

# Fighting for the Right to Repair Our Stuff

It's hard to overemphasize how new repair restrictions are historically. For most of human history, tools were both produced and maintained locally. Blacksmiths, for instance, furnished items but also maintained them.

Moreover, fashions changed slowly, and people made things to be durable, often repairing and preserving them for a lifetime and even longer. As the historian Rosalind Williams notes, "In some parts of the world, the basic garment of the common man went unchanged for centuries – the poncho in Peru, the dhoti in India, the long shirt in China, the kimono in Japan." In such a context, "possessions were handed down from generation to generation."

Many developments have undermined this long-lived reality. One of the most important was the rise of mass production. Increasingly, throughout the 20th century, consumers bought items that were not made locally by neighbors but far away by strangers.

Mass production has always had two competing interests when it comes to maintainability and repairability. On the one hand, interchangeable parts, which can also be used for repair, were central to the processes that enabled mass production to boom, such as on the Ford Motor Company assembly line. And mass-produced goods could be made to last. [The Maytag Man commercials](#) – which were introduced in 1967 and showed a bored repairman doing things like crossword puzzles because he had no work – were created to tout Maytag appliances' durability.

On the other hand, producers relied on revenue from consumers purchasing products again and again. Companies like General Motors pioneered annual model changes and other strategies of

“planned obsolescence” that would keep customers coming back. Moreover, mass production drove down prices so much that disposability became the norm. It’s cheaper in most instances to buy a new toaster than have a repairperson fix a busted one.

But you *can* repair most toasters if you want to. Yet repair restrictions – which have gone hand-in-hand with computerization – have largely shut down that possibility, as more and more items in our daily lives are equipped with computers.

Critics like P. J. O’Rourke bemoan the fact that ordinary Americans can no longer fix their own cars, something that is primarily true because of computerization. Automakers first put computers in cars to meet federal air pollution standards, but the companies soon saw strategic potential in new technology: they could use computers to monopolize repair and force owners to go to dealerships to get work done.

By the early 2000s, aftermarket companies, including local auto mechanics and parts stores, were seeing their business decline because of the restrictions. The aftermarket companies thus began lobbying Congress for Automotive Right to Repair, but hit dead ends. After turning to state legislatures, they eventually found success in Massachusetts, passing the first Automotive Right to Repair law in 2012. The automakers caved and, fearing the multiplication of laws across other states, agreed to make the Massachusetts law an industry standard.

By 2012, however, repair restrictions had moved well beyond automobiles. Many other manufacturing sectors that either made computers or built devices that had computers in them saw potential in controlling repair.

It is difficult to measure how widespread repair restrictions are, but some have tried. The U.S. Public Interest Research Group, a consumer advocacy organization, has researched the

topic in recent years. Nathan Proctor, who leads its Right-to-Repair efforts, surveyed 50 companies that are members of the Association of Home Appliance Manufacturers and found that 45 of them (90 percent) claim that third-party repair would void their warranties. Such rules violate a federal law known as the Magnuson-Moss Warranty Act of 1975, meant to protect consumers from unfair or misleading warranty practices. Makers of computers, cellphones, and other electronics have also gotten in on the repair restriction act.

Kyle Wiens, the CEO and editor-in-chief of the online repair guide website iFixit, is one of the leading advocates of Right-to-Repair. Wiens got into repair when he dropped and broke an Apple iBook G3 as an undergraduate at California Polytechnic State University in 2003. He decided to fix the computer himself but couldn't find a manual online. He repaired the laptop anyway and posted a how-to guide on his website. Surprised by how many views it got, Wiens and his friend, Luke Soules, started iFixit, a company with the goal of "teach[ing] everybody how to fix everything."

Later, Wiens learned that Apple was using the Digital Millennium Copyright Act to force those who had posted its repair manuals to take them down. And that wasn't the only way Apple tried to control repairs. The company claimed for years that, if consumers had their iPhones fixed by local repairpersons, it would void the warranty – again violating federal law.

Others bumped into similar frustrations. For many years, Gay Gordon-Byrne ran an independent consulting company focused on buying, selling, and leasing computer hardware. She became personally outraged watching companies buy technologies and then sign end-user agreements that shut down their ability to repair themselves or hire independent repairpersons to do so.

For the large Fortune 500 companies Gordon-Byrne often worked with, paying more for repair was no big deal. But she also

witnessed repair restrictions affecting small businesses and the self-employed. Those restrictions spread throughout the early 2000s, but in Gordon-Byrne's estimation, the trend took off around 2010. "We woke up one day and said, 'Holy Cow,'" she said.

In 2013, Gordon-Byrne, Wiens, other members of iFixit, and a handful of other organizations such as the Electronic Frontier Foundation and the Service Industry Association formed the Digital Right to Repair Coalition, later simplified to The Repair Association, with its electronic home base at [repair.org](http://repair.org).

The Repair Coalition has come to focus on changing state laws, and over the last few years, more than 20 states have introduced or debated Right-to-Repair bills, though none have yet become law. The focus on state legislatures comes in part because it is considered the most effective road forward, but it also stems from Gordon-Byrne's instincts. Noting that she is one of the few conservatives on her board, she told me, "We don't like government overreach. We were really careful when we wrote [our model] bill to make the lightest possible touch."

Gordon-Byrne says that Right-to-Repair requires a "five-legged stool" approach. To do a repair, you or someone you hire needs: 1) a manual; 2) parts; 3) tools, especially given that companies use odd-shaped, specialized parts to limit access; 4) the ability to read and understand computerized diagnostics, including knowledge of what the strange error codes that appear on our gadgets mean; and 5) access to firmware (low-level software used to control hardware) and passwords that manufacturers use to lock down repair. Without these five things, it is extremely difficult for owners to fix their own property, and the aftermarket cannot thrive.

Companies defend repair restrictions in a number of ways, including by playing up fears over safety and cybersecurity.

Some of these claims appear to be specious or overblown. Right-to-Repair advocates have yet to see a documented case of someone injuring himself replacing a cellphone battery, for example. Lobbyists for Apple also [told Nebraska lawmakers](#) that if they passed Right-to-Repair legislation, it would make the state a “mecca” for hackers.

Oftentimes, the real reason for industry resistance is much simpler—it’s about money. Morningstar analyst Scott Pope [estimates](#) that repair work at John Deere dealerships has profit margins that are five times higher than sales of new equipment. Apple can [charge over \\$1,000 more](#) for a repair than a local repair shop will charge you.

Repair can threaten business models in other ways too. When Apple’s stock took a nosedive in early January 2019, CEO Tim Cook [admitted](#) that one reason the company was selling fewer phones was because more people were opting to repair their existing ones.

Cellphone makers, appliance manufacturers, and many other firms that use repair restrictions don’t fit the Federal Trade Commission’s antitrust definition of monopoly, which requires a producer to control 75 percent or more of a market. Yet Right-to-Repair advocates often use the language of monopoly power when describing the firms they oppose.

To some degree, this mismatch is the result of a narrowing of our definitions of monopoly over time, notes the historian Richard John. A professor of history and communications at Columbia Journalism School, John is currently writing a book on the history of anti-monopoly traditions in the United States. He notes that monopoly used to have a broader and more capacious definition: “any kind of market power that was conceived as unfair, any power that gave an institution an unfair advantage,” as he put it. That certainly fits how Right-to-Repair advocates describe repair restrictions.

Our thinking about monopoly and antitrust has changed in other ways too. John describes how anti-monopoly thinking became seen as a progressive cause and has come to focus on the rights of consumers. But both of these ideas bely anti-monopoly's roots, and can be attributed to arguments put forward by some influential conservative intellectuals. The legal thinker Robert Bork and some members of the Chicago School of Economics argued that antitrust policy was ineffective and should be curtailed in part because market competition alone would eventually undermine monopoly power. Bork also contended that the Sherman Antitrust Act of 1890 was a "consumer welfare prescription."

But as Jonathan Tepper [has explored](#) in the pages of *The American Conservative*, antitrust laws have conservative roots. As John puts it, "Anti-monopoly is a Main Street value. Historically, it was primarily backed by Main Street Republicans." And while protecting consumers may now be an important dimension of antitrust policy, anti-monopoly thinking was originally focused on *protecting businesses* from anti-competitive behavior.

While the rights of consumers and the plights of individual farmers get the lion's share of the media coverage around Right-to-Repair, advocates for the cause also focus on the broader business impacts. Kevin Purdy of iFixit recently published an article titled "[Right to Repair is a Free Market Issue](#)," which examined how anti-competitive repair restrictions shut down independent repair shops.

iFixit's Wiens points out that companies like Apple have not focused on building repair businesses because profit margins are so low. But there are small businesses that pursue these niche markets. "They can be tackled with lower overhead than big manufacturing has," Wiens explained. "Those small businesses are providing an additional service to the market, they're providing liquidity, they're providing consumer value, they're creating local jobs, they're creating more self-

reliance and busting up monopolies a little bit.” Right-to-Repair advocates estimate that there would be hundreds of thousands of more independent repair shops if restrictions were lifted.

Beyond the consumer protection and the business case, Right-to-Repair advocates also highlight environmental sustainability and the value of community as important causes. Many electronic devices contain rare earth minerals and other non-renewable resources yet companies design them to be disposable, unrepairable, and unrecyclable. Apple has long made unrecyclable products, for instance, by gluing glass to aluminum, which [renders both materials waste](#). A [recent article in Vice](#) called Apple’s AirPods headphones a “tragedy” because not only can they not be repaired or recycled, they also can’t be thrown away because their lithium-ion batteries are known to cause fires. It’s no surprise, then, that the Right-to-Repair coalition includes environmental groups.

Right-to-Repair also enables the independence of small communities. Many localities in the United States do not feature authorized Apple repair stores. Sending out a phone for a repair can take weeks. Yet many people are dependent on their phones for both work and family life and require faster turnaround times.

Wiens, who learned how to fix things from a beloved grandfather, emphasizes that repair comes with a sense of pride. He points to Matthew Crawford’s book *Shopclass as Soulcraft*, which describes how Crawford left behind work in universities and think tanks to become a motorcycle mechanic. As Wiens told me, Crawford talks about how “there’s a pride and a satisfaction that he has from his community respecting his work that he didn’t have as a think-tanker.” That sense of independence can be hard to quantify, but it’s an important reason to fight for our right to repair.

This [article](#) has been republished with the permission of The American Conservative.

Dear Readers,

Big Tech is suppressing our reach, refusing to let us advertise and squelching our ability to serve up a steady diet of truth and ideas. Help us fight back by [becoming a member](#) for just \$5 a month and then join the discussion on Parler [@CharlemagneInstitute!](#)

Image Credit:

U.S. Air Force, Public Domain