# Artifact, Self, and Collective:
# Some Thoughts on Free Culture

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At the risk of repetition and stating the obvious, I wish to offer some observations and viewpoints about Free Culture which, I think, have yet to receive sufficient attention and debate. What I iterate below can also be found in many others' works[3], nevertheless I try to illustrate them with anecdotes and practices from my background hence hopefully express my concerns more fully.

## 1 Cultural Artifacts and Practices

It is fair to say that the modern culture has increasingly been a culture of artifacts, and our cultural experience is shaped by the possession and use of artifacts. For music, we often think of CD albums and audio tracks that are in circulation and can be acquired. For writing, they are books, articles, blog entries that are to be read and cited. To simplify discussion, we define artifacts as all kinds of man–made objects. In this age, the artifacts may well exist in their digital forms. The use of artifacts as the carriers of cultural experience has two characteristics: that the making of artifacts is separated in time from their usage, and that the artifacts can be, and most often, used at the absence of their makers. An evident example of cultural artifacts in our time is movies: I enjoy a movie long after it is made, and without the company of its director and the cast.

On the other hand, our cultural experience is also shaped by practices in which artifacts play less important roles. Take cooking as an example. I enjoy home cooking by collecting the right ingredients, preparing them in the right way, and having the dishes with the family and friends. We are into the process, and we consume what we have produced. And we often do it together. Another example of cultural practices is conversation. We participate in conversations but rarely do we think of them as something to be recorded and replayed. A culture is what one practices, and a free culture ought to be about what one can freely practice.

When talking about Free Culture, however, we seems to focus more on cultural artifacts: Why the artifacts shall be freely used and re–used, and how do we enable free reproduction, distribution, and other use of cultural artifacts in the

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[3] Which will not be properly cited here as there is inadequate research on my part.

current unfavorable legal setting. As cultural artifacts now exist often as pre–packaged products marketed for profits, it can be awkward in positioning Free Culture in an environment of cultural consumption without also debating what constitute freedom in our current and future cultural practices. Can we imagine a Free Culture film industry? What would the practices look like in such a industry, in addition to, or in spite of, the products being freely distributed and consumed? For a free culture to flourish, do we need first to fix the movie studios' revenue problems with their artifacts? Or, is the aim of Free Culture to counter the opposition's influences on people's cultural practices? These are the questions we need to look back and reflect.

Taiwan, like any other place, has interesting cultural practices. With Free Culture in mind, I hope to present and discuss a few stories. Let us start with *KTV* (Karaoke TV) for example.[4] The term mostly refers to an entertainment venue where people can rent an exclusive cabin equipped with a top–notch Karaoke machine and a large video display. When a song is played, the Karaoke machine synchronizes the melody with lyrics (and some eye candy video) on the display, and you sing alone. It is a very popular way to party with friends and colleagues. KTV venues *bought* record labels, so as to ensure newly popular songs would always be in their Karaoke machines. (It is like movie theaters buying the studios.) Merger between KTV business is closely watched by the fair–trade commission. There is also an industry in Taiwan to make and market Karaoke machines for use at home. The machines are pre–loaded with thousands of songs and can be updated.

In a KTV venue, the fun is to be able to select from the huge collections of song titles on site, and to sing together with friends. Perfection in your singing performance is not even required. Being able to choose from a large and uncensored menu of sound tracks, therefore, is the freedom people can enjoy. Probably no one cares for the freedom in making copies of the sound tracks in the Karaoke machine and bringing them home; as without the fun with friends in selecting the tracks and singing together, these tracks lose their purposes.

It shall be emphasized, and no doubt this has been emphasized many times by others, that even in cultural practices where the artifacts by themselves are of little importance, legal constraints and other considerations on the use of the artifacts have had impacts on the practices. To be sure, you do not copyright your recipes, but how about someone who does copyright the "look–and–feel" of a restaurant, or even that of a dish? I am being generous in showing people how to make my favorite *Sih Fang Cai* (literally, "private home dish"). Would you "appropriate" it and make a name for yourself? Moreover, when I use that Karaoke machine at home, do I need a public performance license for every single song in the machine? What if *Ju Tou Pi* ("Pig Head Skin") and friends come over and decide to sing in the backyard to the fans in my neighborhood? How about the Yoga routine I recently learned from a friend. Must I get a license just in order to practice it?

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[4] I shall talk more about Taiwan's cultural practices, such as *Bubble Tea*, *night markets*, the *PTT BBS*, *Tnunan Smangus*, etc. at the meeting.

## 2   Practices of the Self and the Collective

The examples above illustrate that whatever regulates the use of cultural artifacts also induces effects on cultural practices. If we are to consider cultural practices as the exercises of free will of the self and of the people, these effects then constitute a form of constraints on people's actions. The copyright law and other legalities, once devised to regulate the trade of artifacts, hence become cohesive tools on the selves.

In 2008, there was a libel case in Taiwan involving an election parody website that modified a certain candidate's campaign logo to make a satire. At the end, the court cleared the parody website operator all the libel complaints, but judged him to have violated the plaintiff's copyrights. He was sentenced to 3 months in prison (to be commuted to a fine). Surely this is a disciplinary action on a person through the use of a law about the artifacts. No doubt the same cohesive power is being applied to the the society as well.

It shall be emphasized that these constraints and effects on the selves are becoming self–disciplinary, and there is a certain irony about it. *I don't wait for others to challenge me in the court; I watch out for myself whenever downloading.* If this copy or modification I got is perfect, it may become too perfect for me to share with others, as the potential punishment will likely to be most severe. The irony being that, in a digital age of mechanical reproductions of the works of art, presumably for the benefits of flexible enjoyment by the mass, the worldwide copyright regime has now induced a population of individuals enduring pleasure and angst in private. This ambivalence about cultural artifacts, I think, may well define the cultural experience of our age.

Now I wish to touch upon a mode of cultural collaboration based on my limited observation (mainly on audio/video artists). These collaborations are more informal than I originally thought, and there is much liquidity in member composition, participation, and duration. People are free in their commitments. It is especially dynamic when people are starting to try things out. What one person can offer at the spot does not seem to be important, as he/she will produce what are needed as it goes. In short, what matters is not what you have now or have done before, but what you can do about what is to be worked on.

The use of public licenses (such as the Creative Commons Licenses) among these artists, in my view, is more like signaling for getting collaborations started. *Of course, these publicly licensed artifacts are free for you to use, but we will have more fun working together.* As a project does not just re–use what are available now, legal constraints on (and remedies for) the use of pre–existing artifacts do not seem to impede (or expend) the collaboration. How the resultant artifacts can be used by people who has, and will have, taken part in a collaboration, however, seems to matter more. Although public licenses are used for signaling collaborations and for making available the results, by themselves they are not sufficient. What actually motivate and organize cultural productions in and for various kinds of cultural collectives, therefore, are the more interesting questions to ask and study.

# 3 Some Challenging Thoughts

The thoughts phrased below are not intended to serve as "the problems" to be solved. They however point to questions I find challenging to think about, in particular from the perspective of Free Culture.

**Per–person Blanket License/Insurance/Taxation.** How far are we from the horizon of using a blanket license to cover a person's all possible cultural consumptions? Suppose you are a big business making cultural artifacts, why not come directly to the consumption front (*i.e.*, users) when the battle to control reproduction (computers) and distribution (networks) have already been lost? Already, all–you–can–eat music and movies services are available as subscriptions in some markets (*e.g.*, Spotify and HBO On Demand). These services, however, need to tightly control their distribution channels hence inconvenient to both the service providers and consumers. A way for you to avoid such inconvenience is to allow free circulations of all your products, but to advocate and enforce a mandatory end-user licensing scheme, and to extract from the collected fees your revenue. If this idea is too radical, how about offering instead various insurance policies to people to cover litigation costs associated to their consumption habits? Finally, how about a compulsory poll tax on cultural consumption? Are these scenarios good or bad for Free Culture?

**Social Media and Group Staging.** People meet and act online — gaming, shopping, chatting, and socializing — and these social activities occur often on websites operated by third parties. Websites purporting to provide social networking are all the rage. These social media both encourage and impose new cultural practices, and are being used beyond their original purposes. The practice of *machinima*, for example, re–purposes gaming platforms as theaters to allow for staging of group actions. As participations in social media are framed (by programs and on terms of the operators), and contributions from the actors diverse and liquid (*e.g.*, group conversations in Facebook), how do we understand and maintain Free Culture in these contexts?

**Bundle, Mixture, and Cultural Collective.** More people are making available their artifacts to others by using public licenses. By using these licenses, people express good will, signal collaboration, and demand respect. Nevertheless, as individual adopters, these "licensors" may not align themselves with any particular views of Free Culture. At the same time, collaborative cultural productions tend to be intensive, personal, and expressive in their outlooks. The culture landscape is necessarily a mixture of free, non–free, not–so–free, and the unnamed. As culture is frequently experienced in bundle (*e.g.*, radio and museum), and the business is often about aggregating the mixtures *e.g.*, Google), how do the various forms of Free Culture fit in this landscape? What are the imaginations about cultural collectives, and how do them sustain themselves?

## A    About the Author

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