Behind Technology:
Sampling, Copyleft, Wikipedia, and Transformation of Authorship and Culture in Digital Media

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Introduction

In the digital environment where our intellectual and creative works are created and stored in unified digit format and can thereby be transferred or copied as 0-1 information, the ease of making digital duplicates quickly found its way into the sampling culture. Today the term "sampling" is identifiable with digital sampling. Another computer feature, namely the ease of updating web sites by erasing, rewriting or replacing its contents, resulted in fluid publishing, bringing collaborative authoring such as Wikipedia into its existence while making the Internet virtually a space for open creative collaboration. Composed as a free journey with its starting point in sampling, this essay attempts to provide a brief summary of several relevant issues. The first part examines the history of sampling, touching upon its relation to appropriation and postmodern criticism. The second part focuses on the idea of intellectual property and its opposing forces manifested in the free software movement, copyleft and open collaboration. The third and last part briefly states the new cultural environment of the web, returning to the sampling culture and its future.

I. History of Sampling

1. Early Sampling

Sampling is a method whose origin is closely associated with the electro-acoustic music of musique concréte, especially with its founder Pierre Schaeffer and his experimentation with recorded sounds during the '40s. Introducing the idea of electronic manipulation of natural, so-called "concrete," sounds recorded on magnetic tapes, he became the first composer to make music by editing together fragments of recorded material that were transformed into abstract soundscapes. Transformation of sounds from samples, i.e., what was originally recorded, by manipulation of magnetic sphere on tapes through alteration in pitch, duration and amplitude thereby became a major focus of producing and composing electronic music. Today he is attributed with playing sounds backwards, speeding them up, slowing them down, juxtaposing them with other sounds, even loops and scratches.

In art, the technique "sampling" can be traced under various names. Already in the mid 1800s photographers were experimenting composite photography called "combination printing" by cutting and pasting together a number of photographs. In a manner that reminds us of the modern recording of classical music where sections of perfectly played sequences of a work are later put together as a whole on a computer, Henry Peach Robinson made his photographs from different parts in order to perfectly realise his visions which he first sketched and then went on to photograph. For example, his "Fading Away" (1858) like many other of his works is a composite picture consisting of several different photographs. The Victorians also liked the absurdity of different photos put together, such as a head put onto a different body, this probably being the predecessor of photomontage. Collage technique first appeared in Picasso's painting "Still Life with Chair Caning" (1912) with a piece of oil cloth patched onto the canvas, while a little later Berlin Dadaists coined the term "photomontage" that merged the attitude of collage with the photo composite technique. Another notable example of how sampled material was used in history is Dziga Vertov's first sound film "Enthusiasm" from 1930. In this film "Vertov employs a catalogue of audiovisual effects: sound distortion, sound superimposition, sound reversal, and cacophonous aural collage. Sound is frequently mismatched with the image, as when the noise of an explosion accompanies a church spire's collapse. It is also, on occasion, disembodied, as when a symbolic ticking clock is heard over images of industrial production."(1) With its common everyday sounds shot on location and then arranged in collage, Vertov's Enthusiasm is often credited for its creative use of the new sound medium that came to be known as sound collage.

2. Modern Sampling and Appropriation

With development of low-cost sampling equipments and increasing popularity of sampling over the years via the impact of music concréte and minimalism as well as the music of influential pop groups such as the Beatles, the 1980s witnessed a huge rise of hip-hop musicians utilising sampling as the main basis for their music creation. With the invasion of Dub DJ culture of Jamaica into Bronx, sampling found its major followers in the hip-hop culture, which by the late '70s moved into the main stream pop music scene. The advancement of hip-hop into the field of sampling broadened its scope of practice by inducing a major shift within the culture of sampling: sampled materials, which until then were edited, modified and/or manipulated to create unique works of art, were now incorporated into the works of hip-hop artists with deliberate focus on recognition; an advantage born out of the very nature of sampling. By their conscious engagement of well-known music passages, phrases and sequences, the purpose of sampling shifted from its technical possibilities to its potential ability as a deliverer of references in the history of popular music. Recognising, Sharing, Relating became the key as the main assignment of sampling came to constitute a way of deconstructing our music heritage. Subsequently the attitude involved in what is today often referred to as modern sampling is closely related to what has been known in art as appropriation: in a way one can call modern sampling a combination of sampling and appropriation.

Appropriation is an act of taking possession of something, with or without permission, something often being someone else's work, and thereby still regarded by some as a disputable act occupying the border between production and theft. Despite this controversy, the act of appropriation has established a distinguished field of art practice of our time. Although many argue that appropriation was always done in art, our conseunsus today is that term dates back to the 1912 work by Picasso and the collage technique of Synthetic Cubism. Five years later Duchamp introduced the idea of readymade with "Fountain," and with another work of his "L.H.O.O.Q." from 1919, established the method of modern appropriation "that questions the nature or definition of art itself." (2) Pop artists such as Jasper Johns, Robert Rauschenberg and Andy Warhol, employed appropriation technique to their works, but the term increasingly came to be associated with a certain category of artists in the '80s, who "raises questions of originality, authenticity and authorship." (3) In the artistic climate significantly influenced by postmodern philosophy, Sherrie Levine, Jeff Koons and Richard Prince became known to us as appropriation artists.

3. Postmodern Criticism of Author

The Romantic emphasis on the artist as a creative spring culminated in modernism, which, with its quest for authenticity and originality, viewed artists as self-contained geniuses. This notion of autonomous artist came under examination in the 1960s by some philosophers, notably french poststructuralists, in relation to literary criticism. Kristeva, introducing the dialogic understanding of language by the Russian linguist Bakhtin into the theoretical framework of poststructuralism, coined the term intertextuality (1966), which came to influence many areas of cultural theories for decades. Turning our attention to the fact that language always precedes an author and with it the inevitable that a text is filled with interconnecting meanings from various fields prior to the employment of the text by the author, intertextuality places a text in its relation to its culture and its reader, as well as to the latter's act of establishing a meaning of the text through multiple threads and connotations inherent in the language. Barthes in his essay "Death of the Author" (1968) declares: "a text is not a line of words releasing a single 'theological' meaning (the 'message' of the Author-God) but a multi-dimensional space in which a variety of writings, none of them original, blend and crash. The text is a tissue of quotations drawn from the innumerable centres of culture." (4)

Foucault's essay "What is an Author" from 1969 has a similar take on the subject but its focus is turned to the status of an author and his privileged authority in discourses. By differentiating our usage of the word author and other words such as writer and signer, he places our concept of author in a social and historical context and indicates that individualisation of ideas is prerequisite for our notion of the author. For Foucault, an author is an ideological product whose authority as the originator of a fiction functions as a constraining figure who "impedes the free circulation, the free manipulation, the free composition, decomposition and recomposition of fiction." (5) Analysing the role of the author as the regulator of the fictive "characteristic of our industrial and bourgeois society, of individualism and private property," Foucault "seem[s] to call for a form of culture in which fiction would not be limited by the figure of the author" but with a system of other constraints yet to be determined or even experienced. (6)

II. Privatised Intellectual Property vs. Collaborative Intellectual Activity

1. Copyright and Intellectual Property

The 1980s with its climate fundamentally shaped by the postmodern discourses witnessed the increase in the number of artists employing sampling and appropriation techniques. Although incorporation of quotations played a vital role in postmodern concern with originality, it also led to an increase in copyright infringement lawsuits against these artists, often with the outcome that demonstrated the discrepancy between the art world and the legal environment.

Copyright is a type of law which, along with patent, trademark, industrial design right and trade secret, comes under the umbrella of intellectual property (IP). "The term intellectual property reflects the idea that [certain types of information, ideas, or other intangibles in their expressed form] is the product of the mind or the intellect, and that IP rights may be protected at law in the same way as any other form of property." (7) In other words, in law, creative works, e.g. books, movies, music, paintings, photographs and software, reside under IP laws and are considered to be properties that can be owned by copyright holders. Seen as "a right to the ideas one generates and the art one produces," (8) copyright is viewed as a moral right of an author and protects the following rights: "the right to reproduce the work, the right to adapt it or derive other works from it, the right to distribute copies of the work, the right to display the work publicly, and the right to perform it publicly. Each of these rights may be parsed out and sold separately [and in case of USA] [a]ll five rights lapse after the lifetime of the author plus 70 years." (9)

Validity of the concept Intellectual Property has been under dispute for some time. In the core of the critical discourses of IP exist two fundamental questions: whether the legal perception that intangible resources can be classified as property to secure ownership is reasonable; and whether the current IP law upholds or stifles its original function of promoting free circulation of ideas. Hessinger in his 1989 article "Justifying Intellectual Property" scrutinises our pre-conditioned justification of IP by bringing into the discussion insightful analyses on moral, philosophical and socio-economic conditions. Counter-arguing each of the major arguments that support the institution of intellectual property, such as reward for labour, natural right of the author, utilitarian (incentive) driven, etc., he concludes: "Both the nonexclusive nature of intellectual objects [i.e. "they can be at many places at once" in distinction from exclusive nature of physical objects] and the presumption against allowing restrictions on the free flow of ideas create special burdens in justifying such property....We must determine whether our current copyright, patent, and trade secret statutes provide the best possible mechanisms for ensuring the availability and widespread dissemination of intellectual works and their resulting products." (10)

2. Free Software Movement and Copyleft

Challenging the present copyright condition is the existence of copyleft, probably the first legal act taken to redefine copyright and its portion of intellectual property. By legally making use of copyright law, copyleft license grants, on share and share-alike term, each person possessing the work the following freedoms which have been traditionally protected as the exclusive rights of the copyright holder: "1. the freedom to use and study the work, 2. the freedom to copy and share the work with others, 3. the freedom to change the work, 4. and the freedom to distribute changed and therefore derivative works." (11) Copyleft thereby questions validity of private ownership of intellectual property and is seen by some as a first step to abolish copyright.

The GNU Public License, born out of the GNU project started in 1983 by Richard Stallman, was the first legal copyleft licensing. "[GNU's] goal was to bring a wholly free software operating system into existence. Stallman wanted computer users to be free, as most were in the 1960s and 1970s; free to study the source code of the software they use, free to modify the behaviour of the software, and free to publish their modified versions of the software." (12) In 1985 Stallman founded the Free Software Foundation which functions today as a register and licenser of free softwares. The core of the GNU and free software ideology lies in the belief that software development, when being placed under strict copyright management and private ownership, suffers more from its economical and intellectual protectionism than it benefit from it. Over the years the free software movement and its ideology have gained wide recognition within the computer community; for example, the today-much-popular open source movement is an offshoot of the free software movement, which tries to eliminate the aspect of the original movement that may be understood as too confrontational to the present economical structure. Though the two movements differ somewhat in philosophy and strategy, they agree that transparency of the process of writing and open collaboration based on open access to codes are essential to the betterment of creative ideas.

Another notable licensing body is Creative Commons, founded in 2001 by Lawrence Lessing. The Creative Commons license, released in 2002, is designed to promote a legal infrastructure that will not hinder digital sharing and creativity while still working within the existing copyright law.

Today Creative Commons issues four basic licenses and eleven combinations that comprise a condition in which one or more of the above-described rights of the copyright holders is waived for the benefit of recipients.

3. Wiki and Wikipedia

Closely connected to the movements of free software and open source is the invention of Wiki and its most successful example Wikipedia. "A wiki is a type of website that allows the visitors themselves to easily add, remove and otherwise edit and change some available content, sometimes without the need for registration. This ease of interaction and operation makes a wiki an effective tool for collaborative authoring." (13)

Developed initially for programmers to quickly update contents of their communication, wiki's open editing concept rapidly gained huge popularity after the launch of the first wiki "WikiWikiWeb" in 1995. Wikipedia, launched in 2001, is a free web encyclopedia running on a wiki engine and differs from conventional encyclopedias in the aspect that no editorial authority exists to control its content. Instead, "built on the expectation that collaboration among users will improve articles over time, in much the same way that open-source software develops"(14), any user regardless of their level of expertise or qualification can edit or modify any article in Wikipedia. Copylefted by GFDL agreement (GNU Free Documentation License)*, it is an on-going project with no article ever being declared completed.

Many have criticised the experimental nature of Wikipedia; its critics argue that its open nature and lack of authority make it vulnerable to vandalism, inaccuracies, and biases, resulting in poor quality and unreliability. Though there have been incidents that validate the above criticism, the question still remains whether we should consider "something is more likely to be true coming from a source whose resume sounds authoritative or a source that has been viewed by hundreds of thousands of people (with the ability to comment) and has survived." (15)

III. Virtual Democracy

The democratic nature of the Internet has been pointed out by many. Whereas the old or analogue media, to use these words in lack of a better one, such as TV, radio, books, newspapers, etc., operate with the figures of authority who select and control what should be introduced to the general public, the Internet offers instant access to its public domain to anyone who cares to have a space on the Internet server. In this virtual space where a web site can be created/erected by anyone with the same validity as IBM or Tate, the power of authority that grants legitimation for public exposure becomes nullified. Moreover, in contrast to the old media which have used nation as the common denominator and conducted within its national boundary, the Internet's multiple communities operate transnationally according to varieties of unifying principles. Apt to bring forth diversity of viewpoints rather than protect prevailing values, the virtual web, dissimilar to spider webs, lacks a centre; rather its texture is made of numbers of webs whose threads may cross one another and become interwoven at some points in its multi-dimensional space, connected but disunited and disunified. As our world replaces the vertical hierarchy of the old media with the horizontal existence of the Internet, our culture shifts accordingly from the macro culture of the old media to the multiple micro cultures of digital communities.

Existence of a culture that offers common ground for standardised knowledge, on the other hand, seems to be part of the condition vital for modern appropriation and sampling. Duchamp's "L.H.O.O.Q." needs not only Da Vinci's "Mona Lisa" but also our historical consensus on the status of her mysterious smile as well as its recognition by the viewer. In the same way, Warhol's "Marilyn" prerequires our iconisation of Hollywood film stars in our collective experience. Modern sampling with its extensive use of quotations engages references from our popular culture and rests on the same foundation. In short, appropriation and modern sampling are contextual works, playing with notions of consensuses and references that we share in common in our culture. Today, however, the web is diversifying our cultural environment, transforming its space into a state of complexity in which shared grounds for contextualisation become increasingly difficult to find.

Technology does not only change our practice; implementation of new technology also alters the very context in which the technology is born and applied. Our behaviours change accordingly, and our state of existence is transformed. The invention of writing, and thereafter printing, brought us the idea of fixed text and knowledge; fluidity and flexibility of oral tradition became fixated and with it we grew used to the idea of the author to whom creative works became solely attributed. Individualisation of ideas followed, establishing on the one hand the author/artist as an original creator, self-contained, set apart from tradition, culture and history, and fostering on

the other the condition for privatisation of intellectual products. Today by placing themselves on the opposite end of individual ownership of text, ideas and creations, modern sampling and collaborative authoring enlivened in the digital environment appear to be on their way to liquefy the state of writing once again, opening our eyes to another mode of authorship. The recent popularity of transparent writing such as open source and of sharing intellectual products via copyleft reflects the deficiency of our present intellectual property concept, challenging us to redefine our view on intellectual activities. Furthermore, while serving as a gigantic pool of material ready to be sampled, the web is already changing the cultural context from a macro-unified existence to micro-diverse communities. Though only time will tell how the new condition will affect the culture of sampling, the liquefaction process by the digital media will inevitably continue, disentangling what has become obsolete and inspiring new modes of existence along the way.

NOTES

(1) Fischer, L. "Sound Waves"From SOUNDINGS, Neuberger Museum, State University of NewYork, College at Purchase, 1981, online at http://www.ubu.com/papers/fischer.html.
(2) Tate Online http://www.tate.org.uk/collections/glossary/definition.jsp?entryId=23.
(3) Ibid.
(4) Barthes, R. "The Death of the Author" 1968,in Barthes, R. Image Music Text, first published in GreatBritain by Fontana Paperbacks, 1977.
(5) Foucault, M. "Whatis an Author?" 1969. Excerpt published in Harrison,C. & Wood, P. (eds.) Art in Theory 1900-1990, BlackwellPublishers Ltd., 1992.
(6) Ibid.
(7) http://en.wikipedia.org/wiki/Intellectual_property.
(8) Palmer "Are Patents and Copyrights Morally Justified?,"as quoted in Kinsella, N.S. "Against Intellectual Property"pubished by Journal of Libertanian Studies, 2001. Availableonline at http://www.mises.org/journals/jls/15_2/15_2_1.pdf
(9) Moore, A. D. "Intellectual Property, Innovation,and Social progress: The case Against Incentitive BasedArguments" Hamline Law Review Vol. 26:3, availableonline at http://faculty.washington.edu/moore2/mooreIP.pdf
(10) Hessinger, E.C. "Justifying Intellectual Property"Philosophy and Public Affairs, Vol. 18, No. 1, Winter 1989
(11) http://en.wikipedia.org/wiki/Copyleft. See also GNUGeneral Public License http://www.gnu.org/copyleft/gpl.html
(12) http://en.wikipedia.org/wiki/GNU.
(13) http://en.wikipedia.org/wiki/Wiki. See also http://wiki.organd http://c2.com
(14) http://en.wikipedia.org/wiki/Wikipedia.
(15) Comment by Joi Ito, cited in http://en.wikipedia.org/wiki/Wikipedia.

* (Update in 2012) Since 2009 after a community-wide referendum, Wikimedia foundation which publishes online collaborative wiki projects including Wikipedia transferred its primary license base to Creative Commons attribution (CC-BY-SA). Today Wikipedia runs on dual license CC-BY-SA/GFDL.

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