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0590 – Social Implications of CS

Case Study: Right to Repair

As we move from a purely mechanical world to a world in which hardware and software are (almost) seamlessly blended into one, the lines that separate ownership from subscriber-ship are almost equally blurred. Ownership seems a straight forward concept, especially in terms of items received for monetary compensation. In this sense, ownership remains unchanged. The distinction between renting, owning, and leasing are familiar concepts that require little further definition. These concepts are tied to the foundation of our culture and American ingenuity has led to developments of awesome machinery and apparatus, which spur an equally awesome desire to possess and take pride in the ownership of such items.

Craftsmanship has been at the forefront of design and manufacturing for centuries. This being the idea that profit and revenue were not to be gained at the expense of quality and workmanship. Quality and longevity of products and services was the goal. Perhaps however, this mode of design and production was a result of the slow, long lasting trends of bygone eras. In a world where technological developments move at a much slower (comparably) pace to that of today, the by-product of such slow development means that existing products must last longer. In a sense, these products merely bridge a gap to the next best iteration. This is not an unfamiliar concept to the younger generation of this era, and yet it seems a reality that society as a whole is struggling to come to terms with.

In centuries past, owners of such high quality and long lasting products, through repetitive use, would indeed need to effect repairs upon these products. The idea of ownership

here being the clearly defined tangible possession of a product after payment. This means that once in possession of said product, the clearly defined owner would have options. Either render repairs upon the device themselves or take the product to a skilled, third party specialist. The need for such third-party specialists seems clear. However, the level of technological expertise was not out of reach of the owner. Much of the technological and mechanical advances in the past few centuries have been driven by agriculture. An obvious example of such ownership with accompanying needs for repair would be that of a farmer.

From the perspective of a farmer, agricultural machinery should last. This equipment is expensive and lies at the crux of production for these farmers. For generations farmers have affected their own repairs upon their machinery should it fail. Farmers had to become experts of their own machines. With clearly defined ownership and property, this concept is straightforward and very uncomplicated. In a previous era a farmer could get by without upgrading to the latest model or perhaps even the past 5 models. In theory, and I am sure in practice, farmers could be working with decades old equipment, and depending on the size of their farms and the nature of their crops or livestock, would get by just fine.

It is at this point that we begin to see how the increase in speed and shifting of production cycles, changing profit models, and technological necessities can dictate a change to our autonomy and agency within the realm of ownership. The once clearly defined concept of ownership starts to muddy and blur. The effects of this change are not lost on the manufacturers and corporations behind these products. The increased speed of development cycles means that increasingly companies see less incentive in developing high quality, long lasting products. The increase in speed of new iterations of a product means that the need for quality and durability

slowly decreases. Companies shift their models towards high powered sexy products that run fast but die quickly.

This brings us to our topic of study, the Right to Repair. “Repair” as a term, holding varying degrees of specificity, depending on whether we look at this from the perspective of manufacturers and holders of intellectual and technical property, or from the perspective of consumers. The idea of right-to-repair can be most easily identified from the consumer perspective. In the case of agriculture, we have moved from purely mechanical devices to mere mechanical skeletons with varying levels of automation and programmable parameters. Software has slowly saturated the raw materials that America is so familiar with. As much as we claim to understand what this means, perhaps this is not so clear to the general populace. Farmers on the other hand, are all too familiar with this. The moment it becomes infeasible to affect repairs upon their own equipment without an advanced degree in electrical, mechanical, or computer engineering, is the moment the front lines of the agricultural profession change.

This creeping saturation of software into the fiber of the mechanical work means that the ideas of ownership change as well. The moving parts of an item start to play second fiddle to the software that drives its core functionality. Even if one knows how to repair a mechanical part, who is to say that the software will still interface with the hardware? The lines of new-ownership can now, not so clearly be defined. Where as in the past, a purchased product became the sole property of the customer, we must now take into account the nuances of all included technology and intellectual property.

For large expensive industry intensive items such as John Deere tractors, the ability to opt out of updates does not make much sense. At what point does a farmer in today's connected world truly own their tractor? Which is the more cost effective model for the consumer and for

the manufacturer? Should a farmer have the right to repair his own products if he also has the expertise (or access to it)? Is this model purely a product of more efficient and faster technological updates and features? Or is this merely another means of generating revenue more quickly?

In September of this year (2018), representatives of California farmers and equipment dealers signed the 'California Dealer-Farmer Agreement'. According to its proponents, the agreement aims to 'make it easier for farmers to diagnose and repair equipment without accessing or downloading proprietary software or code'. Farm-equipment.com details the "right-to-repair" agreement as follows,

"...With the "right-to-repair" agreement, equipment dealers commit to providing access to service manuals, product guides, on-board diagnostics and other information that would help a farmer or rancher to identify or repair problems with the machinery. The agreement includes restrictions. Among them: Source code for proprietary software would not be accessible, and owners would not be able to change equipment in ways that would affect compliance with safety or emissions regulations."

Essentially, this is an agreement aimed at giving farmers the tools they need in order to diagnose any mechanical issues with the machinery. They are not authorized to augment any code driven functionality, and are not allowed to circumvent safety standards. This seems a reasonable compromise, as one might imagine the typical farmer not possessing the necessary skills to affect software repairs. Assuming that companies like John Deere have the best interest of the farmers in mind, and from an outward perspective, this seems a reasonable agreement. Traditionally, farmers need to affect their own mechanical repairs. A large hurdle in doing so in

this era is the software. Of course, larger mechanical issues need little diagnoses. If an axle breaks, it's a very straight forward assessment of damage and procedures moving forward. However, if the issues is smaller, or if perhaps a warning of wear and an impending mechanical failure, how does one go about detecting, diagnosing, and finally moving forward with repairs?

This agreement seems to provide the necessary tools and support for farmers to move forward with repairs, or seek out certified John Deere technicians to do so without violating any warranty or contractual terms. This does however narrow the field of available technicians. No more third party repairs, and no more do it yourself (assuming possession of necessary skills). The claims of this being a “right-to-repair” bill seem more a hijacking of the term in order to ease fears of a more controlling manufacturer effectively squashing any repair or upgrade competition. The only articles that seem to appropriate this term are articles in favor of the agreement.

There is a very clear narrative being pushed in regards to what this agreement means for farmers and manufacturers moving forward. The president of the California Farm Bureau Federation, Jamie Johansson, was quoted as saying, “This agreement gives farmers the information they need to (make repairs quickly), even as equipment has become increasingly complex.” Highlighting the perspective of both sides of the agreement, President and CEO of the Far [West Equipment Dealers Association](#) (FWEDA), Joani Woelfel, said the agreement “says a lot about the relationship between dealers and their customers.”. Woelfel goes on to say, “This agreement is especially important because whenever we can resolve issues that concern us without passing laws, everybody wins” (cbbf.com, 2018)

The dealer-farmer agreement comes in response to legislation introduced earlier in the year by Assembly Member Susan Talamantes, known as the “Right to Repair Act”. According to

an article on CBBF.com, this act would have “...ensured (that) consumers of a wide array of electronic products would receive access to manufacturers’ diagnostic and repair information.”

What the article fails to mention is that the bill would have also required electronics manufacturers to make parts and information available to product owners and to third-party repair shop and service technicians. 16 states other than California have proposed similar legislation (Gartenberg, 2018).

Of course, major tech companies such as Apple and Microsoft wagered their not-so favorable opinions of the proposed legislation, expressing their concerns over possible security risks to users. The Right to Repair act died a quiet and unceremonious death with the introduction of the dealer-farmer agreement, which is seen by those at the helm of the memorandum as a compromise to the legislation. It is important to note that California already has some of the most progressive and customer favorable laws in the nation. The CA Civil Code requires that for warranties on any electronic device or appliance between \$50 and \$100 wholesale, the manufacturer must provide parts and literature to repair technicians and facilities for up to three years. The time frame is extended to 7 years for products exceeding \$100 wholesale.

These warranty periods make it easier for third party technicians in the state to operate and generate income. For products like cell phones or televisions, this might seem like enough. One might ask why there exists such a clamor for more rights when it comes to affecting repairs. Simply, a tractor isn’t a cellphone. It is an entirely more expensive and more crucial part to the life of a farmer than say, the latest iteration of a cellphone is to a business man or someone surviving solely off of the gig economy. A tractor, as mentioned previously, is meant to last years. Of course warranties can be purchased through John Deere and dealers, this however is a

pay for service model. It has little to do with ones right to repair. If a farmer manages to maintain his equipment for over a decade and suddenly finds himself out of warranty, then his only options are to seek out more service on a pay scale separate from John Deere. The farmer has little flexibility when it comes to finding a level of service and price that works for their needs and their budget. It seems that this new agreement serves to narrow the options at a farmers disposal.

Not surprisingly, there are more than a few critics and dissenting opinions towards the agreement and what it means for the industry now and in the future. Highlighted in these opinions is a reality that perhaps the authors of the new agreement would like to overlook. The reality is that in these machines, the hardware without the software, and conversely the software without the hardware, would be useless. “Keeping a device in working order often means fixing both its hardware and software. But a big California farmers’ lobbying group just blithely signed away farmers’s rights to access or modify the source code of any farm equipment software.” (wired.com, 2018). The article points out that changing of engine settings, retrofitting old equipment, or modifying tractors to meet new standards is prohibited by the agreement.

Is “big ag” is carving out their path for planned obsolescence? The has gone so far as to distribute literature explaining their feelings on the distinction between right-to-repair and right-to-modify. This clarification of manufacturers’ opinion on this issue, is something that serves big-ag more than is serves the farmers. Jeff Buckingham, a San Luis Obispo ranch owner was quoted as saying, “I will gladly welcome more ways to fix the equipment on my farm. Let’s be clear, though, this is not right-to-repair”, He goes on to say “At the end of the day, I bought this equipment, and I want everything I need to keep it running without relying on the manufacturer or dealer.” Let’s make no mistake here, it is clear that these farmers are intensely aware of the

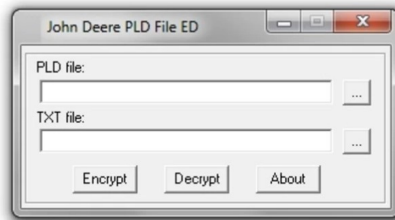
position they so precariously occupy. With a growing and expanding economy, economic models show a proportionate decline in agricultural sectors (Anderson, 1987). This only adds to the delicate situation these farmers face. As equipment becomes more expensive, it seems that companies like John Deere are content to restrict, in proportion, the available sources for repair.

Farmers are a notoriously resourceful, clever, hard working bunch. There exists a stigma that equipment with the level of sophistication of a new John Deere tractor, is beyond the capacity for today's farmers to fix, modify, or "hack". That is however, not the case. Even with simple repairs becoming impossible to affect without paying \$130 to a John Deere rep to drive out and authorize, in recent years however, farmers started are "hacking" their tractors. There exist forums on which pirated John Deere firmware are sold. A recent Motherboard article, details an attempt by a journalist to acquire pirated software. "After I found (the forum), I couldn't do much of anything without joining... Once I was on it, I found dozens of threads from farmers desperate to fix and modify their own tractors." (Motherboard, 2017). According to the article, much of the software is cracked in Poland and Ukraine. There are a number of products being sold on these forums, including one tagged as as, JOHN DEERE OLD FILE ENCRYPTOR/DECRYPTOR (EDITOR) v0.1. (pictured on next page).

These devices require little further training or expertise to acquire. Simple knowledge of the internet will suffice, which these days is not uncommon. Couple with an already intimate knowledge of their own equipment capabilities and functionality, the implementation and installation seems rather trivial. Essentially, the PLD file tool is a way around the encryptions of John Deere software payloads. This allows a tractor's software to interface with John Deere's APIs without requiring a technician to drive out for a \$130 fee in order to authorize the part with a special dongle.



#### JOHN DEERE PLD FILE ENCRYPTOR/DECRYPTOR (EDITOR) v0.1



**PRICE: 499 EUR**

☐ PLD File DataBase : **999 EUR**

#### DESCRIPTION

Very powerfull Developer level tool, you can use it to:

- Decrypt PayLoad (PLD) file to txt/ini format;
- Modify PLD file expiration;
- Modify PLD factory options such as speed limit (for example change 40 km/h to 50 km/h);
- Adjust PLD file to different product serial;
- Encrypt PLD file;
- Program controller with modified PLD using Service ADVISOR;
- Support Windows XP;
- Shipped with USB key.

Just a few of the myriad of products offered on the site are license key generators, speed-limit modifiers, and reverse-engineered cables to interface a tractor CPU with a computer. Yes, this is technically pirating, however, as of the 2015 approval of the Digital Millennium Copyright Act for Land Vehicles by the Librarian of Congress, modification of embedded systems is legal. As long as the vehicles can still meet emissions standards, the farmers are within their rights to modify their software should they need to. There is some murkiness surrounding the issue of whether or not the Act covers downloading of cracked software, however. Never the less, it seems a widely accepted idea that when something needs fixed, the owner should be within their rights to do so. Close to the time of the approval of the act, John Deere began requiring that farmers sign a licensing agreement. Breaching this agreement would imply a federal copyright violation, giving John Deere the grounds to sue customers to enforce the contract.

It is clear that farmers have many concerns about the future of their products and their ability to maintain them. The question for them becomes, what might happen to those products if

for some reason the manufacturer would no longer be able to provide the necessary support, perhaps due to the sale of the company? From the perspective of the owners, they are taking necessary steps to ensure that they have the ability to maintain their products no matter what fate might befall them. From John Deere's perspective, it is evident that they realize a certain organization of power and control over their products and over the farmers who rely on them. By restricting repair options to dealers, and by forcing farmers into licensing agreements that limit their abilities keep their equipment in operation, John Deere is solidifying and presiding over a monopolization of software and a suffocation of the wider agricultural equipment industry in the United States.

How does John Deere's stranglehold on the ag-tech industry effect the greater technology and software market at large? We have briefly touched upon the term, Planned Obsolescence. A quick google search defines this as

“a policy of producing consumer goods that rapidly become obsolete and so require replacing, achieved by frequent changes in design, termination of the supply of spare parts, and the use of nondurable materials.”

By restricting the ability of farmers to keep older models of tractors in operation, John Deere is implementing planned obsolescence almost in lock step with the above definition. Why then is there not more outcry in support of farmers rights? Its easy to find articles about the demands of users of more socially visible technology like the iPhone or any number of other devices that hit the market every six months to a year. As it turns out, on the LibreOffice word application that I am currently using, 'iphone' is not a recognized word. However, iPhone is. This high visibility is perhaps stealing some of the spotlight. When asked to think about technology today, how many

people would refer to the agricultural industry as one of their first 5 or even first 10 examples. I'd wager that not many would even consider agriculture as a major player.

Public outcry is what is fueling much of the legislation aimed at ensuring more rights for electronics owners. When public outcry seems wholly unaware of an industry, that industry will understandably receive less attention. It seems that this has allowed lobbyists to undermine the welfare of farmers across the country. As frustrating as this lack of care seems at the moment, there are those that feel it will become a non-issue in the coming decades. This issue is something that has been mentioned at length in the essay up to this point. John Deere tractors are more of a software device than a hardware device (Janzen, 2017). An article on [aglaw.com](http://aglaw.com) claims that as tractors become more and more a piece of software, the desire and need for farmers to repair them will eventually fade. There are comparisons being drawn between a piece of machinery like a tractor, and a personal item like a laptop computer. What I will reiterate in response to this opinion, is the a tractor is not a laptop, nor phone, nor TV.

The underlying issue at the heart of all of this debate is time and money. Per Forbes, John Deere is a company with a \$47.7 billion market cap that did \$30.5 billion in sales last year. (Forbes, 2018). They exist in a market that dictates profit as the goal. Anything John Deere can do to solidify their margin and growth, they are going to try their hardest to do. Maintaining a tight grip on their software is something that I am sure is key to their assessment of how they plan to grow and profit as a company. If you're John Deere you are looking ahead, and planned obsolescence is a fact of life. The speed at which software is creeping its way into the fabric of our everyday lives is incredible and tractors are no exception. To large manufacturers like John Deere, I am sure it makes sense to limit the level of support offered for a particular model as the years go by and newer models are released. In an ideal world, and with an ideal level of software

integration a mechanical portion of a tractor would undergo annual service, while the software would continuously patch and upgrade over time. However, when your models change as rapidly as the software does, it becomes harder for a company to maintain support for models that by traditional standards, are relatively new. From a company's perspective, there comes a point when providing service for a model stops making sense.

From a farmer's perspective, a tractor needs to last as long as possible. As mentioned before, the farmer wants to insure that long after support for a product stops, they are able to keep the machine functioning. I would venture to say that most farmers don't come remotely close to John Deere's profits. In most instances they are trying to keep food on the table. The most cost effective way for them to do that is the longevity of equipment. It seems I am beating a dead horse, for lack of a better term. But the idea that right to repair for a cell phone, and right to repair for a tractor are the same thing, ignores a lot of the realities of the implications of keeping these devices functioning. It is much easier to downgrade to a phone with base functionality to save money, then it is to downgrade a tractor. Without the proper equipment, these farmers make no money. Plain and simple.

Up until this point, I have perhaps done everything save for come right out and claim that John Deere operates under a model of planned obsolescence. I will go ahead and make that claim now, however I will also claim that at this point in our society, in terms of the speed of technical development, planned obsolescence is necessary to some degree. The question is not whether or not new technology is emerging at an ever increasing and head spinning pace, the question becomes, who is driving that pace of development? It is necessary to consider this question when assessing moral and ethical implications of the business practices of John Deere. Again, it is easy to find literature tackling this issue from the perspective and in regards to mobile technology

such as smart phones. In an article from the Center for Digital Ethics & Policy, Thomas J. Newhouse was quoted as saying, “Electronics are challenging because they are inherently obsolete from the moment they’re being shipped,”. The article states the obvious, that clearly, maintaining a product overtime is something these companies are not striving for, and a practice that the electronics industry at large has not made a priority (Dybis, 2012).

In the consumer electronics realm, it is very easy to see the cycle driving this practice. Consumers clammer for the new iteration of their device, for fear of being left behind, or perhaps for fear of people perceiving them differently. Social status and perception certainly come into play from the perspective of the consumer. This need to consume newer iterations more quickly is being driven by companies whose model is to release just enough new technology and features to keep the customer coming back. A minimum viable product regardless of available technology means adding release cycles. A stockpile of new yet to be released features guarantees that for at least the next few iterations, a company will have a product to release. In terms of profit and longevity for stockholders, this makes perfect sense, and in the long run largely does not effect our day to day lives. We may still opt out of purchasing a new phone and retain our older model for a number of years, provided that we keep it in working order. Many third party technicians exist to provide repairs and service for products that are no longer covered or supported by the manufacturer. As long as your phone is able to receive service from one of todays mobile providers, than it continues to function as intended.

I argue that this model is hurting other more mission critical industries, such as agriculture. The ethical implications are much more dire compared to those of the mobile device industry. It is easy to shrug off morality with an item like a cell phone, because for the most part nobody’s livelihoods are at stake. There also exists plenty of cheaper, minimally functional

options. This is not same for items like tractors. When analyzed under the same scope, I would argue that John Deere and other proponents of the dealer-farmer agreement have constructed and entered into such an agreement unethically and with questionable motivations. The admittance of the desire to come to an agreement without any legal implications now or for the future, underlines a desire to use the low profile of the industry in the minds of the public and the media to hamstring farmers by limiting their options for repair now and in the future.

John Deere seems content to limit the concept and definitions of ownership to the mechanical portion of their products, which without software would be useless. If we refer back to the idea of ownership as laid out at the beginning of this essay, we can clearly not place the purchase of a tractor snugly into the textbook definition. It seems more and more that with these hybrid devices, ownership has been morphed into more of an agreement, or shared investment. John Deere enters the agreement with the understanding that the farmer will pay them for and seek services through their approved dealers and technicians. The farmer enters the agreement with the understanding that this product will last them at least 'x' number of years and for the duration of that period John Deere will provide service.

It is at this point that the agreement starts get murky. A farmer is now at the mercy of John Deere's availability and prices. If the farmer has only one option, what concern is it of the company or dealer if the farmer receives timely service? Because this agreement has no legal implications or precedence, the farmer has little to no recourse if they are not happy with the service. John Deere receives their fee either way and will continue to monopolize the industry. I feel that this monopolization of service will drive more and more farmers to alternative means of servicing their equipment. John Deere will effectively widen the black market for tractor software.

As more and more farmers seek out cracked, hacked or pirated software, the expertise in these underground markets will develop right along with the industry. The already resourceful farmers, especially with an aging work force and inevitable youth movement to follow, will become even more so, experts in their fields and in regards to their equipment. American ingenuity seems to prevail in these instances, and with an industry as engrained into American culture as agriculture, John Deere may one day face a growing outcry for agency and autonomy in regards to ownership, and it will come from a self taught, highly skilled, angry group of American farmers. As inspiring as an uprising of hybrid farmer/engineers sounds, it is also a very real possibility that with the increasing usage and development of autonomous vehicles, farmers as independent entities could one day cease to exist. With the rise of corporate farming, what would stop a corporation from replacing their entire workforce with autonomous tractors, and John Deere engineers to maintain them? Farms are increasingly becoming more and more like production floors of factories, and with streamlines practices and unmanned tech, the need for farmers could quite possibly cease to exist.

Admittedly, most of this is speculation. In the end, we are all grasping at straws to explain and predict what might become of us as we fall deeper into the rabbit hole of technology and autonomous lifestyles. As users of technology, it might behoove us to retain a sense of our surroundings and of how our usage drives these patterns of development and profit. It seems inevitable that more companies will adopt a pattern of planned obsolescence in the development of their products. As long as this translates to profits, there is no reason for them to change. It is also clear that in an industry such as agriculture, the effects of rising costs and narrowed service options will lead to more illegal options for farmers. The legal implications of these actions remain to a degree unclear. It is unlikely that a typical farm family would be willing to stand up

to a big-ag lawsuit, even if they had the means to. It seems more and more likely that as we move forward, companies like John Deere will strengthen their hold on the industry to the detriment of farmers, perhaps across the world.

As far as my feelings on the touched upon topics, I feel I have made thoughts pretty clear. I tend to carry a sense of distrust towards big corporations. Whether that is a result of my (over)exposure to dystopian future science fiction, or to real world examples, or both..The sense of confusion and dissonance surrounding the topic of right-to-repair is in my opinion, a result of misinformation, lack of motivation to gather proper information, and a desire to increase profits and development cycles of products. Everyone has a hand in this, however, I would be reluctant to distribute the blame evenly. Without more exposure to these issues, and without more public outcry, farmers face a long road to a seemingly inevitable end. Profit will always dictate profit, and technology will continue along its ever steepening path. What must change in my opinion, is the motivation for new developments.

As the ideas of what it means to 'own' change, so do the ways in which we define who we are and how we gain self worth through our work. Perhaps as corporations slowly remove our agency in ownership, we will begin to define ourselves not by what possessions we've gained through our work, but by the work itself. Without going too far down the Gene Roddenberry path, tech for the betterment of mankind is the only truly sustainable model for an ever increasing technical element. I think that only then will we develop the right tools, for the right reasons.