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Art’s Cold Welcome on the Web

By PAULINA BORSOOK

SANTA CRUZ, Calif. -- In the whole foofaraw around Napster, what mostly got lost was the artists. They are the Belgians of this controversy, trampled by armies heading someplace else. Now the Information Wants to Be Free hipsters battle the mercantilists (AOL Time Warner), who feel their copyright extends to "all media known and unknown throughout the universe," as the legal phrase goes. And no one is really that concerned about the actual creators of intellectual property.

The arguments supporting Napster came from the Internet’s time- honored culture of information-sharing and open communication - although this cultural tradition, sadly, has less and less application in the corporatized Net of 2001. Undergraduates rallying for Napster at famously socially concerned campuses seemed more preoccupied by the First Amendment, and by their age- appropriate critique of corporate entertainment monsters, than by the need to think hard about how artists should be compensated in the age of effortless digital reproduction.

There seems to be a conceptual confusion in the minds of Internet kids. True, the copyright holder may be giant Bertelsmann or oligopolistic Disney, not the singer-songwriter who created a work. Nevertheless the complex ongoing legal and moral fights about whether and how artists get control over, and compensation for, their work should provoke some righteous indignation on campus. After all, it’s the students’ cultural future that’s being fought for.

Struggles for fair compensation are not fun, sexy or easy to
solve. Proposals for pay-per-use and licensing schemes have been knocking around Net culture for years, but not much has happened with them, not least because implementation isn’t easy. The larger problem, though, is the idea that somehow on the Net nothing created should be paid for. That’s a long-lived Net cultural bias, and it is not going away.

Suggested revenue models for making money on the Net trickle up from the software industry: you give away the intellectual property, then make your money in services and customization. These models simply don’t make sense when talking about a great riff, an evocative piece of photojournalism or a work of fiction good enough to anthologize in the world of dead trees. Art is not information. Art is precisely that which can last and last - whereas nothing dates faster than a revision to a piece of software. Art needs protection and revenue-generation possibilities that are different from what makes sense with software.

Perhaps a good outcome from the Napster decision will be that the record companies finally do figure out a way to implement a royalty structure like those Ascap and BMI use to compensate musicians and songwriters for performances and recordings of their works. In the hypothetical Celestial Jukebox, much bruited about in Net music circles, folks would be able, for a reasonable fee, to access any music they liked on the Net.

But the larger problem remains: a mindset that holds that creators shouldn’t be compensated for their work, that all human creation is the equivalent of a Web log by a hobbyist with a day job. Members of the Net community, whether born in 1954 or 1986, will pretty much always rally to oppose censorship. But don’t expect those same Netizens to consider authorship of a work of art on the Net to be important - or to pay for online content.

Paulina Borsook is author of "Cyberselfish: A Critical Romp Through the Terribly Libertarian Culture of High Tech."

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