

Another week where the readings have stimulated new thinking, discussing and analyzing. We were charged with reading and viewing discourse surrounding the issue of online file sharing and intellectual copyright infringement and then discussing our stance. We have also been charged with new learning in the form of a podcast so here goes!

Here is the place from which I started in terms of accessing online cultural content, prior to completing the readings. I rationalize that I have a supposed moral high ground when I access content from the internet. In the spirit of full disclosure, remember that I am NOT in the Gen Y demographic, but am unrepentantly a Baby Boomer. In essence, I ascribe to these views:

1. Internet piracy is not OK –everyone is entitled to a fair living based on their work product.
2. I have downloaded music from P2P sharing sites. In the vast majority of cases, these are copies of things for which I have already paid good money – in most cases, multiple times. I bought the music when it was on vinyl – again when were told the tapes were better – yet again when CD's showed promise- AND in some cases AGAIN when it was released digitally. I convince myself that the artists and the distributors have taken their pound of my flesh, and I am done paying one more time. Sometimes they are tunes that I cannot find anywhere else so it is like finding an old friend – a true celebration of memory. For most of the music I download (and it is probably far less than it would have been when I was younger), I use iTunes and pay the .99 per song fee or the album if it is one where most of the songs are winners.
3. I have used torrent files to find an ebook version that I cannot find on any legitimate ebook sites. These are books that are old favourites that I would love to have to read on one of my digital devices, do not seem to be released yet in an eformat. I do resent however, the high prices of some ebooks which are not much less than a mass market paperback might cost me at indigo.

Using Steinmetz and Tunnell's (2013) framework, this kind of codification of my behaviour would fit into the category of "denial of injury" – the artists and the distributors have made money from me – my actions are not "hurting" anyone and the small amount I take is not noticeable.

But, fundamentally, I appreciate the artist's endeavour and that their art is their living for which they need to be adequately compensated. I am less sympathetic to the various middlemen, although there is an economic reality that everyone needs to be compensated in some way.

I have felt the implied threat of retaliation from my internet service provider – we have had warning emails over the years reminding us of the ethics associated with “illegally downloading” content – the law suits in the US gave me sufficient pause that I warned my offspring to be sensitive and careful – in part because of what my husband and I felt was the ‘morality’ of downloading (remembering that we are digital immigrants) and in part because of concern over any potential legal ramifications.

Here is a passage from an interestingly entitled article “Under the Jolly Roger: A Study of Online Pirates” that is causing some personal reflective analysis: (Steinmetz & Tunnell, 2013).

“Take yourself back to caveman days. You’re strolling past the cave and you hear one of the monkey boys tapping on an animal hide—a new rhythm you haven’t heard before but it’s kinda catchy. Later in the day you find yourself tapping it out with your feet. Then the monkey boy walks up to you and demands an antler because you’ve just stolen his intellectual property. The concept is fundamentally unnatural. The question you should be asking is why does Britney Spears believe that she (and her descendants for 75 years after she is dead) should be paid over and over and over again for a single piece of work? The guy who built my house won’t get a cent when I sell it. He was paid for it once and once only, no matter how many people eventually take advantage of it. That is natural. That is fair”

This gave me pause. First, I see the inherent humour in the quotation and further, I agree philosophically with the sentiment – is there a time at which the producers of culture should cease to benefit from their creation? If so, how is that determined? For example, how should a young indie artist approach commodifying their work? Yes, they create for the love of creation – listen to a very good TEDTalk presentation by well-known academic, lawyer and political activist, Larry Lessig, who does a fabulous job at addressing this very concept. But they need to live – so in an internet age how can we make sure that they are properly compensated at least once – adequately and fairly – before the work is disseminated widely?

As part of our discussion this week we have been asked also consider the issue of how copyright legislation in the recorded music industry and the practices of consumers appear to be going in opposite directions in an untenable way. And how might we deal with this?

Well, I am not sure how to put the genie back in the bottle – the Internet Nirvana Theory which in which the internet is an area of free exchange in which everyone wins is clearly just a theory – not everyone is a winner. Lessig suggests that legislation is necessary – and that there are a number of routes that we can choose to support a paradigm shift in current thinking.

Here is an excerpt from Lessig's blog from December of 2008 in which he proposes a number of rational and practical solutions. Given that I could not say it better myself I will leave it to Lessig to capture what seems to me logical, rationale and fair alternatives to the current unwinnable internet culture wars.

Lessig proposes “a voluntary collective license, allowing individuals to file share for a low, fixed rate; a more expansive "noncommercial use levy" that would be imposed on commercial entities benefiting from peer-to-peer file sharing, to help compensate artists; or most expansive of all, that copyright give up regulating the distribution of copies and instead compensate artists based upon the estimated frequency by which their works are consumed. These and a host of other ideas all raise different advantages and disadvantages—but are better than criminalizing a generation”

Well said, Mr. Lessig!