

The Politics of Digital Media: Piracy and the Commons

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DRAFT

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COURSE DESCRIPTION

In the last ten years, the Internet has witnessed an explosion of what is often deemed “piracy” as well as vibrant communities of collaborative peer production (Free Software, Wikipedia, for instance), the latter often conceptualized in terms of a digital commons, the former rarely so. This course takes as its primary objects digital piracy and collaborative peer production and pairs them together in order to: 1) critically appraise the nature/definition(s) of the commons and piracy and the possible relationships between the two 2) interrogate the politics of technology, including technical affordances, the role of social actors (such as hackers), and the law in sustaining and dampening these phenomenon 3) examine a range of political theories about law, politics, democracy, technology and capitalism that will help us more richly grasp not only the rise, constitution, and politics of piracy and peer production but the politics of digital media more generally. Although we will narrow our optic considerably by focusing primarily on these two domains, we will also expand our optic by examining historical examples of print piracy and reproduction in order to provide a foil by which to think through what might be distinctive (or not) about digital media and the contemporary moment.

COURSE OBJECTIVES

By the end of the course, students will:

- be familiar with the rise, constitution, and impacts of digital peer production and digital piracy.
- grasp and specify a number of theories about democracy, the commons, liberalism, capitalism, and politics as they concern digital technology.
- identify how technology is at once imagined as an agent of political change and contrasts this with how these technologies work to enable and curtail various political possibilities.
- develop a critical assessment of the politics of peer production, piracy, and Web 2.0 technologies.

COURSE FORMAT, GENERAL REQUIREMENTS, & ATTENDANCE

This class will be run as a seminar and as indicated below, participation is not only required, but will count significantly toward your final grade. To aid in our discussion, you will be required to send at least one question to the whole class via Blackboard (and/or a mailing list), at least 1.5 hours prior to class, engaging with the class readings. Every person will also be required to write a 6-8 page book review-like overview and analysis of one set of readings that will be circulated the day before class and will help set up the framework for class discussion. Every week there will also be two people in charge of posting a “weekly round-up” blog entry composed of links to blog posts/articles on the commons, piracy, and peer production accompanied by brief summaries.¹ These entries should be posted 24 hours before class and read by everyone. Your final paper can either be a research paper based on a topic of your own choosing (though you should consult with me at some point about it) or a synthetic paper that discusses the themes of the course using at least 60% of the texts we read in class. During our first class, I will provide more details on these assignments.

GRADING

- Class/blog participation and questions: 25%
- Review essay: 25% (6-8 pages based on class readings)
- Final research paper and/or final synthetic paper based on the readings: 50% (15-25 pages)

READINGS

The following books have been ordered at the NYU Bookstore and the rest of the readings will be on BB or on the web:

- Heller-Roazen, Daniel - *The Enemy of All: Piracy and the Law of Nations*
- Johns, Adrian - *Piracy: The Intellectual Property Wars from Gutenberg to Gates*
- Kelty, Chris - *Two Bits: The Cultural Significance of Free Software*
- Denardis, Laura - *Protocol Politics: The Globalization of Internet Governance*
- Shirky, Clay - *Here Comes Everybody*
- Hardt, Michael and Negri, Antonio - *Commonwealth*

Optional but Highly Recommended:

- Bollier, David - *Viral Spiral: How the Commoners Built a Digital Republic of Their Own*

¹ Good examples of this format can be found here: <http://futureoftheinternet.org/foi-topics-and-links-of-the-week-4> and <http://savageminds.org/2009/12/21/savage-minds-around-the-web-48/>

SCHEDULE

Week 1 Monday January 25: Introduction

* These texts will introduce us to some of the themes and issues (intellectual property, the commons, liberalism) that we will revisit throughout the course.

Hesse, Carla - "The Rise of Intellectual Property, 700 B.C. - A.D. 2000: an Idea in Balance"

Ostrom, Elinor - "Commons"

Hall, Stuart - "Variants of Liberalism"

Caffentzis, George - "A Tale of Two Conferences: Globalization, the Crisis of Neoliberalism and Question of the Commons"

<http://blog.p2pfoundation.net/george-caffentzis-tale-of-two-commons-1-history-and-revival/2009/03/02>

Week 2 February 1: Thinking Through Piracy

Heller-Roazen, Daniel - The Enemy of All: Piracy and the Law of Nations. (chapters TBD)

Johns, Adrian - Piracy: The Intellectual Property Wars from Gutenberg to Gates (chapters 1, 2)

Week 3 February 8: Book Piracy

Johns, Adrian - Piracy: The Intellectual Property Wars from Gutenberg to Gates (chapters 3, 4)

McGill, Meredith - Literature and the Culture of Reprinting (introduction and chapter 2)

Week 4 February 15: Thinking through Enclosure, Past and Present

Boyle, James - "The Second Enclosure Movement" and "Thomas Jefferson Writes a Letter" The Public Domain <http://www.thepublicdomain.org/>

Federici, Silvia - Caliban and the Witch: Women, the Body and Primitive Accumulation (chapters TBD)

Week 5 February 22: Free and Open Source Software/Peer Production

Kelty, Chris - Two Bits: The Cultural Significance of Free Software (chapters 1, 2, 3)

Benkler, Yochai - The Wealth of Networks (chapter 1)

Berry, David - "The Concept of Commons" Copy, Rip, Burn: The Politics of Open Source

Week 6 March 1: Free and Open Source Software/Peer Production

Kelty, Chris - Two Bits: The Cultural Significance of Free Software (chapter 4, 5, 6, 7)

Benkler, Yochai - Wealth of Networks (chapter TBD)

Coleman, Gabriella - "Code is Speech: Legal Tinkering, Expertise, and Protest among Free and Open Source Software Developers"

Week 7 March 8: Digital Piracy

Serres, Michel - Le Parasite, The Parasite, (short selections)

Gillespie, Tarelton - "Characterizing Copyright in the Classroom: The Cultural Work of Antipiracy Campaigns"

Pirate Philosophy in Culture Machine

<http://www.culturemachine.net/index.php/cm/issue/view/21> (pick 1 piece)

Four Dialogues 2: On AAAARG

<http://blog.sfmoma.org/2009/08/four-dialogues-2-on-aaaarg/>

Johns, Adrian - Piracy: The Intellectual Property Wars from Gutenberg to Gates (chapter 16)

Poier, Salvatore - "Hostis humani generis"

<http://www.darkmatter101.org/site/2009/12/20/hostis-humani-generis-history-of-a-multi-faceted-word/>

Week 8 March 15: NO CLASS

Spring Break

Week 9: March 22: Thinking through the Law

Derrida, Jacques

1992 "Force of Law: The Mystical Foundation of Authority"

Week 10 March 29: Infrastructure, Software and the Commons

Denardis, Laura - Protocol Politics: The Globalization of Internet Governance

Wu, Tim - "Why You Should Care About Net Neutrality" <http://www.slate.com/id/2140850/>

or

Wu, Tim and Christopher Yoo - "Keeping the Internet Neutral?" Legal Affairs.
http://www.legalaffairs.org/webexclusive/dc_printerfriendly.msp?id=86

Listen to before class:

Clark, David - The Internets We Did Not Build:

<http://www.ischool.berkeley.edu/newsandevents/events/sl20090304>

Week 11 April 5: Web 2.0 and F/OSS

Shirky, Clay - Here Comes Everybody

Coleman, Gabriella - Three Ethical Moments in Debian

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=805287

Week 12 April 12: Critical Approaches to Piracy, CC, and Web. 2.0*

Web 2.0: before, during and after the event

http://journal.fibreculture.org/issue14/issue14_langlois_et_al.html

Critical Approaches to Web 2.0

<http://www.uic.edu/htbin/cgiwrap/bin/ojs/index.php/fm/issue/view/263/showToc>

Zittrain, Jon - "Work the New Digital Sweatshops"

<http://www.newsweek.com/id/225629>

* A week or two prior to this class, I will circulate a sign-up sheet with the names of each article in these two special issues and you will be expected to pick 4 of them to read. In class, as we discuss the articles, we will provide brief summaries of their main points.

Week 13 April 19: Critical Approaches to Piracy, CC, and Web 2.0

Christin, Kim - "Gone Digital: Aboriginal Remix and the Cultural Commons"

Elkin-Koren, Niva - "Creative Commons: A Skeptical View of a Worthy Pursuit"

Larkin, Brian - "Degraded Images, Distorted Sounds: Nigerian Video and the Infrastructure of Piracy"

Philip, Kavita - "What is a Technological Author? The Pirate Function and intellectual Property"

Peretti, Jonah - "Notes on Contagious Media"

Week 14 April 26: Anti-capitalist commons

Hardt, Michael and Negri, Antonio - Commonwealth (chapters TBD)

The Tragedy of the Capitalist Commons

<http://turbulence.org.uk/turbulence-5/capitalist-commons/>

Week 15 May 3: Final Discussion
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Wrap up

Blogs to Follow:

<http://blog.p2pfoundation.net/>

<http://techdirt.com/>

<http://freeourbooks.wordpress.com/>

<http://www.earlham.edu/~peters/fos/fosblog.html>

<http://arstechnica.com/>

<http://enclosureofthecommons.wordpress.com/>

<http://slashdot.org/>

Resources:

<https://www.zotero.org/groups/digital-piracy-commons-peer-production>

<http://p2pfoundation.net/Essays>

<http://www.timesonline.co.uk/tol/comment/columnists/article6926732.ece>

<http://blogs.law.harvard.edu/mediaberkman/2009/12/18/mediaberkmans-top-11-topics-of-2009/>

<http://www.wired.com/threatlevel/2009/12/torrent-searchengines-unlawful/>

<http://www.earlham.edu/~peters/fos/newsletter/01-02-10.htm#2009> (Open Access in 2009)