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Free Culture

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Reflective Essay

FREE CULTURE takes a pragmatic and sensible approach to bridge the gap between copyright/tech policy and emerging trends and realities. While I recognize "it is becoming harder, maybe impossible to encapsulate information in discrete units and sell them" (Benkler), I do not necessarily condone piracy. What I mean when I say free culture, is "to free" culture. Free it from the bonds of corporations and place it in the hands of the people.

User-autonomy, "*the ability of people to do more for themselves, by themselves, without having to ask anyone's permission and without having to submit to anyone's control over what it is that they're doing*" (Benkler) is arguably the entire intention of technology. For example, rather than requiring 10 people to till a field...one man and a tractor can plow it. I find it hypocritical that corporations may benefit from specific technologies, and then threaten legal action when these technologies filter down to the population. Through this project I encourage remix and creative interpretations of work, not as copyright infringement, but as a cultural dialogue. Regardless of what many corporations will tell you, culture is not a one way ticket. Culture builds on culture; everyone benefits.

As a highly motivated dual television, radio, film and political philosophy major, I am fascinated by the intersection of technology, culture, policy, and democratic values. Due to economic incentives, these

tend to clash when people share. As a child of the Internet age, I have seen and experienced the great benefit of sharing information, especially information that promotes user-autonomy.

Why focus on media industries and autonomy? The digital revolution signified a paradigm change in user autonomy so significant, and with so many far reaching implications, that we are only beginning to see their effects. However, few things are clear. The digital revolution nullified economic scarcity in the information economy. Econguru.com defines scarcity as

A pervasive condition of human existence that exists because society has unlimited wants and needs, but limited resources used for their satisfaction. In other words, while we all want a bunch of stuff, we can't have everything that we want. In slightly different words, this scarcity problem means: (1) that there's never enough resources to produce everything that everyone would like produced; (2) that some people will have to do without some of the stuff that they want or need; (3) that doing one thing, producing one good, performing one activity, forces society to give up something else; and (4) that the same resources can not be used to produce two different goods at the same time. We live in a big, bad world of scarcity. This big, bad world of scarcity is what the study of economics is all about. That's why we usually subtitle scarcity: THE ECONOMIC PROBLEM.

In the old media industry, information such as movies, books, and music were stored on individual units...VHS, paperback, and CD. If a store had 10 copies of the latest Britney Spears album, and I walked in and stole one, they would have 9 copies left. This is theft plain and simple. Digital piracy is often associated with this type of stealing, and it is presented this way by Big Media. But there is a fundamental difference between physical theft and digital piracy, and that difference is *scarcity*. If Jive (Sony Music) sells her album online, and I “steal” a copy of it, the label still

retains all their copies, because an additional copy has been created with virtually no cost to the producer or consumer. The transaction is essentially null or zero-sum. I admit, that while no cost was acquired by the corporation, they also did not gain anything from this transaction, and this is where issue is taken. Thus, the age-old problem of having unlimited wants and needs and limited resources is nullified for the consumer. Now, I must state this is a purely empirical claim. Surely there are other considerations. For example is this right? Why would a company make a product it can't sell? To the former, I state that regardless of right or wrong, the situation above is accurate and is taking place millions of times per day. To the later, I refer you to my film (it is not as doom and gloom as it sounds).

So what about those far reaching implications? Trends in computing and technology show that this revolution can and will affect other markets. Imagine if tomorrow, someone invented a \$200 machine that generated unlimited power. Incumbent power companies would heavily resist this disruptive technology because it is disadvantageous to them. Power companies have millions of dollars invested in existing technologies--gas, power lines, employees. Far better, from their perspective, to charge you \$100/month and maintain their advantage, rather than charge a one-time fee of \$200. The power companies would also lobby Congress to pass any bills that would quash this technology. But think about the benefit to society, a machine like this could produce!

Think about the level of autonomy one could reach! A person could be entirely self-sustaining. This would be immense! Now replace the power companies with media companies and energy with information and you are presented with the information economy as it stands today.

Although many of the arguments in my film could be derived from or criticized on a “socialist” perspective, I made a conscious effort to stray away from this terminology. Free access to information is no more “socialist” than the taxes that pay for local libraries and public education. While it is true I argue “information for everyone” is in the same “vein” as socialism, it is only as a pragmatic approach to the harsh realities that technologies will only make it easier and faster to share in the future, and that in terms of implementation, it is both legislatively and technically impossible to stop copying.

Aesthetics

I have always had a great passion for aesthetics. As a young filmmaker, I noticed that regardless of how interesting or poignant a story may be, if the aesthetic doesn't look professional it can detract from the content. Imagine watching a film in which the microphone crackled, the camera was shaky, and the editing was less than competent. Regardless of the character development, dialogue, or plot twists, a poor aesthetic can prevent one from entering the world the filmmaker intended. With this in mind, I have divided my aesthetic considerations into several categories.

Color Palette

In the process of designing the aesthetic of my film, I spent a great deal of time looking over color palettes. One of my favorite ways of selecting the colors for any design related project I encounter, is to surf websites like colourlovers.com or kuler.adobe.com. These sites allow me to browse, modify, or create thousands of color combinations and provide details about the colors such as their hex/RGB values (useful in replicating the exact color palette in my design and animation applications).

Ultimately, I settled on Nouveau Riche because it contains an updated, fresh feel, that resembles the colors of the American flag. I wanted to tie the issue of my documentary to America, as it is a uniquely American problem. Few countries have pursued copyright infringement to the degree America has. In the interview I obtained with Fred von Lohmann, he states,

Well the legislative process in the US surrounding copyright law has had one recurring problem and that is the laws tend to be made by lobbyists for lobbyists. And so the question is who can pay the lobbyists and lawyers to push Congress year in and year out for new copyright laws. Well for the most part those lobbyists have been employed by the entertainment industries - they're the one who have money and interest to push in Washington for copyright laws. So no surprise that laws get passed are ones written by lobbyists and in the interest of major media companies of the day. [*sic*]

In my film I criticize the Digital Millennium Copyright Act for its inability to enforce the laws it sets forth. It is my firm belief that a law that cannot be enforced is little more than a guideline. This is not to say the government cannot pursue these cases, rather I question the feasibility of punishing 60 million “criminals” based on little more than an IP address.

Furthermore, IP addresses are not people, or even computers. They are connections. Courts in America have disregarded this difference. I firmly assert that legislators should, at the very least, understand the technologies they are legislating. More information on this can be found at <http://torrentfreak.com/court-rules-that-ip-address-alone-insufficient-to-identify-infringer-090615/>. Though I seemingly strayed off topic, the above diatribe shows just how deeply engrained American politics is in this situation. This color palette, located at http://www.colourlovers.com/palette/845820/nouveau_riche and reproduced below, resembles the American flag without portraying a starkly patriotic look.



Shooting Style

I chose a relatively unobtrusive shooting style, with an emphasis on framing and composition. Nearly every shot is static, level, and at the eye line. I used a static Dutch angle in certain segments (such as The Flashbulb montage and the posters in the Wilson Park Community Center) to maintain this “objective” style, while simultaneously adding a bit of emphasis or punch. I chose to add this emphasis to the Flashbulb montage because the music is more upbeat and it helps carry the film into the following section. I also shot the posters in the community center this way to emphasize the threats to the autonomy they deal with each day.

My emphasis on framing and composition is best exemplified in the library segment of this film. The opening shot frames the scanner, the person, and the word “library” well. While the shot looks natural, I had to sit nearly 40 feet away with the camera in my lap to include these key elements. Much of the pertinent information (who, what, where, when, why) can be deduced from this single shot. When the student scans his ID, the image cuts to a new angle which tightly frames up the scanner as well as the sign behind it - notifying students, and the audience, they must scan their ID to enter. There is little more the viewer can deduce from this. I chose this shot to emphasize the barrier to entry.

I also included two shots in which books and a “fence” are present. This was chosen to further emphasize the barrier to entry and the idea that this information is locked up and only accessible to a privileged few. The same idea pervades the following scene where I cut closer on the fence surrounding the community center to emphasize this more.

The static shooting style also aided in cutting down animation times. Had the camera panned or tilted in the animated segments in the library scene, animating them would have required motion tracking and much more fine tuning.

Animation Style

I chose a simple yet effective style of animation. The animations are also where my color palette is most visible. While my animations are “animated” very few elements contain moving parts. This was done as

much for style as convenience. I also chose to use two-dimensional drawings in a three-dimensional space to add parallax and a dynamic element that seemed to make the art “pop” more without being too flashy. My intention was to strike a balance between unobtrusive and flashy.

Graphic Style

The elements used in my animations were all hand drawn by me on a Wacom tablet. I chose this style of art because it was playful while professional. The use of a tablet allowed me to utilize my drawing ability while simultaneously maintaining computational conveniences such as “undo” and the ability to change colors or elements on the fly. It also maintains expressibility through pressure sensitivity. While creating these elements, I was asked why I did not draft them up in Adobe Illustrator, as I could have used the pen tool for cleaner lines and appearance. My only fear with this was that it would have look more like a glorified Power Point presentation than an animation.

Thematic Elements

The lower-third titles I created add a thematic element to the film in an attempt to unify the various voices and topics. I created the titles to mimic a URL bar, with a custom favicon related to each person. For example The Flashbulb’s favicon is a music note, where as Fred von Lohmann’s is a copyright symbol. I truly believe the Internet is where a level playing field is feasible. It is the intersection of corporate greed, net

neutrality, and access to information and thus one of the greatest promoters of user-autonomy to date. Whenever anyone in the film discusses something, tying it back to the Internet can reinforce his or her point.

Did a Situation Force a Decision? Was There a Critical Turning Point or Crisis?

Due to a last minute hard drive failure, this film was reshot, rewritten, revoiced, reanimated, and reedited in little over a week. Beyond the narration, I recorded, created, or collected every element used in this film. I am an autonomous individual, a member of a new generation of film students, a student who is the studio, distributor, promoter and more. What once took hundreds of men to complete, only took one man, one week. There is no doubt in my mind that had I not had access, through the Internet, to the many expensive industry standard programs as a young teen, the feasibility of this undertaking would have drastically diminished.

My hope in exposing my timeline is not to reveal how little time was spent on it, clearly any project would benefit from additional time.

Rather, I hope to show that “Give a man a tool and the know-how, and he can do anything” (my film). Nearly everything in my film was calculated because I did not have time to experiment.

I hope this sheds light on the question posed. If you watched the film before reading this, and could not tell it was put together in a week,

then I have accomplished a level of professionalism that few filmmakers care to admit.

While aesthetics is clearly important, once we are brought into the film, it all comes down to content. In the reflective essay section on the Honors website, it states, “Although much work is stunningly original and inventive, no artist’s work is made out of thin air.” I’d first like to say thank you for writing this question as you did, because it is fundamental to my project. You, the Honors Board, understand that nothing “comes from thin air.” Culture builds on culture, and no man is an island.

While some of the points in my film may seem controversial, I am not the first to present these realities. The League of Noble Peers produced two films entitled *Steal This Film I* and *Steal This Film II*.

While the films concentrate on related ideas, the *Steal This Film* series centers on the history of copyright, the copy tradition, and the raid on the Pirate Bay servers in Sweden. However, early in my project, I contacted them regarding two interviewees that appeared in their film, Yochai Benkler and Fred von Lohmann. They sent me the raw HDV footage, much of which did not appear in their film, but which is relevant to my topic. These films can be viewed or downloaded for free at www.stealthisfilm.com.

Another film on a related topic is Brett Gaylor’s *RIP: A Remix Manifesto*. In this film, the director follows around Girl Talk (Gregg Gillis), a mash up artist whose use of samples has caused controversy in

the copyright world. The film's manifesto rests on three tenants. First, culture always builds on the past. Second, the past always tries to control the future. Finally, the future is becoming less free. These tenants certainly play into the philosophy of my film. If technology allows us to be more autonomous (free), and the past (old technologies/incumbent corporations) tries to control the future, then we are hindering great progress for little more than capital gain. I want to make it clear, I am not anti-corporation or anti-profit. I just disagree with the idea of restricting progress for profit. Furthermore, regarding the outdated technology of the CD, Benn Jordan states, "the first CD came out in 1979...and we still have that technology being pushed by people (industry) in 2005 as the primary thing on which we should listen to music, and the reason is because when you make 100,000 CDs, with the cases and everything, they cost something like 30 cents a piece. And then you can mark it up and sell it for \$18.99 in the store. And the industry loved that, and they got off on that." *Rip: A Remix Manifesto* questions whether or not remix is a legitimate art form or just copyright infringement in disguise.

While copyright infringement threatens autonomy in culture proliferations, and remix culture is an example of what can happen when users are autonomous, neither documentary concentrates on, nor directly promotes autonomy. Rather than debate the merits or faults of copyright, piracy and technology, my film presupposes copying cannot be stopped through legislative or technical means. Fred von Lohmann explains this in

greater detail in my film. The film is openly biased towards empowering the individual over corporate greed. It takes a utilitarian approach, based in the idea that what is best for consumers/autonomy/individuals, is best for society.

Some other people's work who have had great influence on the content of my work include Ray Kurzweil, a futurist, and author of *The Singularity is Near*, discusses trends in technology. In particular, he notes that computational hardware as well as other technologies follow an exponential curve of growth. At some point, he theorizes, technological change will be so drastic and so quick that our current paradigm will break down. Of relevancy to my film and autonomy, is the observation that as technology advances so too does our ability to do more for ourselves. For example, while plowing a field may have taken tens of men, days of work in the 1800s – today, one man can accomplish the same task with advancements in technology in a few hours. This trend also pervades information technologies. Couple this with net neutrality and reasonable copyright laws and it is my belief that society would have a truly Darwinian system, where the best technologies (those which promote the greatest autonomy) prevail, rather than those who utilize the best advertising, legislative bullying or technical restrictions.

Senator Al Franken is another individual who has had great influence on my thought process. Franken, beyond being my home-state senator, is a huge advocate for net neutrality. He has stated openly that net

neutrality is “the first amendment issue of our time”, and I wholeheartedly agree. It was Senator Franken who first “introduced” me to the topic of net neutrality. Since then I have conducted my own research and have watched and listened to countless speeches online.

While it is not a single person, TED Talks have had a great influence on my feelings about information. TED Talks are openly accessible lectures on a variety of topics. The common element between them is that they are freely available online to educate the masses. This accessibility both reinforces my goal of sharing information with the masses, especially cutting edge information such as that present at TED conventions. Some notable TED talks include those by Clay Shirky, Ray Kurzweil, Kevin Kelly, Pranav Mistry and Evgeny Morozov among many others. Morozov’s TED Talk is especially interesting because he argues against the idea that the Internet is a great democratizing factor. I reserve judgement, as I agree it has both helped and hurt democratic values.

However, his talk does not contradict my film as Free Culture aims to *promote* autonomy and democratic principles in light of these realities.

These talks and more can be found, for free, at www.ted.com.

The structure/design of my film was greatly influenced by a variety of sources. NANOYOU, is an online documentary film about the nano world all around us. Regarding design, the film utilizes interviews, graphics, and animation to convey its point. Structurally, this film spotlights a variety of industries and technologies that utilize the nano

world. There is, however, no unifying narrative, nor protagonist. It is a documentary purely in the educational sense. My film, utilizes the same structure, though on the umbrella topic of autonomy. The first section of my film discusses the realities of today's shifting technologic and information environment. The second section profiles a musician who, understanding these realities, and, being fed up with the incumbent system, chose to harness his autonomy, create a new business model, and ultimately became a great success. He believes information should be free because its aggregate good for society far outweighs the benefit of making a few bucks.

Adam Curtis, of the BBC, is my favorite documentary filmmaker. His work nearly always centers on some non-mainstream political issue. In *Power of Nightmares*, he draws historical parallels between Islamofascism and Neoconservatism, which clash right after 9/11. In *Century of Self*, Curtis discusses how "those in power have used Freud's theories to try and control the dangerous crowd in an age of mass democracy" (CoS). His work is compelling, offbeat, but always heavily substantiated by fact. More over, all of his work is freely available online to educate the masses at archive.org.

They say the medium is the message, and this film is no exception. Beyond spreading the importance of user-autonomy, net neutrality, and freedom of information, this film utilized footage and animations shot by myself and others, and gathered and distributed through Creative Commons licensing, In accordance with this, my film (and footage) will be

freely available online to be reused, recut, or distributed as you please. Visit freeculturedialogue.com. You can access a fuller explanation of my arguments, view my source list, blog posts related to user autonomy, and participate in the cultural dialogue on the site.

While my film promotes autonomy, I recognize no man is an island. Though I completed all aspects of this film by myself, I'd like to thank my advisor, Richard Breyer, and Honors Reader, Jason Kohlbrenner, for their time, patience, and dedication to my project. Furthermore, I'd like to thank the Renee Crown Honors program for providing me with so many indelible opportunities over the last four years. I'd also like to thank Benn Jordan for being so helpful and responsive. Until a couple months ago, you were but an artist in my music library. You are a creative genius and a forward thinker. The world needs more people like you. Finally, I'd like to thank the countless people I debated these issues with. Even if we did not agree on outcomes, you helped me verbalize and clarify my position, and for this I am eternally grateful.

Capstone Summary

Free Culture is a documentary short that aims to promote user-autonomy in the digital age, with a focus on culture proliferations. In the 90s, the Internet was painted as a great equalizing factor in contemporary society. Early pioneers, such as Nicholas Negroponte, believed it had the power to “flatten organizations, globalize society, decentralize control, and help harmonize people”. With this increase in connectivity, anyone with an Internet connection had unparalleled access to information that was previously reserved to a privileged few. Arguably the greatest impetus behind the advancement of all technology is user-autonomy. As Yochai Benkler, professor at Harvard Law School, states in the opening minutes of my film, user-autonomy is, “at the simplest level, the ability of people to do more for themselves, by themselves, without having to ask anyone’s permission and without having to submit to anyone’s control over what it is that they’re doing.” This idea is also conveyed through the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” This familiar proverb exemplifies the epitome of autonomy. Give a man a tool and the know-how, and he can do anything. To explore this, I met up with Benn Jordan, a musician who was fed up with getting ‘bit’ by big media and harnessed his autonomy to become a success. As well as the director of a community center, who has dedicated her life to helping young, often underprivileged, children become more autonomous in today’s tech-savvy society.

So how does this play into the digital age or culture? In the past, culture was relatively confined to localized communities. Benkler continues in my film, stating, “What happened in the industrial information and cultural economy was that people shifted... to an industrial model of cultural production where the materials were produced by some set of commercial professional producers, who then control the experience and located individuals at the passive receiving end of the cultural conversation so that efforts to take these materials and remake them, or efforts to participate as a cultural speaker, by and large required permission. On the topic of threats to autonomy, Thomas Szasz, Psychiatrist and academic, states, “The proverb warns that, 'You should not bite the hand that feeds you.' But maybe you should, if it prevents you from feeding yourself.”

This film is not anti-copyright, but it does take issue with the Digital Millennium Copyright Act. This law gave copyright owners the same legal protections online as in real life. However, the law is impracticable in both implementation and punishment. Technical restriction, such as Digital Rights Management (DRM), will never stop digital copying. Fred von Lohmann, Senior Copyright Council to Google, states in my film, “DRM faces some fundamental problems. It’s never going to work at stopping digital copying. The basic problem was laid out in a paper that’s come to be known as the Darknet, written by four senior Microsoft security engineers in 2002, and they started from a few

premises, DRM is always gonna be broken by someone, there's no DRM system that's proof against the efforts of a PHD in computer science, and that's never going to be. When it comes to media content, like popular movies there will always be a motivation to break it, it's not to say that we can't use DRM to protect your medical records, or your family photo album. perhaps there's a lack of motivation for anyone to try to break that, but when talking about the latest Spiderman movie, there's no shortage of motivation around the world for smart computer hackers to try to crack the DRM. And so far and for the foreseeable future that's going to continue to mean these systems get broken. It's impossible to build a foolproof system and all the computer security experts agree on that." However, corporations, even today, refuse to accept this reality, and have pushed rhetoric and the DMCA to its limit, suing tens of thousands of people for piracy and copyright infringement. This is an ineffective policy that cannot stop digital copying, no matter how many individuals are sued to set examples. In 2003, the Electronic Frontier Foundation estimated there were 60 million music pirates online in the United States. Subpoenaing them at a rate of 75 per day will take 800,000 days or $(800,000/365) 2191.78$ years to subpoena each pirate. Since 2003, the number of pirates has only increased. So what do we do? Do we impose harsher punishments and continue the charade that "just say 'no'" works? Or should we attempt to understand what is going on in the greater picture and adapt to the new environment. Yochai Benkler continues, "The

answer that you get from Hollywood and the recording industry is, it's a disaster! How will creators ever make money? Before we buy that, we have to remember that music didn't begin with the phonograph, and it won't end with peer to peer networks...all information, knowledge and culture in our society is supported by a diverse set of revenue flows and business models, not only the copyright system."

To explore these diverse sets of revenue flows and business models, I decided to fly to Minnesota to meet up with a musician who, also critical of the DMCA, used its weakness to harness his autonomy and become a success. In 2008, Benn Jordan discovered his music on iTunes, but had neither given his permission nor received compensation. After some investigating, Benn discovered that a person in Canada had uploaded his music to iTunes and Apple never verified to make sure it was Benn. For three years he called Apple and sent Cease and Desist Orders, but they just ignored him. With nothing else to do, Benn pirated his own labels album, and it would become one of the greatest business decisions of his life. Included in the album's release on popular p2p networks was an HTML file that explained his views on piracy. He writes, "Hello listener...downloader...pirate...pseudo-criminal...You probably expect the rest of this message to tell you that you're hurting musicians and breaking just about every copyright law in the book. Well, I won't tell you that." Benn's story went viral, making the front page of blogs and social media

sites like digg.com. His blog alone garnered 150,000 views per day following the controversy.

Marred by the industry, Benn chose to go independent. In the digital age, it is possible to be artist, studio, distribution, and marketing. In my interview Benn commented that he makes 95% of sales on his albums as opposed to 12% on a major label. He goes on to state, “I make more money selling 3,000 albums than most artists make selling 25,000.” As we talked about autonomy, he stressed the importance of free access to information. He says, “If a seven year old wants to learn something about computers, wants to learn programming, or something that would make him a great success later in life, he can only do it if he has enough money right now. So if you’re poor you’re most likely out of luck, you have to work a lot harder. And this whole thing could come down now; this is where that wall can be torn down. It’s the time to do that.”

I had to look no further than my University’s library to find barriers to information and its potential effects on the community. The library contains nearly 3 million books, 28,000 films and 123 “public” computer workstations. But access costs up to \$35, 000. Not a two-minute drive away (.8 miles) sits one of the poorest communities in Syracuse. The majority of children in this community face major threats to autonomy, and most do not go on to higher education. To combat this, the community established the tech center at the Wilson Park Community Center. I spoke with Barbara Grimes, the director of the center, who told me the center

provides students in the community with free access to tutors and 8 computers, where they can play educational games and conduct research on the Internet.

Give a man a tool and the know-how and he can do anything. Through this project I encourage remix and creative interpretations of work, not as copyright infringement, but as a cultural dialogue. Regardless of what many corporations will tell you, culture is not a one way ticket. Culture builds on culture; everyone benefits.