

THE PAST, PRESENT, AND FUTURE OF COMPUTING AND ITS IMPACT ON DIGITAL RIGHTS MANAGEMENT

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2008 MICH. ST. L. REV. 413

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INTRODUCTION

What If?

What If? The question invites the Symposium participants to fill in the answer by posing a counterfactual and then describing the implications for intellectual property. A counterfactual¹ usually takes the form of an “if-then” statement in which the antecedent following the “if” and preceding the “then” is known to be false.² It is frequently used to support arguments

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1. See generally DAVID LEWIS, COUNTERFACTUALS 1 (Blackwell Publishers 2001) (1973) (“*If kangaroos had no tails, they would topple over*” seems to me to mean something like this: in any possible state of affairs in which kangaroos have no tails, and which resembles our actual state of affairs as much as kangaroos having no tails permits it to, the kangaroos topple over.”).

2. The first explicit definition of causation in counterfactual terms is often credited to David Hume, when he wrote, “We may define a cause to be an object followed by another,