

Media empires and renegade pirates (Published in Humanscape)

Lawrence Liang looks closely at the impact of low cost pirate media production on the ability of media empires to control the spatial flows of media commodities

Contemporary urban landscape in most cities across the world is dotted by all forms of cheap media commodities, from VCDs, DVDs, pirated software, MP3, low cost CD and DVD writers. This is a world that causes immense anxiety and concern to the world of media empires; a world of pirate cultures allegedly threatens the very existence of these large media conglomerations. Rather than taking the existence of media empires as a given, I would prefer to unpack the structural logic that enables these empires, and why the practices of non-legal media are then seen to be a 'crisis', and who it is a crisis for.

Intellectual property is central to the imagination of a media empire. If you take the different elements of a media empire, a global copyright licensing structure and an enforcement regime become essential to the maintenance of these empires. At the level of technology, you need a strong digital rights management regime and a strong patents regime, and at the level of the brand, you have trademarks law that protect the empire's brands. It is now almost impossible to speak of a media commodity except as a highly complex bundle that contains a variety of 'intellectual properties'.

The core copyright industries are the three top exports of the US: movies, music and software. In 2001, the value of the copyright industry stood at 535 billion dollars and exports from these copyright industries accounted for 88.97 billion dollars. On the other hand, the export of chemicals was 74.6 billion dollars and automobiles was 56.52 billion dollars. So tight control of the global market is critical to the imagination of the media empire. There is now no way of understanding media except as global media, and the classical example of the global media empire is Murdoch. His media business is the fifth largest in the world and his goal is to own every kind of programming, from sports and films to children's shows, and beam them via satellite, or via direct consumption to homes in the US, Europe, Asia, and South America (a very modest ambition). He has achieved it rather successfully, and now owns

20th Century Fox, Fox Broadcasting Network, 22 US stations which cover up to 45 per cent of the US households, 25 magazines, 132 newspapers, publishing houses like Harper Collins and Star TV in Asia, and a 49 per cent stake in Zee, amongst other things. What is distinct about Murdoch's empire is that it is an empire of convergence, and of cross-media holdings.

It is in this context that we can unpack a media commodity, *The Matrix*, to assist us in understanding the critical role of copyright in the control of media empires. A movie like *The Matrix* first has its theatrical release which is divided according to geographical zones the US, Europe, Asia Pacific, other parts of Asia, Latin America and finally Africa. There is, therefore, a first level disaggregation of the media product in terms of spatiality. After the movie releases, you would have the release of a soundtrack. The soundtrack gets disaggregated further into various media forms from CD to cassettes and MP3. This again gets broken down into geographical regions. One of the critical components of this strategy of spacing out the releases as per time and geography (or 'windowing') is the ability to control the time/space of the commodity flow that assist in profit maximisation. After the release of the music, you could have the various kinds of home consumption through DVD, VCD, video cassettes, etc. This again gets broken down in terms of its geographical division. After that, you have the various broadcast rights, satellite rights, cable rights, television and pay-per-view models. Then you have the adaptation rights, in the form of the *Animatrix* cartoon series, *The Matrix* comics, the video game *Enter the Matrix*. Finally, you have the various merchandising rights from Neo and Trinity dolls, *Matrix* T-shirts, to the cross-branding that it shares with mobile phones, burger chains, cold drinks, etc.

What I am trying to indicate here is that media commodity is no longer an innocent commodity, indeed it is impregnated by a whole set of values and properties and as the now unfashionable Marx would say, the media commodity is a very intriguing form with all kinds of theological niceties. It is disaggregated into a valuable set of commodities rather than just one commodity, and the value is precisely because of the exclusive rights that gets granted to it as a result of copyright law. Combined with the strategy of windowing, this strategy for the commodity allows for the creation and extension of various ancillary markets, which then extends the market for the commodity and maximises the return on that media

commodity. What happens to this mode of controlling the media commodity in the digital era?

Digital technology disrupts the balance of power in the film industry. If power in late capitalist expansions existed in its ability to overcome the constraints of time and space, digital technology presents a major challenge to existing power due to its capacity to erase space and reward speed: while technological innovation is intrinsic in furthering capitalist market expansions, when used subversively it also undermines and challenges copyright industries need to command space and control time. Take, for instance, the chronological availability of a bootleg print of the film, Phantom Menace (see box Piracy menace?)

Piracy menace?

The film Phantom Menace opens with much fanfare and cross-merchandising in the US on 19 May 1999. On 22 May, the CD was available in Malaysia, on the 24th in Singapore, 25th in Hong Kong, Taiwan, and Macao, 26th in Thailand, 27th in Indonesia and Australia, 28th on the website in Korea and on May 31 in Pakistan and logically, after Pakistan, the CD was available on June 2 in India. This is the way in which the media commodity has travelled, in complete defiance of the way in which it is supposed to travel. It is supposed to follow the logic of windowing in a very elaborately planned manner but the rapidity of digital technology is challenging the ability of capital to control time and space. If, in the classical regime, the reward of capital was its ability to control time and space, the new reward that digital technology offers is speed. All of a sudden, you have speed that transcends the ability of the windowing period. So you have a strange situation where a billion dollar film can be copied on a 50 dollar CD writer, and bought for approximately two dollars. This has ensured the cheap and easy availability of a vast array of media commodities from software and games to music and movies, while at the same time creating a parallel industry that manufactures low cost CD and DVD players to meet the burgeoning demand created by cheap media.

Sure, there is a major crisis here but with media commodities, hardware and technology more generally being made available to technologically unequal societies, the question is who is it a crisis for, and is the crisis such a bad thing at all?

The response of the media empires has been to invoke the language of criminality and more often than not, the story of copyright piracy narrates itself through the language of statistics and figures and the narrative strategy of excess, designed to induce a 'shock and awe' response at the alarming rate of piracy and 'illegality' that exists, especially in non-western countries. As with any story that seeks an international audience, the choice of narrative strategy is the key, and for the story to be understood and have appeal it will have to transcend the cultural specificity under which certain stories come to be appreciated. One must, however, provide reasons for why these stories do not work in some context, and for that we will have to travel to distant cities like Delhi and Sao Paulo and perhaps even walk through the more unfamiliar by-lanes of familiar cities like New York.

After urban studies, the idea of an illegal city is familiar to us. One reads, for instance, that an average of 40 per cent, and in some cases, 70 per cent of the population of major cities live in illegal conditions. Furthermore, 70 to 95 per cent of all new housing is built illegally (Durand-Lasserve and Clerc, 1996). The primary reason for this state of illegality arises from the nature of land tenure forms in cities, where the twin tropes of ownership and title are clearly unable to account for the myriad ways through which people assert a claim on land and to the city, more generally. The people who live in this perpetual state of illegality also engage in other networks of illegality, such as stealing electricity, water, bribing their way through the Kafkaesque bureaucratic structures to access civic amenities that the legal city takes for granted. A first glance at the official responses to this older illegal city reveals the familiar face of anonymous statistics and 'shock and awe' figures. Thus, when we cut back the piracy story and we are told that over 70 per cent of the software used in India is illegal; we encounter this figure with a sense of familiarity and not anxiety.

In a city like Bangalore, for instance, the urban planning authority provides for approximately 15 to 20 per cent of the housing requirements, while another 12 to 15 per cent are met by private developers. The rest of the city emerges outside of planned development and is hence outside the law. Most urban citizens have no choice but to build, buy or rent illegal dwellings since they cannot afford the cheapest legal accommodation or there is not

enough supply to meet the demands of a growing city, marked by high migration as a result of the new information technology dreams, that also spurs the imagination of the city's official residents. A liberal understanding of land tenure forms is limited because of its understanding of interest in land relies too heavily on how ownership and legitimate claims are narrated through the title deed and other legal documents. Any attempt to understand the complexities of the ways in which people make a claim to land in the city would have to take into account the multiple and complex forms that it takes in terms of networks of relationships that constitute a land tenure claim (the hawkler who has a designated place even though he is not entitled to the place in any formal manner, the squatter who pays a rent to the local policeman, the illegal slum that begs, borrows and steals electricity and water from the rest of the productive city, the unauthorised revenue layout that gets regularised or legalised near election time on the basis of their strength as a vote bank).

Writing about the modernist project of planning, James Holstrom writes, "modernist planning does not admit or develop productively the paradoxes of its imagined futures. Instead, it attempts to be a plan without contradictions or conflict. It assumes a rational domination of the future in which its total and totalising plan dissolves any conflict between the imagined and existing society in the enforced coherence of its order. This assumption is false and arrogant as it fails to include as its constituent element, the conflict, ambiguity and indeterminacy characteristic of actual social life."

While the older illegal city has been in existence for a while, in the past ten years there has been another layer that has been integrated into the experience and narration of this illegal city. The proliferation of non-legal media practices ranging from pirated VCD, DVD, MP3 to grey market mobile phones inform the practices and imagination of the illegal city. Let us move away from knee-jerk media responses to piracy and look at older histories of exclusion and participation. When you have a 500 billion dollars media empire with strong media consolidation, what are the ways in which these gigantic ships get chipped away? What are the various ways in which it finds itself stumbling blocks? Piracy is one of the various routes through which people without official tickets find their way onto this great ship of transformation.

