

N I S H A N T   S H A H



Of Jesters,  
Clowns and Pranksters:  
YouTube and the Condition of  
Collaborative Authorship

**T**he idea of the single author creating cinematic objects in a well-controlled scheme of support system and production/distribution infrastructure has been fundamentally challenged by the emergence of digital video sharing sites like YouTube. The recent state of controversies around YouTube, has foregrounded the question of authorship in collaborative conditions. Questions of who owns the particular videos and what is the role that the large communities of authorship play have not been resolved as the debaters have concentrated only on single videos and singular notions of authorship, dismissing the (this paper proposes) collaborators as jesters, clowns and pranksters, without recognizing their contribution to the videos. The presentation looks at two recent controversies on Youtube videos around content, distribution, and responses to explore different terms of debate and imagine a future of celluloid as embedded in these conditions of collaborative authorship.

*Introduction*

I shall begin by misquoting and possibly violating copyright regimes by invoking Dostoyevsky, to say that all dissimilar technologies are the same in their own way, but all similar technologies are uniquely different. Every technological innovation, but particularly innovations affecting authorship and the role of the author, brings with it a new set of anxieties and concerns. David Stewart, in his engrossing book on the history of technology and communication, for example, talks about how in the early years of postal service there were debates around who was the author of the mail that was being delivered. Through a particularly fascinating case that looked at a Lord in London holding the post office responsible for some objectionable mail delivered to his daughter, Stewart traces the origins of techno-neutrality and regulation to look upon technology as merely a bearer of knowledge – in this case, the mail – and the original author, this primordial figure that sits and writes or shoots or sings, as the only person upon whom the responsibility and hence also the credit can be placed.

Mark Joffe, in his movie *The Man Who Sued God*, introduces us to the case of Steve Myers, an ex-lawyer in Australia, who sues God because his boat is struck by lightning and his insurance company refuses to pay, claiming it to be an act of God. By claiming to be God's representatives on Earth, the Christian churches and the Jewish synagogues are held to be the liable party, putting them in the difficult position of either having to pay out large sums of money, or prove that God does not exist. But more than anything else, it is the attribution of responsibility to one particular, identifiable entity that lies at the centre of the movie. Even in the pre-Internet world, one of the biggest sources of anxieties has been determining authorship and putting into place a knowledge apparatus that reinforces the need for such a condition. The question of authorship, while it surfaces in a number of contexts – copyright infringements, intellectual property right regimes, plagiarism, crediting and referencing industries, etc – is perhaps most interestingly manifest on video sharing social networking sites like Youtube and Myspace.

Rather than addressing what constitutes digital cinema or the future of celluloid, I would instead like to locate the emergence of the idea of authorship, through a historical examination of an 'old media'. I will be looking at the early history of the book and the print revolution to argue that the condition of authorship that one presumes for the book, and subsequently, through a different trajectory, for cinema, is not something that was inherent to it; and in fact the early history of the book is filled

with conflicts around the question of how you could attribute the book as an artefact to one individual author. By examining the conditions that enabled the establishment of the book as a stable object that can be linked to the author, I hope to return us to a different way of thinking about Youtube videos and the debates on authorship that surround it.

*YouTube and the question of authorship*

The world of YouTube stakeholders can roughly be divided into two camps: People who swear by it and people who swear at it. The camp has arisen mainly because of differences of opinions on who owns a YouTube video and the content therein. The critics of YouTube – largely recording companies and movie studios and distributors – argue that platforms like YouTube are killing their businesses, emptying their coffers, and are a direct threat to the sacred cow of all cultural productions – the livelihood and the integrity of the creative artist. They make claims that a site like YouTube infringes the copyright regimes because videos get published by somebody who has ripped it from another source, and often does no crediting. Also, that the sales of the music or the movies or Television serials go down because of such activities.

One of the most recent infamous example that can be cited is the case of the Let's Go Crazy Dancing video case, where the world literally went crazy. In early February 2007, Stephanie Lenz's 13-month-old son started dancing. Pushing a walker across her kitchen floor, Holden Lenz started moving to the distinctive beat of a song by Prince, "Let's Go Crazy."<sup>1</sup> Lenz wanted her mother to see the film so she did what any citizen of the 21st century would do: She uploaded the file to YouTube and sent her relatives and friends the link. They watched the video scores of times. It was a perfect YouTube moment: a community of laughs around a homemade video, readily shared with anyone who wanted to watch.

Sometime over the next four months, however, someone from Universal Music Group also watched Holden dance. Universal manages the copyrights of Prince. It fired off a letter to YouTube demanding that it remove the unauthorized "performance" of Prince's music. YouTube, to avoid liability itself, complied. YouTube sent Lenz a notice that it was removing her video. She wondered, "Why?" What had she done wrong? Her questions reached the Electronic Frontier Foundation and then started the battle, where on Lenz's behalf, the EFF lawyers sent a 'counter-notice' to YouTube, that no rights of Universal were violated by Holden's dancing video. Lenz as the

author of the video was concentrating on her son's dancing and that the presence of Prince's song was negligible and definitely fair use. Yet Universal's lawyers insist to this day that sharing this home movie is wilful copyright infringement under the laws of the United States. On their view of the law, she is liable to a fine of up to \$150,000 for sharing 29 seconds of Holden dancing. They specifically state that Lenz is not the 'original' artist who made the music and thus she is appropriating authorship and violating the rights of the artist – Prince, to be identified as the creator of the song. The notice also informed her that they were unhappy with the 'clowning' around of Prince's music which might offend his fan-base.

The questions which come to the fore are very obvious and not new to the history of legal debates on cinema: What is the content of the video? Who is the author of the video? Who watches the video? What are the intentions of the video? The supporters of the 'Free as in Beer' access movements and also of YouTube clearly point out the farcical condition of this battle. As Lawrence Lessig very eloquently points out in his essay on the 'Defence of Piracy',

How is it that sensible people, people no doubt educated at some of the best universities and law schools in the country, would come to think it a sane use of corporate resources to threaten the mother of a dancing 13-month-old? What is it that allows these lawyers and executives to take a case like this seriously, to believe there's some important social or corporate reason to deploy the federal scheme of regulation called copyright to stop the spread of these images and music? "Let's Go Crazy" indeed!<sup>2</sup>

In another instance, which is a competition on YouTube between two videos to reach the coveted "first video to be seen 1 million times" status, brings again these question of the author and the pranksters. Avril Lavigne fans, on the release of her recent Single 'Girlfriend', started campaigning to make that video the first to be viewed 1 million times on YouTube. They put it in direct competition with the then most viewed video – 'History of Dance' – and started activities that violated the Terms of Service for YouTube. They embedded the videos in many sites and started websites which played the videos automatically. They even created a website which auto reloaded the video every fifteen minutes and encouraged fans to keep the website opened, abusing the power of broad band, while they are browsing, surfing, or even sleeping. The efforts paid off and Avril Lavigne's 'Girlfriend', in July 2008, became the first video to be watched 1 million times in the

history of YouTube. One would have thought that such publicity is what a distributor's wet dreams are made of. However, just after the video reached the 1 million mark and entered the heights of popularity, YouTube received a notice from Times Warner, to remove the video because it was a copyright violation. They also demanded that all the other compilations and samplings which included the song be removed from YouTube. The supporters of the move, condemned the Lavigne fans as 'pranksters' or 'jesters' who were in for the cheap publicity, because they were not really creators of the video or the authors. In a startling Op-Ed titled 'How Avril Lavigne Killed YouTube' in the *New York Times*, a spokesperson for Times Warner suggested

This is not respectable fan behaviour. A fan is somebody who loves and worships the author and not somebody who pretends to be the author. The avrilelavignebandaid group just turned out to be a group of pirates who passed off Lavigne's video as their own and went on to promote it, forgetting the fact that they were using a democratic platform like YouTube for activities which can only be called theft!

Predictably, the debate on the question of authorship takes place in a rather somber tone, whether it is the zealous claims of monopoly of production and authorship that the established industries claim for themselves, or the passionate defenses of the YouTubeians. What remains constant through the entire process is the fact that the idea of a singular, identifiable author remains stable and unchallenged. I would like to take a slightly different track here, and try and see how we can think the question of the "production of the author" by revisiting the history of the book and of early print culture, and look at the manner in which the idea of the author emerges.

There is often an unstated assumption about the book as authored by a single person and authorship is spoken of in a value-neutral and ahistorical manner. It would be useful to situate the condition of authorship within a historical moment, where authorship is not seen to be an a priori condition but a constructed one, and one whose history is located in specific technological changes. The technology of print and paper brought about a set of questions around the question of authorship, and in the same way, the domain of Internet video sharing and collaborative authorship raises a set of questions and concerns.

### *The construction of author/ity*

In many ways, the debate on authorship and knowledge is similar to the

older debate in philosophy between body and self. Critics of self, such as Foucault, demonstrate that the notion of the self has often stemmed from very particular experiences in the Christian West, which were then posited as universal experiences. However, doing away with the notion of the self does not do away with the question of the body. In fact, Foucault goes on to explore the technologies of the self and how it informs our understanding of the body. In a similar vein, while the proponents of the Web 2.0 revolution (sometimes unknown to themselves, echoing debates that happened in print about a 100 years ago) announce either the death of the author or the availability of open licensing, fail to recognize that the question of authorship (and hence authority) are rooted both in particular practices as well as in technological forms. Hence the debates take familiar shapes: author versus pirate, digital versus celluloid, collaborative versus single author, etc.

It is especially when posing the question of authorship in absolute terms that the cultural producers/consumers on YouTube get reduced to pranksters, jesters or clowns. The debate also excludes the temporal framework of the debate and forget that the Internet is still a work in progress. Even though an Internet year is akin to seven pre-digital years, and time is now experienced in accelerated modes, it is necessary to realize that the domain of collaborative online sharing and production of videos is a relatively new one.

It may be more useful to think of the post-celluloid world as an extremely ambiguous and fluid period, undoubtedly marked by immense possibilities, but we have not reached any settled phase yet. So if we are to make comparisons, then it is more useful to compare the contemporary period with another moment in history, and the emergence of a cultural form other than cinema, which was marked by an equal fluidity. It is here that I go to the early history of print culture or 'print in the making'<sup>3</sup> and the conflicts over the question of authorship, to demonstrate that the condition of authorship question is an important one, but it is not a question that is unique to YouTube or the Internet. And an examination of the conditions under which authorship came to be established may help us get over our anxieties about authorship, and better understand it with certain lightness – through pranks, jests and clowning around.

*What's in a name? – The author and the book*

For us to understand the idea of print in the making, we need to understand some of the practices that preceded the idea of print. They also enable us to

understand the specific nature of the disputes around the question of authorship, and more importantly rethink disputes over authorship as productive disputes. Lawrence Liang in his 'A brief history of the Internet in 13<sup>th</sup> and 14<sup>th</sup> Century' takes up the example of Chaucer, the father of English poetry. He demonstrates, through different readings, "how the structure and the form of *The Canterbury Tales* reflects, interestingly, the question of approaches to the idea of authorship as well as the conditions of the production of the *Canterbury Tales* itself." Liang looks at the manuscript cultures and the ways in which authorship and rights were understood.

Borrowing from Mark Rose, Liang shows how, in the Middle Ages, the owner of a manuscript was understood to possess the right to grant permission to copy it, and this was a right that could be exploited, as it was, for example, by those monasteries that regularly charged a fee for permission to copy one of their books. This was somewhat similar to copyright royalty with the crucial difference that the book-owner's property was not a right in the text as such but in the manuscript as a physical object made of ink and parchment. The value provided by the monastery and the reason for their charging for their copy fee did not emerge just from the existence of the copy alone, but also from the fact that each monastery also had their unique elements in the form of the annotations, the commentary, corrections, which only the particular monastery's copy might contain. The very act of copying and possession made you the author of that text and also the owner of the book<sup>4</sup>. The author was not only the reclusive solitary figure that coins the first word but the various scribes, writers, annotators and litterateurs who offered changes, as well as helped in distribution and copying.<sup>5</sup>

So, while the popular account of preprint cultures is of slavish copying by scribes, the story turns out to be slightly more complicated. Acting as annotators, compilers, and correctors, medieval book owners and scribes actively shaped the texts they read. For example, they might choose to leave out some of the *Canterbury Tales*, or contribute one of their own. They might correct Chaucer's versification every now and then. They might produce whole new drafts of Chaucer by combining one or more of his published versions with others. And these were all legitimate, acceptable and engaged forms of authorship. While this activity of average or amateur readers differs in scale and quality from Chaucer's work, it opens us to new questions of the relationship between author, text, and reader in the Middle Ages, and also what it may mean to understand contemporary practices of knowledge and cultural creation.

Scribes and readers responded to Chaucer, Langland, and others, not by slavishly copying, canonizing, or passively receiving their texts, but by reworking them as creative readers. In doing so, they continue and contribute to the great layers of intertextual conversation that made the work of these now canonical authors relevant, interesting, and, fundamentally, possible. Similar debates surround the attribution of authorship to William Shakespeare for his work. Literary historians have periodically made claims that Shakespeare's plays were written by the then court poet Ben Jonson, that Shakespeare's plays were written by Christopher Marlowe, who is considered to be his arch enemy, that Shakespeare's plays were written by another man named Shakespeare, and not the Shakespeare we think we know. At the basis of these arguments was the idea that the plays were designed not to be written but to be performed and that in the lively rendering of the play, between different actors and producers, the original text changed. Interestingly, the Shakespearean technique of 'asides' and 'taking the audience into confidence' was actually a way of inviting the audience to not only receive the story but to read it differently, and edit it with their response to it.

This invitation was accepted by late Elizabethans who took great pleasure in seeing the same play multiple times to see how it has changed in the performance. Moreover, as multiple copies of the same manuscript started appearing in the living public, along with the actors and the producers, the readers also took great pleasure in creating copies of the takes that drastically cut, expand, edit and otherwise Shakespeare's plays<sup>6</sup>. This activity goes beyond the mechanics of audience reception and looks at the plays as a collaborative effort which gets glossed over in the making of the authoritative folios which looked upon all such interventions as anomalies to the text. Before the fixity of text, there was a possibility to think of the text not as a finished product but a work in progress that elicits new responses, meanings and forms through its engagement with the audience. Moreover, the audience, in their rights of consumption, also seemed to possess the right to edit, change and circulate the text. They were the original jesters, pranksters and clowns, who, in their playful response to the text, constructed it to respond to their contexts and traditions. This sounds a lot like the debates we are experiencing on YouTube videos where the readers respond in kind to the poetics of reading and composing within which the YouTube videos operate.

### *Conclusion*

Thus rather than speaking about authorship as something that is intrinsic to either a particular mode of authorship or intrinsic to any technological form, it might be more useful instead to consider the variety of knowledge apparatuses which come into play to establish its authority. In the case for the history of the book, it was clear that the establishment of authorship depended on the arrangements, classifications and kinds of assemblage that make it possible, maintain it as well as critique it. The conventions, for instance, by which the title and author of a work are identified play very specific functions in preparing for knowledge, as do the several kinds of documentation, attribution, citation and copyright.

The preconditions for authorship cannot easily be made into the object that we identify as author. It is a matter of making evident (making known) the structures of authorship which emerge in ways that provide definitive proof of the imperfectability and ambiguity of the authorial position. To speak of the productive nature of conflicts over authorship is then to recognize that any author – either exalted or dismissed - is constructed in a condition of potential collaboration and revision. The question thus centres on how we use the notion of authorship, how we bring it to light and mobilize it today to understand cultural forms differently. The way the authorship debates take place, there is almost a theological devotion to an exalted idea of author, without a consideration of the apparatus that was established to construct that condition.

The point is not to do away with the question of the author or construct another catch-all retainer that accepts all forms of engagement as authorship, but to recognize it not as something that is intrinsic or a given but something that is always transient, and to locate it, in the case of digital cinema, within specific practices and technologies. To return to the question of YouTube videos and the future of celluloid image; we are now faced with new questions about authorship and the very form that the digital cinema embodies: If the image itself is no longer made to bear the burden of meaning and intention, can we locate new forms of authorship – sometimes in incidental intertextuality, sometimes in creating conditions (as is in the case of DVDs or digital video sharing sites) narratives, meanings, interpretations and paraphernalia that simultaneously re-emphasize the sacredness of the image while deconstructing the apparatus that establishes a fixity of authorship over that image? Can we look at not only novel forms of interaction and consumption of the celluloid image but at a playful engagement with the

image to create a galaxy of responses – sometimes as reciprocal videos, often through comments, embedding mechanisms, using the video not as an object unto itself but as a form of complex referencing and citation to a larger community of artists and authors?

The future of celluloid, especially if we are locating it in the realm of the Digital Moving Objects of Web 2.0 technologies, is going to have debates which were relevant also to the making of the book. However, this is not to say that the challenges faced and the problematic that emerge are redundant. Indeed, the celluloid frame and its overpowering capacity to incorporate technology, content, response and remixes, to produce the spectacle of watching, posit certain challenges to the Web 2.0 celebrations while simultaneously expanding its own scope of production. YouTube debates around infantile abuse of video/cinema technologies to make dancing babies and furry animals popular need to be read as symptomatic of a much larger question of authorship, authority and the conditions of cultural production rather than signalling the death of celluloid. An escape from the authority question also allows for an escape from the celluloid-digital binary and posits a more fruitful engagement in looking at how celluloid technologies (and the constellation of factors therewith) inform our understanding and analysis of the DMIs that are slowly gaining popularity.

## References:

<sup>1</sup> Holden Lenz's YouTube debut, that probably made him the most popular baby on the Internet is still available for viewing at <<http://www.youtube.com/watch?v=N1KfJHFWlhQ>> retrieved 12:14 a.m. 22<sup>nd</sup> January 2010.

<sup>2</sup> The essay is available for open access at <<http://online.wsj.com/article/SB122367645363324303.html>>

<sup>3</sup> I am grateful to Lawrence Liang for this methodological framework where he looks at the emergence of Wikipedia and the pre-print cultures, to look at the similarities and differences between the two. "A Brief History of the Internet in the 13<sup>th</sup> and 14<sup>th</sup> Century". Forthcoming 2010.

<sup>4</sup> See Alberto Manguel's *A History of Reading*. 1990. New York: Penguin Books.

<sup>5</sup> Daniel Wolf, in *Reading History in Early Modern England*. 2005. Cambridge, UK: Cambridge University Press, explains in great detail how the reader as well as the author were imagined, constructed and recognized in the early days of print.

<sup>6</sup> See Molly Abel Travis's comprehensive account of the debates in *Construction of Readers in the Twentieth Century*. 1998. Illinois, Chicago: Southern Illinois University Press.