IMHBCO (In My Humble But Correct Opinion)- Soup Kitchens and Superstores: An (Imperfect) Google Books Analogy

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Imagine this scenario: the Sunny Day Soup Kitchen is operating in a downtown neighborhood. It has limited funding, but the dedicated and skilled employees who run it do their best. Every day, from 7:00 am until 9:00 pm, they offer soup and bread to anyone who comes through the door. Theoretically, the service is available to all, but in reality there are limitations: only those with access to the facility can use its services, for example (home delivery is available, but only to residents of the immediate neighborhood). The dining area can seat 45 people at a time. The menu is limited as well: each day three kinds of soup and two kinds of bread are offered. Since the Sunny Day Soup Kitchen relies on a combination of (increasingly scarce) public funding and private donations, such limitations are inevitable.

Now imagine that Wal-Mart decides to open a soup kitchen of its own in the same neighborhood. Soup-Mart will operate in a manner that is in some ways similar to that of Sunny Day, with some very significant differences. First of all, Soup-Mart will offer a changing menu of 30 varieties of soup and ten varieties of bread each day, at no charge. The service will be available every day of the week, around the clock, and the dining area seats 500. Soup-Mart will use a small fleet of trucks to deliver soup and bread to shut-ins anywhere in the greater metro area, also at no charge. Costs will be underwritten in part by the chain’s other commercial ventures and in part by advertising placed on the walls of the dining room, on the Soup-Mart delivery trucks, and on the bowls in which soup is delivered.

So far, the functional difference between Soup-Mart and the Sunny Day Soup Kitchen is really only one of scale — more soup, more bread, more seats, and more hours of service to more people. But here's continued on page 81
the kicker: in addition to its free menu of 30 varieties of soup and ten of bread, Soup-Mart will offer five “premium” soups (including lobster bisque, cream of asparagus with truffle oil, and wild mushroom) and two artisanal bread varieties at a modest cost, one that most (but not all) will be able to afford. In addition, the drivers of the delivery trucks will not carry cash with them, but will have card-readers. This means that distant customers who wish to buy premium soup and bread will have to use credit or debit cards.

What might we make of this situation? One possible response would be to applaud Wal-Mart’s innovative approach, and celebrate its use of massive market power to benefit hundreds of thousands of previously underserved people. We also might object to it on a number of grounds, including:

**Equity of access to food.** Soup-Mart is taking a vital resource (food) and using its market power to create tiers of privilege. The “haves” get premium soups and artisanal bread, while the “have-nots” get plain soup and pedestrian bread.

**Privacy.** Those who are attracted by the offer of moderately-priced premium food will be required to give up personal information (as encoded in their credit or debit cards) in order to buy it. Soup-Mart makes no promises as to exactly how it will keep its customers’ personal information private.

**Threat of inflation.** Sure, the premium soup is available at a low price today, but what will stop Soup-Mart from raising its prices once it builds a loyal customer base? For that matter, what assurance does the public have that it won’t eventually start charging for all of its soup?

**Lack of competition.** And here’s the real nut of the problem. What Soup-Mart threatens to do is put the good, caring people of Sunny Day out of business. People who know the needs of their local neighborhoods, and who are operating with the needs of poor people at heart, rather than the needs of shareholders. People who have been lovingly preparing soup and bread for years — some of them for decades — at little or no pay.

What we see in these many objections, the ultimate question is this: does Soup-Mart offer a net gain or a net loss to the people of the city in which it operates? It’s always easy to identify and focus on either the downsides or the upsides to any new initiative, but the only way to know which it operates? It’s always easy to identify and focus on either the downsides or the upsides to any new initiative, but the only way to know whether it’s a good initiative or a bad one is to put all of the negatives and all of the positives together and see how they balance out.

Analyses of the Google Books project generally and of the proposed settlement in particular have, I think, generally failed to do this. Those in favor have (predictably enough) focused on the upsides and pretended that the downsides don’t exist, and opponents have done the opposite. The problem for opponents is that the upsides are so obviously huge, and the downsides generally either frivolous or imaginary. The strongest argument against the settlement is probably the competition-and-monopoly argument, though even that one is not exactly a slam-dunk. The weakest are the equity and privacy objections. It seems a bit silly to object to the settlement on the basis of equal access when the impact on access will be all positive — if the settlement goes through, access to books will increase enormously for nearly everyone, and will decrease for absolutely no one. And the privacy objection is even weaker: if the settlement goes through, everyone will be able to access huge amounts of book content on the open Web without disclosing anything more about themselves than they would by visiting Slate or Wikipedia or the American Library Association site. Those who choose to purchase books via the Registry will have to give up some personal information to do so, of course, and it’s true that Google has remained vague about the privacy protections it will offer its customers. But Amazon is pretty vague about its privacy protections as well, and I don’t see the Electronic Frontier Foundation taking out any petitions against them.

By the time this column goes to print, there’s a good chance that US District Court Judge Denny Chin will have made a ruling on whether the Google Books Settlement can go forward. If he rules against it, opponents of the settlement may feel that they’ve struck a blow for fairness, equity, privacy, and competition. I’m willing to bet that most of those opponents are people who already have easy access to pretty good library collections. The huge number of people around the world who have some form of Internet access but little or no access to traditional libraries — in other words, those who stand to benefit the most from the Google Books project — may feel differently.

**Rumors from page 63**

much technology and our bible was the Shelf List which was in call number order the way books sat on the shelves. (p.32) Was thinking that a column called “old time practices” would be a great ATG column. Surely one of you old-timers out there is interested?

Talking about old practices, Jesse Holden’s column this time is about some of our old anxieties, this issue, p.79. And be sure to order Jesse’s new book, just out. Acquisitions in the New Information Universe: Core Competencies and Ethical Practices (Neal-Shuman, 2010).

And one new note, Richard Brown, Peter Givler and Alex Holman <aholzan@temple.edu> are planning to take over the university press column in ATG. They would like to try something different for the next year and invite various members of our community to discuss different issues involving libraries and university presses. Alex also says he hopes to come to Charleston this year (he’s been away too long!).

I had a computer meltdown (something to do with thunderstorms and lightning that fried my modem) and, yes, I had a surge protector but it didn’t stop the computer genie! over Labor Day and we are just getting Conference registrations caught up. However, we are way ahead of last year’s registrations by nearly one hundred strong! Come on down! www.katina.info/conference