

## **eCulture: Cultural Goods Between Public Domain and Private Property**

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### **Introduction**

The information and communication technology (ICT) revolution started some decades ago but its development towards network logic that was brought about by the Internet gave it an extra push. The concept of an information society suggests universal and free access to information services (thus knowledge) for all citizens/users/consumers and possibility for an active participation in knowledge sharing. Rapid growth of the Internet, in number of its users and available information and services that can be accessed through it, indicate the importance of activities taking place in the virtual domain.

The Internet potentials are not limited by its organisation network logic, but its limits are set mostly by existing infrastructure, as well as financial limits and interests of commercial enterprises, and of course “industrial society” legislation. Don Foresta distinguishes between “cyberspace” that he describes as cosmopolitan and liberal universe, myth, and vision of a virtual and “information superhighway” that he describes as an industrial project and a powerful instrument in the advanced marketing of audio-visual products and other pay services (Foresta, Mergier, Serexhe, 1995). What kind of information society we shall live in depends largely on balance achieved between money-driven, for-profit initiatives and public domain services that ensure that everyone can participate and use available knowledge to their own benefit.

The fast development of the Internet and ICT sector in general is affecting the work of the cultural sector. Digitisation of existing cultural goods, e-born cultural goods and documents and their accessibility through the Internet network present a new context that cultural institutions must take into account in the information society. This new context affects the way the cultural sector operates, and opens new possibilities for the distribution and consumption of cultural goods. The new ways of communication and knowledge organisation in the networked environment are the result of the trend of digitisation and technological convergence - the merging of the computer industry, communica-

tions, broadcasting and publishing that enabled fast and easy ways of information storage, reproduction and distribution of information.

### Impact of digitisation on culture

Modern society is characterised by the abundance of different media where content of a new media is always a previous media. “Photography is nice, but film moves. Film is nice, but television is live. Television is nice, but the Web is interactive. Every new medium attempts to deny itself as medium and at the same time show up all other media as medium and nothing but medium” (Mulder, 1999). We can understand what is new about new media only if we are familiar with the old one first. Every media represents in a way a new cultural form, with its particular codes (e.g., we expect to find advertisements in newspapers but not in books, etc.). Converting continuous (analogue) data into a numerical representation is called digitisation. All existing media are being converted to “new media” by being pulled into the digital domain by processes of digitisation. Any kind of information can be digitised if it can be described and measured.

Lev Manovich identified some main differences between old and new media (Manovich, 2001). There are five main characteristics of the new media, according to Lev Manovich:

- *the numerical representation* of the object, i.e., its digital code that enables algorithmic manipulation of the digital object - media becomes programmable;
- *modularity* of the object - media elements (images, sounds, etc.) are represented as collections of discrete samples. These elements are assembled into larger-scale objects but they continue to maintain their separate identity.

These two more material characteristics enable *automatisation* of many operations with new media, as well as the possibility that many different versions of the same “media object” exist, i.e., its *variability*, which has more deep characteristics with a far reaching consequences. *Transcoding* is the last characteristic that Manovich describes - to transcode is to translate something into another format. Thus new media becomes unrelated to a particular hardware and it also means that a computer layer and its logic and cultural/content layer influence each other creating new media logic that the cultural sector must take into account. The described characteristics of the media and cultural objects change our understanding of them.

The digitisation processes have introduced another characteristic that influences the changed experience of culture in a modern society - virtualisation.

Pierre Lévy analyses this concept and says that the word virtual has at least three meanings: a technical meaning associated with information technology, a contemporary meaning and a philosophical meaning. In its philosophical sense, the virtual is that which exists potentially rather than actually. Lévy uses an example of a word as a virtual entity; it exists as an abstract element of language and is actualised every time it is used - written or spoken. As it is currently employed, i.e., in its contemporary meaning, the word “virtual” often signifies unreality - reality implying a tangible presence (as in virtual reality). In its technical meaning, related with ICT, virtual means the possibility of generating information based on existing digital data and users' instructions. As Lévy says “within digital networks, information is obviously physically present somewhere, on a given medium, but it is also virtually present at each point of the network where it is requested” (Lévy, 2001: 29-32). This has a far-reaching consequence on the cultural field, on production, distribution and consumption of cultural goods and especially on the changes related with copyright.

### The cultural sector in the information society

The concept of an information society suggests universal and free access to information services and knowledge for all citizens and the possibility for their active participation in knowledge sharing. But in reality there are many divisions and obstacles for users. Public access policy measures try to compensate for the information gap between the information haves and have-nots, trying to ensure universal access and democratic information society. Existing cultural policies and strategies are changing slowly to adapt to the new context and are dealing with issues such as a changed environment for copyright, new services and new relationships with users, issues related to new ways of organisation of knowledge, complex dynamic information structures and issues of protection and efficient management of information, etc.

Knowledge and free access to information is the basis of an information society and the cultural sector must adapt its aims accordingly. In the new context it is not enough to ensure access to the “raw” information, but it is necessary to provide users with methods and services through which they can obtain available recorded knowledge. The Internet provides users with communication tools and rich available content. Digitised cultural goods, such as written documents, images, video records and music are today accessible through the Internet, and cultural institutions are more and more oriented to managing knowledge recorded in digital, as well as analogue resources. The most valuable asset of cultural institutions is the content that they possess: not only physical artefacts, but also the related knowledge that exists in many documents and information resources. So, it is logical that cultural institutions are

trying to use advantages that ICT brings in order to ensure efficient ways of communication of the existing content to their users.

ICT enables cultural institutions to develop new services and ways of access to the content they possess. In the virtual domain it is no longer easy to distinguish content from the technological infrastructure on which it is recorded, as only the combination of both tells us what a particular information resource can do. Depending on the technological and software base different versions can exist and with the systematic use of standards it is possible to ensure a multiple use of digital elements.

Another issue that is relevant to both cultural institutions, as providers of content, and to users, is how to ensure that users reach the content that is available online. Strategies for attention getting and filtering are important elements in developing any eCulture service. Online search engines, e-newsletters, specialised portals and virtual networks are existing mechanisms through which users receive information that interests them. Mechanisms for information filtering are important because of the large amount of information existing on the Web, but if these mechanisms are not transparent to the users the situation can change from information filtering to information censoring.

Organisation of knowledge has become an important part of cultural work. The cultural heritage sector, such as libraries, museums and archives, has always ensured open access to information and knowledge for the general public and they form an important infrastructure for knowledge preservation and dissemination in the information society. An issue that cultural institutions, especially libraries and archives, must resolve is how to ensure access and preservation of numerous documents existing online. The growing number of online documents poses the problem of establishing criteria for deciding what is relevant for preservation for future use, but also of finding an efficient model for searching existing collections. Ensuring free access to digital archives of online documents is in the long run an important element of preservation of our common public domain. Creativity, communication and knowledge sharing is immanent to culture, and the cultural field should ensure that the knowledge recorded in our cultural resources remains available to the public and serves as a source of inspiration for further creation. Legislation and especially copyright is crucial in determining what new services can be provided to users and commoditisation of culture could pose a threat to free exchange and sharing of information and knowledge.

## Public domain information, copyright and commodification of culture and knowledge

Copyright issues are crucial for the development of services on the Internet and they are extremely relevant to the public, to the artist and to the cultural field. Digitisation and the development of computer networks have changed the context of copyright, as it is no longer necessary to have physical copies of most works. Users can simultaneously access the same resource and can make perfect copies of the document or other creations, e.g., music. They can store it on their own disk, send it to someone else, or modify or edit it in any manner they choose. It is difficult to control access rights in many situations involving the Internet. This has changed situation from the previous one where physical documents (e.g., books, journals) have been sold, to the new one where information goods/services are “leased”, and they never stop being the property of the author who can remove it whenever he/she wishes. This is significant because it introduces problems as to the limits of the “public domain”.

The preservation of the public domain is very important, and the changing context for library services and other cultural heritage services, such as museums and archives, must be carefully examined in order to make sure that they can continue developing their services for all citizens (regardless of their financial situation). The cultural industry field, on the other hand, is trying to build a business based on creativity and for them it is very important to protect authors' rights and ensure that they are adequately compensated for their work. Most legal systems recognise that copyright is essential to promote innovation and creativity. Copyright should provide a balance between creators/authors and the users of these materials. Copyright issues are crucial in determining whether users will have a right to freely access information in the public domain or if the information society will be available only to those that can afford it.

Copyright laws are strong tools that big businesses and media conglomerates are using to protect their business and maximise profit of their products, and the cultural sector is voicing its concern on the impact that this has on cultural diversity and artists' and citizens' possibilities for choice.

In the words of Shalini Venturelli “without an enriched and expanding public domain the new knowledge will not lead to more new knowledge, thus restricting social participation in the production and distribution of ideas and inexorably slowing the pace of innovation throughout the economy” (Venturelli, <http://www.culturalpolicy.org/pdf/venturelli.pdf>). This is an issue that is being discussed through many civil forums but an acceptable solution has not been found so far, as the logic of civil society and the business sector are starting from opposite premises. As Konrad Becker said “a society shaped by technological systems and digital communication should keep a perspective where

cultural freedom can be actively pursued and in which use and value are not exclusively determined by profits” (Becker, 2002).

Throughout history, the richness of public content has inspired creativity and creators have used pre-existing materials in developing new works. This shows that cultural heritage and open access to its resources are important in the creative process that keeps our culture alive. Copyright legislation is turning a bigger part of our cultural heritage into a commodity, meaning goods that are owned and controlled, and this trend will have significant implications for creators and for civil society. The legal mechanisms that permitted access, reinterpretation and recontextualisation of pre-existing works were protected by principles such as a *robust public domain*, *time limits for copyright monopoly*, *fair use and first sale* (Besser, 2002). Howard Besser claims that the changes in copyright legislation brought about in the 1990s by the new Internet context are affecting these principles and that this could have serious effects on the future information society where creators may not be permitted to make free use of pre-existing materials, nor make critical remarks on them or recontextualise them, or even such extremes where users would not be permitted to freely sing copyrighted songs.

The fight for the rich public domain does not want to ensure that cultural goods would be available to the public for free, but it wants to ensure that copyright laws do not disturb the balance between authors and users and become a means for maximising profits, without ensuring broader social benefits. Often holders of copyright on many cultural or artistic goods are not individual authors, but corporations that are using ICT possibilities to have greater control over the market of cultural goods.

All these trends are affecting the position of citizens in the virtual sphere. Will they be information producers/providers or information consumers in this new space? And through which kind of mechanisms can they actively participate and effectively voice their opinions and concerns? At this point free sharing of information is becoming more and more an exception, although there are examples of free sharing in Open Source projects and in established cultural networks which are trying to enhance opportunities for cultural co-operation. It seems that businesses are taking over the Internet and are trying to impose their logic as well as restrictive copyright legislation that will bring them most profit. Knowledge sharing is what culture is all about and the cultural field as a keeper of knowledge recorded in our cultural resources has an important role to play in ensuring that this knowledge remains available to the public and serves as a source of inspiration for further creation as well as a content basis for development projects. This does not mean that the cultural sector has no interest in making profit from its activities but making profit is not their exclusive pur-

pose, and, besides, the process of contemporary artistic creation is based on communication and interaction as well as on previous creations, so competition rules do not always apply.

### Virtual cultural networks and the Open Source movement

The Internet has the potential to be more than just a distribution channel for established cultural industries. Its two-way communication provides new opportunities for involving users. In order to give a stronger voice to small, independent players, it is necessary to build some common mechanisms through which they can be more visible, such as virtual networks or portals. In order to make the Internet work for cultural sectors, clear objectives should be set by cultural institutions, networks and NGOs and a regulatory framework should be put in place by implementing cultural and other policies related to ICT.

The future shape of the information society depends on achieving a balance between commercial and non-commercial initiatives. Within the cultural sector it is especially difficult. The significance of cultural heritage goes far beyond its commercial use and it is important to preserve it as well as communicate those cultural elements which are not necessarily commercially profitable. On the other hand, the cultural sector must ensure sustainability of its services, which means having a sound financial base but also well targeted and profiled virtual products that are intended for specific users. Joint efforts in building such services could also be achieved through virtual networks, both as a structural platform for building common projects and as a communication tool that enhances co-operation possibilities by providing opportunities for information exchange, knowledge sharing and voicing particular issues of network members.

According to the DigiCULT Report, 95% of all cultural institutions in the European Union are small cultural institutions with limited resources and for them it is particularly difficult to position themselves on equal terms with big media houses and even big cultural institutions with rich resources and an established reputation (the DigiCULT Report, 2002). Still, those numerous small museums, archives, libraries and other types of cultural institution hold a significant amount of recorded knowledge about our heritage, especially local or regional heritage. In most ICT development strategies it is emphasised that the development of more individual educational resources would be an important asset in the information society and that culture should be an important learning resource for education projects. This will not happen just because cultural institutions have web pages with basic information, but targeted virtual products must be developed. Such projects would not always have mass audiences and

judging by the business criteria they might be considered as not important and not successful. Still, such projects would greatly contribute to the diversity of choice and should be considered as an important element for knowledge sharing in the information society.

Cultural networks are an organisational form through which independent cultural professionals, NGOs and cultural institutions try to influence national and international cultural policies and, in fact, they can be looked at as a way that civil society organises itself in the cultural field and in its diverse segments. Networks also provide more visibility to their members as they provide opportunities for members to find partners within a network that share their interests or concerns and then provide them with an opportunity to communicate their joint concerns outside of a network. Free sharing of information is a basis of cultural networking and unlike different discussion groups, networks have more diverse activities and they often have joint projects, meetings, and different exchanges. In order to ensure the continuous activities, networks, unlike online discussion groups, have some basic structure that keeps in place their resources and ensures continuation of activities even if the members in the network change.

Cultural networks, as well as Open Source projects, have recognised the fact that free sharing of information is not a threat to their work and it has nothing to do with altruism either. To describe logic behind networking we could describe it with same logic by which Stadler and Hirsh describe the collaboration principles of Open Source projects. "It is motivated by the fact that in the complex collaborative processes it is difficult or impossible to differentiate between raw material that goes into creative process and the product that comes out" (Stadler, Hirsh, 2002), As long as they are pursuing the same goals and objectives, the sharing of knowledge contributes to everyone's work in achieving joint goals. "Even the greatest innovators stand on the shoulders of giants. All new creations are built on previous creations and provide inspiration for future ones. The ability to freely use and refine those previous creations increases the possibilities for future creativity" (Stadler, Hirsh, 2002). As long as the involvement of members is flexible and focused they will give and receive the optimum from this free collaboration. Networking principles are based on similar principles to Open Source projects and a lot could be learned from them.

The Open Source or Copyleft movement for free software is based on principles of openness and co-operation in which software code is available to anyone for use and further modification, as long as they make new versions available to others under the same conditions. Kieran Healy emphasises that we should not underestimate the importance of free software for cultural goods. "At the most practical level, software that is free of charge is of great benefit to

organisations and artists. If artists are to incorporate new technologies in their work they must be able to afford the tools. But free software's main virtue is not that it comes free of charge, but that it gives users the opportunity to develop it further" (Healy, 2002). Healy further clarifies the two meanings of the word "free" by quoting Richard Stallman who made this distinction between free as in free beer and free as in free speech and she emphasises that its real value lies in the later meaning of the word free.

Knowledge sharing was the basic idea that triggered the development of the Internet. Stadler and Hirsh claim that the spirit of free sharing that characterised the early days of the Internet is increasingly being challenged by commodity-oriented control structures that have traditionally dominated content industries (Stadler, Hirsh, 2002). Values that are hoped to be achieved in the information society, at a global level, like democracy, tolerance, cultural diversity, pluralism, etc., must be ensured by planning the concrete structures that support knowledge dissemination and allow participation of users. Open Source and the above described virtual networks in the cultural field are one of the tools for organising available information to targeted users and for voicing new initiatives and ideas.

According to Manuel Castells, networking principles seem to work well for the business sector and can be recognised in "the network enterprise" where the traditional vertically-oriented enterprise structure changed to fully grasp benefits and opportunities that was brought by ICT and its diverse applications that resulted in the information technology paradigm. The cultural sector could use similar principles to ensure preservation of many small cultural organisations that are working in the preservation of the public domain of our heritage and developing new creative elements that will constitute the heritage of our future, contributing with their work to the cultural diversity that is today under threat from big media industries that operate under strictly profit terms.

Although the networking principles could contribute to solving some organisational problems of many small cultural organisations, still this is just a part of a problem that civil society is recognising when looking at the information society that is currently being shaped at the global level. If we want a free, democratic and participatory society that will bring benefits to all its citizens we must make sure that the voices of the small can be heard and that cultural freedom does not get limited by lack of choice or the impossibility to have insight into our common heritage in the virtual or the real sphere. This is why copyright issues are so significant, as they directly influence all segments of our creativity, and why the public domain must be preserved. Otherwise, we might end up being silent users whose voices will not be heard. We must agree with Jim Bower who claims that "if one assumes that the arts are a cornerstone of

civil society, then access to information about the broadest spectrum of those arts is essential” (cited in the study *Access and the Cultural Infrastructure*, 2002), and we could broaden this to culture in a more general sense as well.

## Conclusions

Networks and new media are changing the working context of the cultural sector and virtuality introduces some new issues in the organisation of knowledge. Digitisation and the Internet with its network structure have changed the way of production, distribution and consumption of cultural goods. They have allowed the easy movement of digital cultural goods across the network, which is not always in harmony with established business or legislative practices. For users, the Internet is synonym for content, so for them cultural goods in the network environment are becoming interesting elements in the information society. Easy access to eCultural goods attracts users and ICT enables new possibilities for communication with them. The question is whether this will change established ways of working in the cultural sector and ways through which users can access cultural goods.

A large amount of dynamic information that is accessible through the Internet presents the problem of efficient methods of finding it, as well as archiving relevant online documents. All mentioned issues are connected with citizens' right on information, creative freedom, freedom of speech and other political issues. Digital technologies and the network environment have made us face new possibilities and challenges. The choices that we are making through different policies and the legislative framework will affect the architecture of the Internet and consequently the way in which culture will be consumed in the networked society. It will affect citizens' freedom of choice. The network infrastructure can enforce more efficient corporate control over distribution of digital cultural goods or it can be a free communication channel for information exchange and free co-operation. Which possibility will be realised depends very much on choices that we are making now.

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