhere. A
>copy will be free to any of our sources. We will certainly not make money on
>it.

Things might have been helped, IF YOU HAD ASKED. On a number of occasions, I have exchanged or used documents from CCEL, and had contacted the guy at Wheaton College at the time.

I admire much of what the constitution.org has done, but how would you feel if, for instance, Microsoft came in, stripped your html, and mounted all the texts?

Paul Halsall

Date: Wed, 28 Jul 1999 09:36:44 -0800

From: Jon Roland <jon.roland@constitution.org>
Subject: Re: Ancient Greek & Latin Library (Roland)
To: E-DOCS@LISTSERV.UIC.EDU, Paul Halsall <halsall@bway.net>

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> permission is given to use freely in electronic form, and in print at
> educational institutions, as long as source and
> author are indicated." The constitution society is *NOT* an
> educational institution, so no such permission was given.

How do you define "educational institution"? No, we don't offer degrees or
have bricks and mortar, but we do educate the public, and the better educated
the public is, the better it is for all of us.

Consider how much better it would be if your students, when they came to
class, had already read the source materials, from their previous study of the
subject, perhaps before they arrived at a bricks and mortar institution, and
came prepared to discuss what they had read and to do scholarly work on it. Or
if they didn't have to pay the high cost of printed editions, or wait in line
for a reserved copy at the library.

> I have had exactly the same arguments made about "educational purpose"
> a number of publishers. It doesn't work. But at least they asked!

Those other publishers probably operate at a profit, or try to. We don't.

> What I do, universally, is I link to the site/web page where the
> document is. If the document seems to be public domain, then I make a
> local copy *in case the website disappears.* Why not follow that
> model?

Because we want to make our own corrections and enhancements, and to link the
documents with others in our collection, so when a reader encounters an
endnote, he is not left to wonder what the cited work may have contained, but
can go directly to the passage in it with a mouse click.

- > >Third, we are not maintaining the same HTML used in the ones we take.
- > We are only taking the texts, which are indicated to be public domain.
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- > In fact, a good many of the texts are indicated as "modernized" in
- > some way by Jerome Arkenberg. I have done this with a number of
- > others.

We don't mind using the unmodernized versions if we can get them. We can make our own modernizations, although we normally only do that to avoid confusion. For example, in Hobbes' De Cive, which spells the word we today spell "than" as "then", we changed it to "than" where appropriate, to avoid jarring the modern reader (and indicated what we had done in an introduction so that the reader could change it back if he wants to).

- > Since no one told me, until Jerome raised the issued, I fail to see
- > how I could correct any typos. [I agree correction is an issue.]

Yes, and if we all work together in a spirit of collegiality, together we can come up with completely accurate editions that will never have to be done again, and that can enlighten new generations of students, including the non-degree-seeking kind.

- > This simply is not correct. See the texts from Polybius for instance.

But you don't document how it was modernized. If you do that, you should offer a table of changes or some rule by which you did so (such as changing the spelling of "then" to "than" were appropriate, as mentioned above).

- > >Sixth, in case any of you are wondering about the CD-ROM we plan to
- > offer,
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- > This is the BIG problem, and the core of the issue.

Why, if it is at cost or free? It's just a way to save people the time to download from the site. You can produce and distribute your own CD-ROM of our documents, as long as it is on a non-profit basis.

- > I admire much of what the constitution.org has done, but how would you
- > feel if, for instance, Microsoft came in, stripped your html, and
- > mounted all the texts?

I would thank them, as long as they maintained accuracy. For my purposes, that

would be wonderful! All I want is for as many people as possible to read, understand, and discuss these materials. If someone else does it, great! Then I won't have to. (Of course, if it were Microsoft, I might suggest they offer grants to get the unrendered documents on our list rendered, so that we won't have to do it ourselves at considerable cost in my time.)

--Jon

From: "Paul Halsall" <halsall@bway.net>
To: "Jon Roland" <jon.roland@constitution.org>, <E-DOCS@LISTSERV.UIC.EDU>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Wed, 28 Jul 1999 13:21:27 -0400

From: Jon Roland <jon.roland@constitution.org>

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>How do you define "educational institution"? No, we don't offer degrees or
>have bricks and mortar, but we do educate the public, and the better educated
>the public is, the better it is for all of us.

By this definition any newspaper could count, and any not-for-profit magazine. An "educational institution" is a school, college, or university.

>Consider how much better it would be if your students, when they came to
>class, had already read the source materials, from their previous study of the
>subject, perhaps before they arrived at a bricks and mortar institution, and
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A: them going to the Sourcebooks project.

B. You pointing them there.

>> I have had exactly the same arguments made about "educational purpose"
>> a number of publishers. It doesn't work. But at least they asked!

>Those other publishers probably operate at a profit, or try to. We don't.

This fact is a problem: University presses are usually not-for-profit, and in fact do not make a profit. But they do not fall under the "educational institution" allowance.

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Well in this case, I strenuously object.

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>download from the site. You can produce and distribute your own CD-ROM of our

>documents, as long as it is on a non-profit basis.

I don't want to!

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>I won't have to. (Of course, if it were Microsoft, I might suggest they offer

>grants to get the unrendered documents on our list rendered, so that we won't

>have to do it ourselves at considerable cost in my time.)

I am still very unhappy about this.

Paul Halsall

Date: Wed, 28 Jul 1999 12:28:17 -0800
From: Jon Roland <jon.roland@constitution.org>
Subject: Re: Ancient Greek & Latin Library (Roland)
To: E-DOCS@LISTSERV.UIC.EDU, Paul Halsall <halsall@bway.net>
Cc: "J. S. Arkenberg" <varromurena@yahoo.com>

Incidentally, the notice on the documents themselves is as follows:

"This text is part of the Internet Ancient History Sourcebook. The Sourcebook is a collection of public domain and copy-permitted texts related to medieval and Byzantine history.

"Unless otherwise indicated the specific electronic form of the document is copyright. Permission is granted for electronic copying, distribution in print form for educational purposes and personal use. No representation is made about texts which are linked off-site, although in most cases these are also public domain. If you do reduplicate the document, indicate the source. No permission is granted for commercial use."

Nothing is said there about educational "institutions", only educational "purposes", which condition we satisfy. It is clearly permissive of reduplication, so long as the source is indicated, which we have done.

--Jon

Date: Wed, 28 Jul 1999 13:03:22 -0800
From: Jon Roland <jon.roland@constitution.org>
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Cc: "J. S. Arkenberg" <varromurena@yahoo.com>

Incidentally, I note that the sentence

"Scanned by: J. S. Arkenberg, Dept. of History, Cal. State Fullerton. Prof.

Arkenberg has modernized the text."

Seems to appear as boilerplate on almost every document. Not that I'm doubting you, but what kind of modernization had to be done on the Polybius selection from

"Oliver J. Thatcher, ed., The Library of Original Sources (Milwaukee: University Research Extension Co., 1907), Vol. III: The Roman World, pp. 166-193"?

I would think that Thatcher would have published fairly modern language in 1907.

--Jon

Date: Wed, 28 Jul 1999 10:45:48 -0800
From: Jon Roland <jon.roland@constitution.org>
Subject: Re: Ancient Greek & Latin Library (Roland)
To: E-DOCS@LISTSERV.UIC.EDU, Paul Halsall <halsall@bway.net>

From: Paul Halsall <halsall@bway.net>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Wed, 28 Jul 1999 13:21:27 -0400

> An "educational institution" is a school, college, or
> university.

You omitted the qualification "accredited", probably in error. Evidently you mean a guild with restricted membership to protect the incomes of the members. But this is the Age of the Internet, and the virtual university. Why require that an institution have a "graduate research library" to be accredited as a "university" when the contents of such libraries are available online anywhere? Why do they have to have bricks and mortar when bricks and mortar are no longer needed to serve the educational purpose?

Incidentally, we do plan to offer web-based training on these and other topics. Free. And the software will be shareware. Instead of offering grade transcripts or degrees, anyone will be able, with permission from the student,

to read the exams the student took and decide for himself if the student has been at least exposed to the material of interest.

> There is nothing to stop:

>

> A: them going to the Sourcebooks project.

> B. You pointing them there.

And we do point them there. But we also offer corrected and enhanced editions of a few of those works, which we will eventually do anyway, even if we have to render the works ourselves.

> >link the

> >documents with others in our collection, so when a reader encounters an
> >endnote, he is not left to wonder what the cited work may have contained, but
> >can go directly to the passage in it with a mouse click.

>

> Well in this case, I strenuously object.

You object to the saving of the time of students and scholars? To increased accuracy of source documents? To wider dissemination of knowledge about them? Or are you trying to achieve some kind of monopoly over student access to such materials? Surely not by publishing them on your own web sites. You can't object to not getting attribution, because you are getting that.

No the value you can add, in this Age of the Internet, is in helping, through personal interaction, students and fellow scholars discuss and understand the materials, all of which will, inevitably and eventually, be rendered and published online by someone. The best you can hope for is to have your name attached to it when it happens.

> >Yes, and if we all work together in a spirit of collegiality,

>

> I agree, but it is not "collegial" to shanghai entire sections off a site.

It is if we work together to achieve the most accurate editions of the documents possible, and make them available to the world for the enlightenment of people everywhere.

> >But you don't document how it was modernized. If you do that, you should offer
> >a table of changes or some rule by which you did so (such as changing the
> >spelling of "then" to "than" were appropriate, as mentioned above).

>
> Well it is a fact that in most cases we do not give the explanations,
> but there is no "should" about explaining this.

Yes there is. By the traditional standards of scholarship, changes other than correction of typos and other probably artifacts of typesetting should be documented. (And in the above quoted passage from you, I corrected "vases" to read "cases".)

> You can produce and distribute your own
> CD-ROM of our
> >documents, as long as it is on a non-profit basis.
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> I don't want to!

Neither do I, but unless or until someone else does so, I guess we'll have to.

> I am still very unhappy about this.

It is not clear why. You are getting attribution. You are getting free help in improving the quality of your own work. If what we are doing is some kind of threat to your academic career, then you are in trouble, because if we don't do it, someone else will, and they might not give you credit. If we have to render the documents from public domain printed editions, we will, and because our site is probably visited more than yours, our version will be the one everyone reads, that becomes the standard, and your name won't be associated with it.

I admit to being less than sensitive to the career concerns of academic professionals, since I am not one. The only reason I ask for attribution and a link back is so I can serve as a clearing house for corrections. If my name disappears from history that is fine with me.

--Jon

Date: Wed, 28 Jul 1999 17:29:25 -0400 (EDT)
From: Paul Halsall <halsall@bway.net>
To: Jon Roland <jon.roland@constitution.org>
cc: E-DOCS@LISTSERV.UIC.EDU, "J. S. Arkenberg" <varromurena@yahoo.com>

Subject: Re: Ancient Greek & Latin Library (Roland)

You just don't seem to get it Jon,.

I now insist. Remove the documents.

Paul Halsall

On Wed, 28 Jul 1999, Jon Roland wrote:

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Subject: Re: Ancient Greek & Latin Library (Roland)

Date: Wed, 28 Jul 1999 17:29:25 -0400 (EDT)

> I now insist. Remove the documents.

I'm sorry, too, Paul, but unless and until you can show that what we have copied contains legally copyrighted material, it is public domain and not yours to refuse permission to, especially in light of the general grant of permission published with your copy of the document, which once made cannot be retracted. And if it did contain such copyrighted elements, only those elements, and not the public domain parts of the text, need be removed. You can't claim copyright on an entire public domain document by scanning and recognizing it, or by making a few changes to it, if you made any at all, only on your changes, and if the only changes are minor corrections of things like punctuation, that isn't copyrightable.

Part of the reason I question whether any "modernizations" were done to these particular documents is that misrecognitions of the punctuation were not corrected. I would expect, for example, that dashes misrecognized as hyphens would have been corrected back to dashes if anyone had taken the time to "modernize" the language.

If you would prefer, however, we can remove all attribution to you, your associates, and your organization.

Even if we were to do our own rendering from public domain hardcopy, which I would promptly do, these are short documents that I could do in less than a day or two, since they don't have a lot of time-consuming things like endnotes. Hardly worth arguing about.

--Jon

From: "J. S. Arkenberg" <varromurena@yahoo.com>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Wed, 28 Jul 1999 17:57:42 -0700 (PDT)
To: Jon Roland <jon.roland@constitution.org>

--- Jon Roland <jon.roland@constitution.org> wrote:
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> Roman World, pp. 166-193"?)
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> I would think that Thatcher would have published
> fairly modern language in
> 1907.
>
> --Jon
>

One would think that, but it is just not true. Most of my contributions were done for the purposes of a variety of sourcebook readers for my undergrad students which have been privately published, and I am currently looking for a major publisher for these. Undergraduates, at least those here in California, regard anything published in English before 1950 (it seems) as "Old English"---causing them no end of problems as they tell me they have to constantly consult a dictionary to understand the obscure words--and this after I have already removed all the archaic language and substituted more current verbiage.

You know, Jon, if you had simply acquired the Thatcher volumes (by the way, Thatcher is not responsible for most of the translations--and don't rely on the

introductions to any of the pre-1950 works which are ludicrously out of date and in some cases quite offensive), and scanned and edited them yourself, there would be no problem in the least.

You could at least indicate in the texts which sections you have "enhanced" so that I am not blamed for them.

===

J. S. Arkenberg, <varromurena@yahoo.com>

From: "J. S. Arkenberg" <varromurena@yahoo.com>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Wed, 28 Jul 1999 18:06:34 -0700 (PDT)
To: Jon Roland <jon.roland@constitution.org>

Or, in connection with my last message, you can merely provide a URL link to each of the texts, as most others do.

Further, it is a bit galling, to say the least for those of us who put enormous amounts of time into digitizing these texts, for you to advertise on lists such as H-Law, along with your site contents, and imply that these texts were produced by you or those in your organization. If you are going to capture texts from another electronic source, you need at the least to acknowledge that source when you advertise additions to your library, and acknowledge that source at your table of contents for the site.

Understand, I have no problems with the idea of the Constitution Society having a library of electronic texts for dissemination (even if I do have some questions as to some of those you have chosen to put online), the problem is with misappropriation of the hard work of others.

From: "J. S. Arkenberg" <varromurena@yahoo.com>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Wed, 28 Jul 1999 18:10:11 -0700 (PDT)
To: Jon Roland <jon.roland@constitution.org>

--- Jon Roland <jon.roland@constitution.org> wrote:

> Even if we were to do our own rendering from public
> domain hardcopy, which I
> would promptly do, these are short documents that I
> could do in less than a
> day or two, since they don't have a lot of
> time-consuming things like
> endnotes. Hardly worth arguing about.
>
> --Jon

Now THIS sounds like the ideal solution!

Jerome

From: Jon Roland <jon.roland@constitution.org>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Wed, 28 Jul 1999 19:46:30 -0800
To: varromurena@yahoo.com
Cc: halsall@bway.net

I won't copy your messages in this reply, which I am copying to Paul, as you can do that if you wish to.

Much of the problem seems to arise from your sense that you have acquired proprietorship in the documents by your investment of labor in scanning and recognizing them into text files, leaving aside the further presentational

enhancements of HTML formatting. This is coloring your discussion of this matter. I hope we can agree that the raw text, if taken from a public domain source, is public domain, even if it did take a lot of labor to convert it into a text file, and that you have no just ground to demand that someone repeat that labor just because you had to.

And you have to admit that the following statement that appears on all your documents clears the way for what we are doing:

"Unless otherwise indicated the specific electronic form of the document is copyright. Permission is granted for electronic copying, distribution in print form for educational purposes and personal use. No representation is made about texts which are linked off-site, although in most cases these are also public domain. If you do reduplicate the document, indicate the source. No permission is granted for commercial use."

That seems to cover any modernizations or changes you may have made to the documents, although we would prefer to have the unmodified originals so we can judge for ourselves.

I haven't found a copy of Thatcher nearby, but if I run across one, I will just scan the entire set in case I want to render any of its contents at some time in the future. I do a lot more scanning than I will ever have time to render.

As it turns out, the translations involved are often found in other sources, such as the Great Books of the Western World, all of the contents of the original 1960 set I have being reprints of public domain versions of the works. Even if I have a text file provided by someone else, I normally compare

it, word by word, with a printed version, to verify its accuracy and correct errors. That is also labor on my part.

What I normally do with HTML documents I find is to copy and paste the text contents from a browser view into a text editor, where I make some corrections before loading the .txt file into an HTML editor (HoTMetaL Pro 5.0) where I do my own HTML formatting. That is what I did with your documents, although I did paste the bottom part of your original file to append to the bottom to credit you.

So far I have found the words to be fairly accurate in things like spelling.

What I have corrected have been punctuation, such as replacing dashes misrecognized as hyphens back to dashes. All of my enhancements are HTML elements, especially links. I plan, when XML becomes viable, to insert two-way links with other documents that cite it, so people can find each document from the other. I also plan eventually to write my own introductions. Granted some of the older ones are unsatisfactory. I also plan to set up synchronized scrolling of different language versions next to one another, so that people can compare the versions. I have both the Greek or Latin originals for some of these works, and it would be great to be able to have each line of one next to the translated line of the other as one scrolls either.

But first, I need to get all of the items on my list up in at least an unlinked form, and disseminated as widely as possible.

--Jon

From: "J. S. Arkenberg" <varromurena@yahoo.com>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Wed, 28 Jul 1999 21:24:37 -0700 (PDT)
To: Jon Roland <jon.roland@constitution.org>
Cc: halsall@bway.net

--- Jon Roland <jon.roland@constitution.org> wrote:
> I won't copy your messages in this reply, which I am
> copying to Paul, as you
> can do that if you wish to.
>
> Much of the problem seems to arise from your sense
> that you have acquired
> proprietorship in the documents by your investment
> of labor in scanning and
> recognizing them into text files,

Such an activity gives nobody copyright. The same goes for those who take a PD source and print it in a sourcebook today. That alone does not give copyright.

leaving aside the

- > further presentational
- > enhancements of HTML formatting. This is coloring
- > your discussion of this
- > matter. I hope we can agree that the raw text, if
- > taken from a public domain
- > source, is public domain, even if it did take a lot
- > of labor to convert it
- > into a text file, and that you have no just ground
- > to demand that someone
- > repeat that labor just because you had to.

Unless I changed the text. If, for example, I took a PD Latin version of one of Cicero's orations, and translated it--i.e., changed the text--I could certainly claim copyright.

- >
- > And you have to admit

I admit no such thing.

that the following statement

- > that appears on all your
- > documents clears the way for what we are doing:
- >
- > "Unless otherwise indicated the specific electronic
- > form of the document is
- > copyright. Permission is granted for electronic
- > copying, distribution
- > in print form for educational purposes and personal
- > use. No representation is
- > made about texts which are linked off-site, although
- > in most
- > cases these are also public domain. If you do
- > reduplicate the document,
- > indicate the source. No permission is granted for
- > commercial use."
- >
- > That seems to cover any modernizations or changes
- > you may have made to the
- > documents, although we would prefer to have the

- > unmodified originals so we can
- > judge for ourselves.

Since I am not the site owner, merely a contributor, this warning does not cover any changes made to the text. Paul mounts these texts with my permission, adding his own HTML formatting. But I retain the residual copyright on the text itself.

- >
- > I haven't found a copy of Thatcher nearby, but if I
- > run across one, I will
- > just scan the entire set in case I want to render
- > any of its contents at some
- > time in the future. I do a lot more scanning than I
- > will ever have time to
- > render.

Paul and I have already scanned the entire set of these Thatcher volumes, and they are already online.

- >
- > As it turns out, the translations involved are often
- > found in other sources,
- > such as the Great Books of the Western World, all of
- > the contents of the
- > original 1960 set I have being reprints of public
- > domain versions of the
- > works.

This is quite common. That is why, unless they have altered the text--and the mere act of selection is not copyrightable--in a significant way, they do not claim copyright.

- Even if I have a text file provided by
- > someone else, I normally compare
 - > it, word by word, with a printed version, to verify
 - > its accuracy and correct
 - > errors. That is also labor on my part.

But that is not copyrightable.

- >
- > What I normally do with HTML documents I find is to
- > copy and paste the text
- > contents from a browser view into a text editor,
- > where I make some corrections
- > before loading the .txt file into an HTML editor
- > (HoTMetaL Pro 5.0) where I do
- > my own HTML formatting. That is what I did with your
- > documents, although I did
- > paste the bottom part of your original file to
- > append to the bottom to credit
- > you.

Well, at least you did that. Wouldn't it just be easier to set up a URL link in the document with some blurb on your site indicating what the document is about? That way there would never be a problem.

- >
- > So far I have found the words to be fairly accurate
- > in things like spelling.
- > What I have corrected have been punctuation, such as
- > replacing dashes
- > misrecognized as hyphens back to dashes.

This is a function of the conversion of my WordPerfect files into HTML format, which is what Paul does. The HTML program often cannot distinguish multi-national fonts, which, however, I retain on my original versions and which are present in my published readers.

- All of my
- > enhancements are HTML
 - > elements, especially links. I plan, when XML becomes
 - > viable, to insert two-way
 - > links with other documents that cite it, so people
 - > can find each document from
 - > the other. I also plan eventually to write my own

- > introductions. Granted some
- > of the older ones are unsatisfactory. I also plan to
- > set up synchronized
- > scrolling of different language versions next to one
- > another, so that people
- > can compare the versions. I have both the Greek or
- > Latin originals for some of
- > these works, and it would be great to be able to
- > have each line of one next to
- > the translated line of the other as one scrolls
- > either.

We have done that with a number of works, and that will increasingly occur.

- >
- > But first, I need to get all of the items on my list
- > up in at least an
- > unlinked form, and disseminated as widely as
- > possible.
- >
- > --Jon

Jerome

From: Jon Roland <jon.roland@constitution.org>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Wed, 28 Jul 1999 21:43:56 -0800
To: varromurena@yahoo.com
Cc: halsall@bway.net

Simply using a link to your site does not meet our needs. First, we plan to add many links to the documents from potentially hundreds of points in each of

hundreds of other documents. For that purpose we need to control the location of the documents, as well as the contents of the documents, including the adding of our own target (name) links. We also need to add our own href links from these documents to others in our set. Even if such links already existed in the foreign documents, if they ever changed, referencing them would present

the likelihood of breaking thousands or tens of thousands of links.

As I said, I would prefer to work with the unmodified public domain versions. We could resolve this dispute if you could provide them to us. Hopefully you have them on a disk somewhere. Put them on some site and we can ftp them.

--Jon

From: "Paul Halsall" <halsall@bway.net>
To: "Jon Roland" <jon.roland@constitution.org>, <E-DOCS@LISTSERV.UIC.EDU>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Thu, 29 Jul 1999 09:16:09 -0400

Clearly,

You have no interest in maintaining collegiality.

I have noted that you have earlier permission for other people to copy the PD texts on your site, and mount them. This will be done.

In the meantime, I will put up a notice specifically noting this exchange and giving my opinion that you should be shunned by the scholarly community.

PBH

Date: Thu, 29 Jul 1999 08:00:21 -0800
From: Jon Roland <jon.roland@constitution.org>
Subject: Re: Ancient Greek & Latin Library (Roland)
To: E-DOCS@LISTSERV.UIC.EDU, Paul Halsall <halsall@bway.net>
Cc: "J. S. Arkenberg" <varromurena@yahoo.com>

Your basic problem, Paul, is that you are trying to claim copyright on the entire documents, based on Jerome having made a few changes to them in their

public domain state. But from the messages from him, he claims the copyright on those changes, even though you assert the claim on the actual web page where they are published, as shown in the statement,

"© Paul Halsall May 1998".

Based on the following statement on those pages,

"Unless otherwise indicated the specific electronic form of the document is copyright. Permission is granted for electronic copying, distribution in print form for educational purposes and personal use. No representation is made about texts which are linked off-site, although in most cases these are also public domain. If you do reduplicate the document, indicate the source. No permission is granted for commercial use.",

I did a lot of work to modify the documents into what I reasonably assumed would be their public domain state.

You can't extend a copyright claim to an entire public domain document by making a few changes to it. You can only claim it on those changes. Therefore, you need to document such changes in a way that would enable someone to reverse the changes and return the document to its original pure public domain state.

There are several things you need to do:

- (1) If Jerome holds the copyright to the changes, he should be shown as the copyright holder, not you.
- (2) The specific copyrighted changes in each document need to be documented, so they can be reversed. Or else a pure public domain version offered. Frankly, if you intend to protect a copyright, the copyrighted material should never be put up on a web site, only the public domain version should be.
- (3) The above-quoted notice should be changed to refuse permission to copy the copyrighted changes you have documented.

I don't know why you think putting up copies of our rendered documents on one of your sites is some kind of retaliation. That's throwing Brer Rabbit into the briar patch. I encourage you to do so, as I encourage everyone to do so. The more copies out there the better. I would like attribution and a link back to our site so that I can serve as a clearing house for corrections that may

need to be made, but once we are satisfied that no more need to be made, I won't even ask for that. Wide dissemination is all we want. Recognition is of no importance to me whatsoever. I am not an academic status-seeker. My only ambition in life is to try to make the world a better place and die in well-deserved obscurity.

--Jon

From: "Paul Halsall" <halsall@bway.net>
To: "Jon Roland" <jon.roland@constitution.org>
Cc: <E-DOCS@LISTSERV.UIC.EDU>
Subject: Re: Ancient Greek & Latin Library (Roland)
Date: Thu, 29 Jul 1999 11:40:10 -0400

I am not really interested in conversing with you any longer. You have behaved very badly, and I shall alert people to what you have done.

PBH