

Free culture and the internet: a new semiotic democracy

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An enriching form of individual creativity and technology is inventing a new global space: the digital commons. Elizabeth Stark introduces a debate that explores the possibilities and challenges of a culture without borders - or owners.

Across the globe, from Peru to Croatia to Korea to South Africa, a new cultural space is emerging – the digital commons. In it, users are creating culture and knowledge, be it by blogging, making videos, remixing songs, or writing software. While it may manifest itself in different ways in different places, this movement, much like the nature of the internet itself, has become a truly global one, and has served to transcend barriers across cultures.

Many of these barriers are already breaking down – the lines between "amateur" and "professional," and "user" and "creator" are becoming increasingly blurred. A little less than a year ago, I posted a mix of Brazilian Baile funk music on my blog. This style of music, while quite well known in Brazil, had just recently been getting a lot of attention in the US and Europe. As a result, it was picked up by various other blogs, and tens of thousands of downloads later, it had made its way into the best mixes of 2005 in one of the premiere electronic music magazines, *The Wire*. In many ways for me, it was a lesson in semiotic democracy and the grassroots, viral nature of the internet. I had merely published something to my blog, and without any further effort on my part, people around the world started listening to my mix. I had become a part of the digital cultural revolution without even realising it.

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By posting my mix online and allowing others free access to it, I had entered the "cultural commons", or a common space of cultural information that is available for the public at large to share, rework, and remix. For example, old books or films (before 1923 in the US) where the copyright has expired and is now in the public domain as well as the massive amount of knowledge contained in Wikipedia, the world's largest user-created encyclopedia, would be a part of this growing pool of global information. As opposed to opting for traditional copyright, which would lock down a work and prevent such access or reworking, creators may opt for various licenses, including those of Creative Commons, to add to this knowledge space.

Brazil, despite its relatively strong copyright law on the books, has been a hotbed of commons-based activity in practice. The entire genre of Baile funk, which has emerged from Brazil's ghetto-like *favelas* and has begun to pervade mainstream culture there, relies almost exclusively on remixing. Go to a Funk Ball, or Baile, in the *favela* of Rocinha in Rio de Janeiro, and you will likely recognize samples and snippets of a good amount of the music you hear – from Prince to New Order to 50 Cent.

What's more, the music is created without any regard to copyright, and this is what allows it to flourish.

Artists freely borrow and remix from others, and CDs are sold on the streets for little more than the cost of the production of the physical CD. Artists don't receive royalties from the CDs, but instead view them as promotion of their work and their performances, and some of the parties that are organised attract tens of thousands of fans. Needless to say, these Bailes can be extremely lucrative for the funk artists. Brazil has also been extremely progressive in supporting open business models (or those that do not rely on restricting access to content or culture), has been active in patent-busting, and has generally viewed culture as a space to which citizens have a right to access, as opposed to a commodity to which consumers have a right to purchase.

A creative revolution

What the digital commons recognises is that creation is not produced out of a vacuum; we inevitably build upon the works of others, be it consciously or subconsciously. Thanks to advances in digital technology and communications networks, we are entering a new era of creative production. In the mid-to-late 1990s, the internet was viewed as having unlimited, even unrealistic potential as a medium for commerce.

Now, it has increasingly become a platform for cultural communication, with everything from citizen journalism via blogging to tagged photo albums via Flickr to melding together songs or movies via mashups. Yet much like the great failed hopes for e-commerce, some question whether this new digital cultural revolution will actually affect our culture in fundamental ways. While it will clearly morph and evolve in various and perhaps unexpected ways, this cultural revolution is here to stay.

The very heart of this revolution rests on a simple concept: semiotic democracy, or the ability of users to produce and disseminate new creations and to take part in public cultural discourse. You've all probably seen a YouTube video where someone is lip synching to a song or heard a mashup of two popular tracks, yet this new form of cultural creation goes far beyond faddish remixes or home videos. Users are by and large developing and posting their own "original" creations as well. (Original may be a misnomer, but let's suffice it to say that examples such as blog posts, photographs, and songs written by a band are not blatant remixes.)

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Anyone can now become a creator, a publisher, an author via this new form of cultural discourse, a platform to publish to the world at large that grants near instant publication and access. While the concept of, say, being able to post or comment on one's blog may seem mundane at this point, if I had told you fifty years ago that you'd be able to publish something so that almost anyone, anywhere could read it instantly, it would have sounded like something out of a science fiction model.

Individual artists, producers, and musicians need no longer depend on the power of major corporations as producers or distributors. Take MySpace, where many new and up and coming bands have posted their music. Instead of relying on a record label, they can now gain exposure and disseminate their music via the site, where some bands have had sold-out tours or sold countless CDs thanks to their MySpace page.

Despite the increasing ease of doing so, though, we see that many professional creators are still relying on the publisher-centric business models of the 20th century. This will not last. We will see massive disintermediation in the next decade or so. More artists and creators will self-publish, and they will find ways to do so in a sustainable way, perhaps by selling mp3s on their website, opportunities for production work, or touring to a greater number of fans.

That's not to say that everyone will become a professional, or that there won't be a space for those who merely wish to create as a hobby. Yet the age of the superstar is set to decline. As more people have more access to culture that interests them, coupled with the proper tools to get them there, it is highly likely that they will not all gravitate toward the same megastars. Throughout the last fifty years, culture in the western world has primarily been filtered by a few major corporate entities, sometimes looking for the next best thing, and increasingly trying just to recreate it. The digital cultural revolution, if it materialises, will enable us to forgo those filters and seek out more of what we like, or perhaps enable us to discover something we love, but would have never known it otherwise.

Threats to progress

Yet as we enter this era of democratic cultural production, the law is increasingly out of touch with reality. There's a complete lack of congruence between

what is on the books and what is actually happening in the real (or digital) world. The vast majority of the remixes out there, believe it or not, are illegal. Ranging from video lip synching to recreating film trailers, they infringe the copyright law that has been harmonized throughout most of the modern world.

In fact, just last week the Recording Industry Association of America (RIAA) announced that it would start tackling the "problem" of users creating videos that infringed on their copyrighted works. (Bands sign away the copyright to their recorded works in virtually all major label contracts, leaving it in control of the labels.) As a result, they have sent "cease and desist" letters to those who have made the videos, and they are working with YouTube to develop technologies to identify their music in such videos so that it can be taken down.

It's quite interesting, then, that these are the same record companies that spend hundreds of millions of dollars on advertising and marketing, and yet when such users are arguably doing so for free, they immediately seek to put a stop to it under the guise of "intellectual property" violations. Music videos are primarily utilized for the promotion of CD sales to begin with, and it is completely conceivable that such videos would serve as a benefit to the owners of the music as an albeit unintentional yet effective tool of marketing and advertising.

Further, digital rights management (DRM), or technologies that restrict access to a particular digital work, such as not allowing users to print pages of eBooks or make a copy of a digital music file, poses a serious threat to the development of the digital commons.

Laws have traditionally allowed for fair uses of copyrighted works, whereby an author can, for example, take a clip or excerpt of a work for artistic, critical, or educational use, or record a copy of a TV programme for later viewing. Technologies such as DRM stand to prohibit such legally granted rights, and laws that prohibit the circumvention of these access control measures can even stand to criminalise what would otherwise be a completely legal use (for example, getting around the technological access controls in an eBook of a public domain work would be a violation of such laws).

The increasingly burdensome application of copyright law to uses that were previously given a blind eye, such as quick clips of other videos in documentaries or songs with 3-second samples from others, stands to pose serious burdens to creators, while the fear of potentially getting sued has resulted in the stifling of

creative work that makes even legal uses of others' works. So as we have an increasing amount of culture produced that completely disregards copyright, it has been coupled with a backlash from those that view such creation as a threat to their current business models.

The implications of the backlash can be seen in the example of a song called *Amen Brother* released by a soul band called *The Winstons*. It contained an irresistible drum riff, one that would later capture the minds and ears of producers and the listening public at large. A multi-second portion of the song, what has become to be known as the Amen Break, was discovered by hip-hop artists in the 1980s and utilised to produce the underlying beat that has been in countless songs since.

In fact, an entire genre of music, known primarily as drum'n'bass, is almost completely reliant on this portion of the song that lasts less than 20 seconds. Luckily for us, this music developed in a culture where sampling was a new art aided by the development of samplers, or machines that allowed the replaying and modifications of portions of audio tracks, and where artists were able to essentially freely sample and borrow from others.

A remixed future?

In the last several years, this golden era of sampling has come to a close, with courts in the US declaring that a mere three-second sample is sufficient to constitute a copyright violation, and that any sample of a digital recording whatsoever, even lasting a millisecond, would be an infringement of copyright. If the laws of today had been exercised twenty-five years ago, hip-hop, among other genres, may very well not exist today as we know it.

While the legal threats to the digital commons are often the expression of business or corporate interest, different concerns arise. Some worry about the dangers of having such an explosion of available culture and knowledge, and these concerns are not without merit. We are increasingly entering an age where we have too much information and too little time, perpetual multitasking with shortened attention spans.

Sifting through the information and the culture, especially when there may be a lot of stuff out there that is just plain bad, is not an easy task. There is thus an ever-increasing role for aggregators, or ways of sifting through and recommending various forms of culture, be it a cool, new band, or an interesting article. Such filtering mechanisms, which could range from a blog that readers trust to provide quality links to

articles (i.e. BoingBoing) to a website that users rely on to provide reliable critical music reviews (a la Pitchfork) may serve a critical role as the amount of available content out there increases.

Others stay awake at night fretting about the decline of a "common culture", a common space, be it one of political events or popular TV shows, that can bind a society together. It is true that the net may enable us to increasingly fragment as, say, territorial border-based societies, yet the need for trusted sources – be it aggregators, recommendations of friends, or major news media outlets – will continue to serve to bind societies together to an extent. Further, the ability for citizens to better specialise in particular areas (say, I'm

an electronic music expert, and you are a connoisseur of jazz), may serve to enable greater interaction across societies and cultures.

The movement does not solely touch on a small, tech savvy elite. Instead, such new forms of cultural discourse are reshaping the way that we view our environment, media, and society. It can affect us on a micro-level (even if 20 people read one's blog, that's still 20 people more than before), or a macro-level (how many people saw the JibJab or BusUncle videos?), yet it is here to stay. Our culture, be it global or local – or more likely a rich, uncategorisable mixture of both – will never be the same.

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