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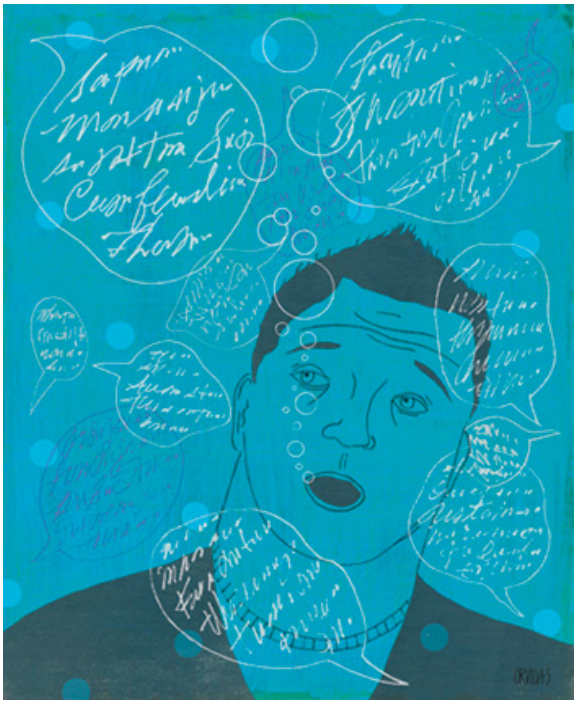
Why Culture Isn't Free

Andrew Keen is the author of *The Cult of the Amateur* and an international lecturer on the challenges of our digital future. In this essay for the Quarterly, he examines how the Internet has given rise to a generational revolt that is changing not only the economics of the film business but how the public perceives films. The result could be a cacophony of user-generated content in which individual artists lose their voice—and livelihood.



By Andrew Keen
Illustrated by Ken Orvidas

The history of motion pictures is all tangled up with the history of rebellion. The industry began in the early 20th century as a rebellion of outsiders—a generational rebellion against live theater, against 19th- century technology, against the dominant cultural establishment, and against conventional ways of profiting from entertainment.

Today, a century after that initial rebellion, those outsiders have become insiders. A hundred years after its generational rebellion, the motion picture industry has established an orthodox economic method for the making, distribution and selling of movies. Its manifold accomplishments include building a highly profitable business model by charging consumers to watch presentations of the same movie and transforming the idea of a mass audience and, last but certainly not least, globalizing culture.

The rebellion of the outsider has also become one of the most storied subjects for movies themselves. Throughout the 20th century, the man with the movie camera went out into the streets to transform generational rebellion into cinematic art. From *Battleship Potemkin* to *Rebel Without a Cause* to *Reds* and many other timeless classics, movies have put each new generational revolt onto the big screen.

Movies might have fundamentally changed the world, but today, in the first decade of the 21st century, global change threatens to fundamentally change movies. Today, there's a new generational rebellion of outsiders against the system. And this digital revolution is, in part, a rebellion against the man with the movie camera. It is the revolt of a naively idealistic Internet generation against traditional mainstream media. Indeed, a movie about today's great rebellion would, if produced by the rebels, conveniently and mistakenly typecast the motion picture industry as an evil villain of the story.

This early 21st-century revolution—a populist movement of outsiders comprised mostly of academic theoreticians and an army of angry online foot soldiers—is a cultural, political and economic rebellion against the centralized, hierarchical media of the Industrial Age. It is a rebellion against all the most fundamental conventions of traditional mass media, against cultural curation, and cultural intermediaries. Most provocatively, it is a rebellion against the very cornerstone of the 20th-century information and entertainment economy—the idea of "authorship" and its legal corollary intellectual property ownership.

It's not only the traditional motion picture industry, of course, that the digital revolution challenges. Indeed, this revolution is a fundamental assault on the authority of all media—from books to music to newspapers to movies. In music, the peer-to-peer revolution of Napster and MP3.com, which enables listeners to swap—legally or otherwise—digital files over the electronic network has dramatically shrunk the sales of prerecorded CDs. In the news industry, the rapid proliferation of free, user-generated electronic diaries known to the initiated as weblogs or "blogs," has lead to an economic and cultural crisis for paid newspapers. In the knowledge business, the editor-free, volunteer-created content on Wikipedia has undermined the viability of curated, paid information resources like the Encyclopedia Britannica. In books, the ambition of Google to create a universal digital library has triggered a lawsuit between the publishing industry and the search-engine company. In television, the digital empowerment of audience through websites like YouTube and new technologies like the digital video recorder (DVR) dramatically threatens the long-term viability of the TV business' lifeblood—the 30-second TV advertisement.

The digital rebels use many names to describe themselves. They are "hackers," "bloggers," "longtailers," "diginauts," "socialista," and "digerati." Above all, however, they identify themselves as "pirates." They even now have their own international political movement, the Pirate Party, which has branches in 37 countries including the United Kingdom, Canada, and, most notably, in Sweden, where, in the recent European Parliament election, the party came in third, winning more than seven percent of the vote and grabbing a couple of seats in the assembly.

The Pirate Party

I talked recently with director Milos Forman, who unambiguously spoke out against the pirates last June in his keynote address at the CISAC World Copyright Summit in Washington, D.C. Forman confessed to me that as a boy growing up in postwar Czechoslovakia, he liked to "play" pirates. But the pirates of the digital rebellion are, of course, anything but children. So for what ideas, exactly, do these adult rebels, these digital pirates stand?

"We hate being called a single issue party," Andrew Robinson, the head of the United Kingdom's new Pirate Party told the London Daily Telegraph in an August 2009 interview, before explaining that his party was focused on reforming the copyright and patent laws in the UK. These laws, he explained, without citing any empirical evidence, "are hugely biased in one direction—all in favor of increasing the wealth of big businesses, like record labels or film companies, as opposed to solely and directly benefiting the artists."

There you have the ideology of the digital revolution in a single sound bite. It's back to the future with the wishful utopian thinking of communitarian activists. Once again, private property and private enterprise are being demon-ized by radical idealists who want to replace it with "common" ownership. Once again, it's a shady global cartel of "big business" that is exploiting not only the poor artist but also the equally impoverished consumer.

The challenge to the authority of the traditional cultural entrepreneur from the pirate is a broad one that opposes the very idea of a for-profit culture industry. The bad guys today—at least in the eyes of rebel leaders like Matt Mason, the author of the bestselling 2008 countercultural manifesto *The Pirate's Dilemma: How Youth Culture Is Reinventing Capitalism*—are the fat cats of Hollywood, the mainstream profiteers who have been supposedly exploiting the public for years, ripping them off with what the rebels believe are overpriced, substandard, big-budget products.

The vast majority of thieves aren't heroic digital visionaries. They're downloading the latest *Harry Potter* movie so they won't have to pay for it.

What, of course, rebels like Mason don't acknowledge is that most films, even in Hollywood, are not big-budget productions and that the so-called "big business" of the movie industry provides the livelihood for many thousands of ordinary workers—everyone from young, independent filmmakers to assistant directors to movie theater attendants.

This idea—what the fashionable digerati would call a "meme"—that self-interested and self-serving big media has been killing our culture for generations is the common thread running through the pirate movement. It's a particular conceit amongst pirate intellectuals—connecting Harvard University Internet legal scholar Lawrence Lessig and City University of New York journalism professor Jeff Jarvis with popular writers like Mason and the science fiction writer Cory Doctorow.

But the historic mass media scam is now up, at least according to pirate apologists like Mason. "Privately owned property, ideas and privileges," he writes triumphantly in *The Pirate's Dilemma*, "are leaking out into the private domain beyond anyone's control."

Mason's rhetoric is, of course, suitably populist for a contemporary age in which trained and experienced professionals—from journalists to politicians to lawyers to doctors—are being challenged by what I referred to in my 2007 book as "the cult of the amateur." And what Mason and his fellow rebels don't (and can't) explain is how, in this supposedly democratized world, artists are supposed to create, own and profit from their own work.

But how, exactly, is the digital revolution resulting in privately owned property and ideas (i.e. movies, books, photographs and recorded music) "leaking out" from the "private" into the "public" domain?

Mason's plumbing metaphor is instructive. In the old industrial copy economy, it was hard for content to leak out of the system because books, records and movies were hard to steal in large quantities. But the technology of the digital revolution has changed all this. By enabling the replacing of physical cultural goods with digital bits, digital technology has essentially done away with the monetary value of online content.

Pirate Ideology

Information wants to be free" was the memorable battle cry of Stewart Brand, countercultural creator of the *Whole Earth Catalog* and one of the pirates' most iconic figures, who uttered these words at the first Hackers' Conference in 1984, the year that the world's first personal computer, the Macintosh, was introduced by Steve Jobs. And now a mass movement of contemporary idealists who have no understanding of the destructive cultural consequences of their actions, are trying to realize Brand's seemingly crazy vision. Information—from movies to books to songs to photographs—is tragically becoming free.

Once content is digitalized and distributed on the Internet, it becomes harder and harder for its owners to protect the financial value of their product. The truth is that anti-theft protection technologies such as digital rights management (DRM) software simply don't work very well as plumbing devices. For better or worse, the digital revolution may well represent the long-term death knell of the old mass media copy economy. And it's this reality that is the cause and effect of both the dramatic rise and the increasing social acceptance of intellectual property theft.

The Internet has become a supermarket in which you don't have to pay. Digital technology has made content protection unenforceable. We are free to wander up and down its virtual aisles, freely taking whatever movies and songs we want without minimal fear of detection or punishment.

But just because you can steal content on the Internet, doesn't make it right to steal. Unless, of course, you are an insurgent intellectual like Mason or a Pirate Party leader like Robinson, whose view of the world is predicated upon the intrinsic immorality of large media companies and the allegedly exploitative nature of current intellectual copyright law.

In this intellectual assault on private property, Mason is appropriating the ideas of 19th-century anarchists like Pierre-Joseph Proudhon, whose "all property is theft!" remark has been grist for graffiti artists for more than 150 years. And it's this vulgar old trick of associating all private property with theft that is so often used by the online crowd to justify their illegal downloading or file-sharing of songs and movies.

But it is "control"—economic, political and, above all, cultural control—that is the primary enemy of the digital rebels. Here, they rely on a primitive libertarianism—the narcissistic ideology of '60s counterculturalists like Brand, which suggests that any kind of external authority is morally unacceptable. Thus the great crime of 20th-century mass media is that it has supposedly "controlled" us from above. Unaccountable and unelected "gatekeepers," such as editors or record producers or movie directors, have unjustly handed down culture to the masses.

What the digital revolution is actually promising to deliver are "cheap" and "crummy" online videos with infinitesimal

What these leveling "democratizers" miss, however, is the reality of any creative economy—talent. Utopians like Mason seem to believe that everyone—irrespective of their intellectual training, personal rigor, and innate ability—should have their work represented in the creative commons. This naively fails to acknowledge the inconvenient truth that not everyone is an artist, or has interesting things to say.

audiences.

This outrage about the injustice of 20th-century culture, is best summarized by Lessig, a founding board member of the Creative Commons, the non-profit movement bent on radical reform of intellectual property law. In his latest book, *Remix: Making Art and Commerce Thrive in the Hybrid Economy*, Lessig bitterly attacks the 20th-century culture of the developed world:

Never before in human culture has the production of culture been as professionalized. Never before has its production become as concentrated. Never before had the "vocal chords" of ordinary citizens been as effectively displaced…. The 20th century was the first time in the history of human culture when popular culture had become professionalized, and when the people were taught to defer to the professional.

Just as Karl Marx welcomed the industrial revolution as the liberator of the human condition, so Lessig welcomes the digital revolution as our savior. To critics of "authoritarian" mainstream media like Lessig, today's Internet technology is the great emancipator, the enabler of the digital rebellion. We've supposedly arrived at another Gutenberg moment in history, one of those once-every-500-years historical events that forever alters the course of the human story. But instead of the old exclusive printing press, all we need now is a personal computer to become a Johannes von Gutenberg, a William Randolph Hearst and a contemporary Hollywood movie director all rolled into one noble citizen-creator.

Internet technology allows anyone to publish anything they like on the Internet. To borrow Lessig's anatomical metaphor, ordinary citizens have been given back their vocal chords. We can all blog our citizen journalism and put up our movies on YouTube and add knowledge to Wikipedia and tweet to our hearts content on Twitter. Author and audience therefore converge together in a deafening cacophony of user-generated content. Everyone is broadcasting simultaneously. Our collective vocal chords are now in overdrive. All is noise.

The Battleground

Digital liberation theologians like New York University media scholar Jay Rosen celebrate this end of control, describing the empowered Internet user as "the people formerly known as the audience." In Remix, Lessig describes this new digital interactivity as "talking back" and he argues that it enables us to go back to what he romantically calls "the yeoman creator," a Jeffersonian creative citizen of the digital 21st century who will prosper in something called the "cornucopia of the commons."

Lessig's misty-eyed academic dream of the cornucopia of the commons brings us back to Mason's celebration of content "leaking out" from "the private domain" into some idealistically altruistic public space. Underlying much of the ideology of pirates like Mason and Lessig is an idealization of that old philosophical great seduction "the commons"—that collective vision which dystopian thinkers, from Socrates to Thomas More to George Orwell, have satiricized not only as childishly unrealizable but also as an invitation for real political and cultural tyranny.

Much of the pirate ideology is simply left-leaning communitarianism gone amuck. Book after book and idealistic media academic after academic eulogize the "public sphere" and its supposedly cathartic impact upon culture. Take, for example, *Copyright and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity* by the University of Virginia media theorist Siva Vaidhyanathan, which argues that the privatization of culture has impoverished the public sphere. We need radical copyright reform, Vaidhyanathan claims, to "encourage creative expression without limiting prospects for future creators."

But what kind of creative expression are radical copyright reformers like Vaidhyanathan seeking? Their goal in the copyright wars are to give consumer-artists the right to "remix" content, the creative pasting together of different forms of media which current copyright law restricts. While Lessig who, for a law professor has much to say about the muse of creativity, argues that in today's interactive media, the nature of art has changed and that pre-existing images and sounds have become a "palette" for the digital artist.

The problem with the cult of the remix, however, is that it conveniently ignores why the majority of consumers steal content on the Internet. No doubt Lessig and Vaidhyanathan are right that there are some genuinely creative artists whose digital work is being undermined by today's copyright laws. But the vast majority of thieves on Pirate Bay and other file-sharing sites aren't Lessig's heroic digital visionaries remixing the sounds of Philip Glass with the images of Andrei Tarkovsky to create innovative new art. Instead, they are downloading the latest *Harry Potter* movie or hit song by Madonna so that they won't have to pay for it at the cinema or record store.

The other problem is that most of the pirate theorists have an idealistic vision that culture should be free. One of the worst culprits of this academic cluelessness is David Weinberger, a fellow of Harvard Law School's Berkman Center for Internet and Society and the co-author of the bestselling marketing book *The Cluetrain Manifesto: the end of business as usual*. In a recent posting on his blog, Weinberger argues that most creative people on the Internet are not driven by money.

"Culture is culture's incentive," Wein-berger argues, without explaining how creative artists are supposed to pay their rent, feed their families and pay for medical insurance. "Works are the spur for creating more works. The greatest prompter of creativity is other creativity," he says.

Perhaps it's not surprising that so many of the rebel pirate intellectual leaders are academics at leading American universities. All have the security of being able to comment freely on culture without being faced with the necessity of selling their creative work on the commercial market. Despite trumpeting the rights of the individual creator over their corporate exploiters, none of these tenured ivory tower theorists appears to particularly respect the sensitivity of freelance artists dependent on the security of their creative content.

Solutions

So how will the digital revolution, with its infestation of ubiquitous free online content, change the motion picture business? Cory Doctorow, another pirate rebel, believes that "commercially minded" big-budget movies "might simply die." In a cheerful online article entitled "Media-Morphosis: How the Internet Will Devour, Transform, or Destroy Your Favorite Medium," Doctorow reveals the classic hatred of the pirate intellectual toward big media by arguing that "if you are going to recoup your $300 million box-office turd, you need to move a hell of a lot of DVDs, TV licenses, foreign exhibitions, Happy Meal toys, and assorted 'secondary' items."

Instead of these box-office "turds" Doctorow gleefully predicts, the future will be dominated by "cheap" and "crummy" YouTube videos, which, he says, will be seen by you and the "38 other people who are kinked just like you."

So this is the great cultural achievement of the Internet? For all the promise of a glittering new cultural age, of radical democratization, of a renaissance in creativity, what the digital revolution is actually promising to deliver are "cheap" and "crummy" online videos with infinitesimal audiences and no way of realizing any meaningful revenue.

As they say in the movies: That's all, folks!

When I spoke with Forman, I confessed that I grew up idolizing his work. As a teenager in North London, I told him, I would gladly hand over five pounds at the Everyman Cinema or the National Film Theatre in exchange for watching The Firemen's Ball or his Loves of a Blonde. To me, whatever nonsense Weinberger might spout about culture being "culture's greatest incentive," that five-pound movie ticket was, for me, the greatest economic bargain in the world.

"Yes, yes," Forman responded, after my confession. "I was exactly the same. For me, the movies of Chaplin, of Buster Keaton, of John Ford were everything when I was growing up."

So what becomes of motion picture culture in an age of "crummy" YouTube video and mass online larceny of movies? Can we do anything to save our own culture?

One solution that has been advanced is to punish the perpetrators of online theft. I agree that appropriate punishment is one piece of the puzzle, but I think the movie business has to think more creatively too, rather than just rely on the law to control the uncontrollable. As I argued earlier, the history of motion pictures is all tangled up with the history of rebellion. And there's no doubt that the 21st-century digital revolution has stolen this mantle of rebellion from an increasingly institutionalized and conservative movie business.

It would be hard to imagine the 20th century without movies. But now, in the age of YouTube, mass file-sharing and the international Pirate Party, it's not that hard to think of the 21st century without motion pictures. The industry is now fighting for its life and I think that the greatest challenge is for the movie business to become rebellious again.

This requires a radical rethinking of the nature of both content and audience in a more democratic and interactive age. It demands substantial investment in the value-adds of the theatrical experience, the one area of the movie business that is relatively immune from both piracy and the curse of free Internet content. Perhaps most importantly, it requires the industry to do a more creative job explaining its own economics to the public, so that it can counter the seductive distortion of pirate rebels like Lawrence Lessig.

Your DGA leadership believes that Internet piracy poses a great danger...and a great challenge to this Guild. For that reason we will be devoting considerable space to this subject in future issues of the *Quarterly*. This is a complex and multifaceted issue which is too often reduced to simplistic sound bites that hide the real threats we face from those who want our work 'for free.' It is only by educating ourselves that we will be able to put forward our strongest and most effective offense to protect the creative and economic freedom of Guild members.
— Taylor Hackford, DGA President

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