

A Critique of the Privatization of Content: An Investigation into the Freedom of Copy

As with any fundamental investigation, the author will usually first pull the rug from under any oppositional arguments. This is commonly done with the stylish flourishes of “the real issue is” and, even bolder, “the truth is.” Currently, this is the style of argumentation most present and available across all media formats, hosts, and platforms. To take the first step ahead of the oppositional other is, of course, to first define them. To use a singular denotative phrase of reality/truth in the introduction is to simultaneously create a division and place oneself on the correct side. The viewer is thus similarly straddled, either as an accolade in agreement or dissenter in opposition. Even now, the viewer is thus situated. For I have defined my other as early as the word “commonly”, filled out their details in subsequent sentences, and though no claims of truth nor reality have yet to be made they are surely not too far down this paragraph.

The stylish flourish which I thus apply is as follows: we have created a world in line with my investigations yet supplanted that world with the fabrication of privatization. The Internet was created as a medium upon which the absolute freedom of copy is flourished to its greatest extent. It is in the reduction of all to binaries that we are thus able to replicate all losslessly, for there is no ambiguity in a 1 or 0, no property of numbers to suffer erosion like that of language or substance. In the very structures of our creation we have barred ourselves from arguing that copy should be restricted as default, for what we have created is copy by design. It is as if Pandora opened her infamous box and, watching as all she released streamed outwards from a soon-to-be empty vessel, began to opine: “it is best practice to regulate that which is let out of the box, surely we cannot let it all out. Let us begin with the box closed, and from there determine that which should be let out.” She is narrating the creation of a fabrication, for the initial state of the box cannot be questioned, and all she released must be dealt with upon the initial state of their freedom.

In the networks of networks one has the ability to send and receive information. More directly, packets. More abstractly, thoughts. The digitization of content enables lossless reproduction of said content through the network of networks, as packets and information. This is not an argument on the freedom of dissemination of that which is analog, that which is physical, made of paper, vinyl, or cellulose. We have created laws for the preservation of these mediums, for such mediums are apt for degradation, erosion, or decay. This point must be stressed: the protections offered by copyright, intellectual property, patents, or other such terms that attempt to denote a privatization of information are but protection of medium, not of thought. There is no law stopping one from watching Schindler’s List, listening to Beyonce’s Lemonade, reading the Lord of the Rings. The idea of restricting access to thought is abhorrent to modern sensibilities — furtherance of book burnings, music banning, and hoarding of information strikes to the core of what many who cling to ideals of freedom have come to define as wrong. There are laws against reproducing vinyl and reprinting texts, laws that are held up by the limiting variable of the finite nature of substance. Libraries have books, movies, and music freely

available. Why? Surely not because access itself is restricted, surely not because the content itself is forbidden, but because only the reproduction of those mediums are forbidden. It is not yet illegal to read a copyrighted book, only to reproduce it. Note the prefix in *reproduction*. It is not in the nature of a printed page to be copied, nor in the groove of a disc or the negative of a film. The restrictions of these mediums are largely due to their subsequent “costs of reproduction”, costs indicating processes to be engineered, designed, and implemented separately from inception. Upon the placing of ink onto paper or oils onto canvas there is no simultaneous mimetic act. The substance is created in idiosyncrasy, the methods of its *recreation* occur later, in regulated forms. It is, however, the definitive nature of the digital to be copied, endlessly. The creation of the digital is the concurrent creation of the copiable, and therein one sees the box that has been opened.

There is no moment in the process of forming a text document in a word processor that one decides “now it is copiable.” There is no event horizon before which one is operating with a singular substance and after which one has successfully engineered the means of reproduction. As soon as one types a letter and their cursor blinks in anticipation, one is engaged in the simultaneous process of creation and recreation. There is no time between the appearance of the character upon the screen and the availability of the clipboard. As soon as the keystroke ends, the potentiality of CTRL+C has already been brought into existence. Linking this text document to a server does not create the possibility of recreation, only expands the space into which it may be replicated. Unlike paper, oils, fibers or metals, it is in the realm of the digital that a single act of creation is equivalent to the endless act of recreation. To restrict the repetition is to restrict the creation; to enforce rules upon copy is to enforce rules upon originality.

In our modern art we can see the sublimity and originality that arises from the echoes of copy. The idea of copying a file itself being the illegal act feels ludicrous. Shall a file that enjoys the benefits of widespread availability, such as a movie file now hosted on a streaming service, not also enjoy the freedom of copy? As we can see, such files are copied anyway. Sound clips, images, frames, hilarious reactions and infamous scenes are already being copied throughout the net, memes and videos and looped haha-funnies exist only due to the freedom of copy. There would be no memes, no reaction videos, no click-bait, no MLG, no noise, no dissections, no trends and no trendings if not for the constant reaffirmation of the freedom of copy in the face of the fabrication of restriction. Already we have seen the absolute explosion of the best and worst results of endless copiability. We have seen avant garde movements of poorly-drawn stick figures being used to capture the feeling of engaging with the Internet; we have seen the proliferation of gore, shock, and violence dancing endlessly on the periphery of things. The box has been opened, and efforts to negate reality, to convince oneself that the box is opened a crack, condemn us to a state of constant confusion, anxiety, and ignorant fear.

It is nothing but greed and ignorance that allows of the fabrication of privatization to continue, greed upon the lips of the studios, associations, companies and manipulators who view themselves as stewards of content; ignorance forced upon the masses, convinced the fabrication of pandora is reality, that the box is hitherto opened only a crack, that they need not reckon with an already empty vessel. Consider what law, ethics, justice, praxis, or other means of realizing ideology would look like if begun

from the premise of freedom of copy. Piracy as a concept would altogether disappear, since the nature of digitized media is copied media. Internet art would exponentiate in quantity and quality. Any regulation would have to be regulation of usage, not regulation of copy. By denying such foundational realities of a digitized world we are spending millions upon billions for the policing of music, film, text, and videogame. Law offices, legal counsel, directives and mandates are chasing the unchaseable, policing the unpolicable, and pretending there is still something in the box to be kept in, neglecting the more fundamental questions of regulation that follow in the wake of our opening.

Imagine a world without digital copyright. With no pretense, no fabrications, no efforts to narrate over what things are with a description of how they aren't. The world would be even noisier, even more congested with reverb, even more perforated with violence and strung together with potent imagery. But we are already the noisiest, most congested, most reverberated world that has ever been. At least in this imagining, the world would be more honest. From the honesty we may just be able to arrive at some understanding of regulation, some conceptions of means to lessen the noise without pretending to limit the copy. In paradoxical fashion, it is through the acceptance of the total freedom of copy that we may then be able to understand how best to remain grounded. It is through our current pretensions of control that we condemn ourselves to confusion and havoc.

In his 1809 work *Philosophical Investigations Into the Essence of Human Freedom*, Friedrich Schelling writes about the nature of God and the nature of Man. He describes “the yearning the eternal One feels to give birth to itself,” and outlines the grounds of existence and existence itself as being unified in God. In his descriptions, “the will is then pregnant, the act of giving birth happens in itself and lives in itself.” In his most fundamental descriptions of God and human will, Schelling describes that which is constantly giving birth to itself, that which is eternally pregnant, that which is simultaneously created and *recreated* in a singularity. One now wonders: Does the digital desire itself? Is the freedom of copy an eternal pregnancy? What *exactly* have we (re)created by opening that box?