The Geopolitics of Napster; or, New Media North and South
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A Digital Broadside

For well over a decade the software companies of Northern California and the media companies of Southern California have been on a collision course. That collision has finally happened around the MP3 music file format, and been given legal form in the case over the future of Napster.com in San Francisco. No one is surprised by the fact of struggle. After all, the vast financial assets of the media companies have been put in jeopardy by the Naspter peer-to-peer sharing system. What surprises this observer is the entirely different conceptual framework each is bringing to bear in the debate about what the media of the future should be. If you listen for a while to the spokesman for the .com companies of Northern California and the media industry centered in Southern California, you will discover disagreement about nearly every term in the equation.

While Hollywood seeks to *gratify customers with content*, Net companies seek to *empower users with technology*. In a romantic apology for the status quo, media companies insist they have become a dominant world entertainment system because they both understand and value the popular arts of song and storytelling. They claim to be performing a democratic service: we know what the people really love and desire, our stories and songs are the very soul of culture, and the people have rewarded us for this creative work with their financial support. The current battle over intellectual property has turned media companies into traditionalists: they protect intellectual property in the name of Culture and in the name of the People; they revere the creativity of the artist and the formal integrity of the work; they uphold a strict interpretation of the copyright laws supposed to be indispensable to both. This interpretation of copyright, when coupled with new waves of technologies of distribution (for example in the movement from vinyl to CD, from VCR to DVD) allows them to "re-purpose" old media as new product with each new media environment. But beneath its self justification for continued dominance, the media industry cleaves to a performance or broadcast model—we make content, you guys sit back and receive it—as the only logical paradigm for the dissemination of media. Within the world view of big media, technology has a subsidiary and instrumental role as merely a new way to produce content or to deliver product. The sheer costs of new technology make them conservative about novelty. "We won't impose new technology solutions" they say, "but instead offer new products when they can become truly popular." Their latest success, and a digital one at that, is the DVD. If consumers want more options or interactivity, we can always add more channels or one-click shopping, but consumers, in the vast numbers we serve, have repeatedly shown they are too lazy to want to much interactivity.

If the media companies adopt the slogan, "It will always be about content," the Net companies rejoin by giving new life to Marshall McLuhan's old adage, "the

medium is the message." The Net.com's narrative begins not with Art but with the User. If the personal computer brought the first wave of user-controlled digitalization into the home, the global information network has expanded their power by interlinking them. According to the Net.coms rushing to develop it, this network for sharing information has wrought a fundamental mutation in the media sphere we inhabit. Given the digitalization of content—for example, when a CD track is ripped to the mp3 file format—the introduction of that digital code into the network changes everything but the tune being played. By recording, copying, manipulating and re-transmitting media as computer files, the owner of the networked computer accedes to technologies of media inscription that in many ways exceed what was possible at the centers of the old analogue broadcasting empires. According to the emancipation narrative told by the Net companies of northern California, technology has transformed subjected consumers into "empowered" Users. For these companies, the real action is in the "magic" of software code and interface design. Viewed from within the information network, content looks as "stupid," fungible, and easily available as air. Faced with the havoc that Napster peer to peer networking could work upon the music industry's business model, the Net-seers have begun to propound a long evolutionary perspective on the history of media: could the CD or DVD go the way of the player piano, the fountain pen, or the IBM Selectric? If the media industries of Southern California are grandiose in their claims, the Net companies offer their own extravagant promises: transformations of media technology brings all the good things we never got out of the 60s: personal control, freedom, interactivity, and an uplifting communality. Peer to peer computing brings the abundance of a carnival at no cost.

No one is sure where this struggle will end. Will the media industries come to terms with the sea-change brought by peer to peer sharing of digitalized content? Will users acknowledge and assume their debt to the creators of the content they share? The law courts and Congress *may* provide a common language for addressing these questions. But the success of Napster suggests that the Internet—and the plasticity of digital code as it can be used to restructure that network—has given millions of users a pivotal role in shaping the media sphere of the future.

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