

The Anarchist in the Library:
How the Clash Between Freedom and Control is Hacking the Real World
and Crashing the System

by Siva Vaidhyanathan
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From the mind of one of today's foremost cultural historians and media scholars comes a riveting analysis of the impact of Internet technology on our social, political and cultural future. Siva Vaidhyanathan exposes the ongoing struggle over control of information and technology in modern society, which governs the development of modern culture. It is a battle of those wishing to strictly regulate the flow of information versus those seeking its liberation. The author offers no resolution to this debate, but instead reveals two schools of thought for the reader to explore: anarchy, a culture free from monopolistic structure; and oligarchy, a culture burdened by government regulation and hierarchical leadership. Which regime will shape our cultural future?

Siva Vaidhyanathan, currently the director of the undergraduate program in communication studies in the Department of Culture and Communication at New York University, originally wrote this book as a sequel to *Copyrights and Copywrongs: The Rise of Intellectual Property and How it Threatens Creativity*. His agenda was to evaluate the evolution of MP3 music file-sharing through peer-to-peer networking systems on the Internet. After the tragic events of September 11, 2001, Vaidhyanathan broadened his scope to focus more generally on the impact of information-sharing on culture as a whole. As a result, he has created a unique commentary on the significance of media, technology, and the Internet in shaping modern culture.

As the author demonstrates through various cultural and historical models, the multifaceted debate over the control of technology and information has derived from two conflicting concepts which have become increasingly prevalent in modern culture: anarchy and oligarchy. Anarchy is often inaccurately translated into chaos or violence, but anarchists in fact believe deeply in an ideology of love.¹ Anarchism thrives for freedom of information through a system lacking coercive authority.² Oligarchy, on the other hand, prefers a closed system of authority and strict regulation of information, shutting down conversation and restricting free distribution of information – a notion Vaidhyathan refers to as “market fundamentalism.”³ This ideology rests on the assumption that unfettered private control of resources not only produces the most efficient distribution of these resources but enables some larger public good.⁴

Perhaps the most revealing illustration of the conflict between anarchic and oligarchic forces is the ideology of peer-to-peer networking, and more specifically, music file-sharing through websites such as Napster, Gnutella, and Kazaa. Upon the emergence of such mediums that allowed unrestricted sharing of audio and video files over the Internet, many music recording companies and artists commenced an effort to suppress such free-flowing information, mainly via copyright infringement actions against the websites themselves. In March of 2002, the Ninth Circuit Court of Appeals affirmed a shut down order of Napster, the first peer-to-peer system to be accused of copyright

¹ Sean M. Sheehan, *Anarchism: Focus on Contemporary Issues* (London: Reaktion, 2003).

² *Id.* Anarchists do not necessarily denounce governance so long as it exists without coercion or threat of violence. *Id.*

³ For an argument in favor of global market fundamentalism, see GEORGE F. GILDER, *THE SPIRIT OF ENTERPRISE* (New York: Simon & Schuster, 1984). For a critique of market fundamentalism, see THOMAS FRANK, *ONE MARKET UNDER GOD: EXTREME CAPITALISM, MARKET POPULISM, AND THE END OF ECONOMIC DEMOCRACY* (New York: Doubleday, 2000).

⁴ SIVA VAIDHYANATHAN, *COPYRIGHTS AND COPYWRONGS: THE RISE OF INTELLECTUAL PROPERTY AND HOW IT THREATENS CREATIVITY* (New York: New York University Press, 2001).

infringement, citing theories of direct infringement, contributory infringement, and vicarious copyright infringement.⁵

Those who decry peer-to-peer music-sharing networks are, perhaps unknowingly, endorsing oligarchic principles. The CEO of Time Warner, Richard Parsons, candidly exemplified this attitude when he said:

This is a very profound moment historically. This isn't about a bunch of kids stealing music. It's about an assault on everything that constitutes the cultural expression of our society. If we fail to protect and preserve our intellectual property system, the culture will atrophy. And corporations won't be the only ones hurt. Artists will have no incentive to create. Worst-case scenario: The country will end up in sort of a cultural Dark Ages.⁶

After the decision in *A&M Records*, the music and movie industries have persisted with a united combat against companies that facilitate pure peer-to-peer networks that threaten their control over distribution of movies and music.⁷ Music recording companies have experienced a decrease in compact disc sales by roughly ten percent over the past couple years. They blame the loss of sales on downloading of MP3 files from the Internet.

Some consider peer-to-peer networking and file-sharing to provide benefits to artists and music recording companies. Vaidhyathan suggests that music downloaders are the music industry's best customers, and without an unrestricted file-sharing system, the industry will see – and has seen – a decrease in sales. According to a study conducted

⁵ *A&M Records, Inc. v. Napster, Inc.*, 284 F.3d 1091, 1097-99 (9th Cir. 2002). The court held Napster responsible for policing its user content in order to avoid unwarranted copyright infringement. *Id.* Napster unsuccessfully argued that the “zero tolerance” standard of compliance imposed by the district court was improper. *Id.* at 1098.

⁶ JESSICA LITMAN, *DIGITAL COPYRIGHT: PROTECTING INTELLECTUAL PROPERTY ON THE INTERNET* 151 (Amherst, N.Y.: Prometheus, 2001).

⁷ Joseph A. Sifferd, Article, *The Peer-to-Peer Revolution: A Post-Napster Analysis of the Rapidly Developing File-Sharing Technology*, 4 *Vand J. Ent. L. & Prac.* 92, 106-07 (2002).

by a market research firm, 31 percent of music consumers download music and burn CDs often, and these same digital music users buy 36 percent of all CDs.⁸ A clever *New York Times* advertisement, employed a sardonic attitude toward music record-companies who are blind to the positive impacts of MP3 file-sharing:

Thank you for fighting the good fight against Internet MP3 file-swapping.

Because of you, millions of kids will stop wasting time listening to new music and seeking out new bands. No more spreading the word to complete strangers about your artists. No more harmful exposure to thousands of bands via Internet radio either. With any luck they won't talk about music at all. You probably knew you'd make millions by embracing the technology. After all, the kids swapping were like ten times more likely to buy CDs, making your cause all the more admirable. It must have cost a bundle in future revenue, but don't worry – computers are just a fad anyway, and the Internet is just plain stupid.⁹

The debate over regulation of information-sharing via the Internet will only grow in magnitude in coming years. Because of the boundless nature of the Internet and the increased willingness of people to use it as a means of communication and information gathering, this struggle will not cease in the near future. The supposedly uncontrolled nature of the Internet produces a free flow of information, an exchange of ideas with perhaps only infinitesimal recognition of the restrictions and limitations of the real world.

This unrestricted flow of information results in a mutation and misunderstanding of

⁸ See www.forrester.com/ER/Research/Report/Summary/0,1338,14854,FF.html. This data suggests that the slump in the music industry is a result of the economy, not downloading. *Id.* It is certainly reasonable to believe that song-by-song downloads are not the only source of a reduction in compact disc sales. *Id.* Napster asserted that its users are sampling music and that the sampling does not decrease retail music sales, but may even stimulate them. Stacy Berger, *The Use of the Internet to "Share" Copyrighted Material and Its Effect on Copyright Law*, 3 J. Legal Advoc. & Prac. 92, 100 (2001).

⁹ *A Big Fat Thanks to Record Execs*, *New York Times*, October 28, 2002, at C6. This ad was placed by Rolling Stones, revealing widespread attitudes about peer-to-peer file sharing over the Internet. SIVA VAIDHYANATHAN, *THE ANARCHIST IN THE LIBRARY: HOW THE CLASH BETWEEN FREEDOM AND CONTROL IS HACKING THE REAL WORLD AND CRASHING THE SYSTEM* 45-46 (New York: Basic Books, 2004).

property rights and has seduced a generation into equating stealing with “sharing.”¹⁰

Despite this harsh view toward the negative impact of information-sharing on the Internet, the author emphasizes that such communication shapes our culture by providing incentive for creativity and invention.

The success of this book lies in Vaidhyathan's insistence on endorsing a position somewhere in between the extreme views of anarchy and oligarchy. His is a course of moderation, avoiding the excesses and pitfalls of both sides. The reader can easily determine that the author encourages a free flow of information, but he does not profess to have an end-all solution to the battle for informational control. For these reasons, *The Anarchist in the Library* is an enjoyable and challenging read, prompting the reader to rethink his opinion on information regulation.

This book presents a powerful commentary on the direction of modern culture in the realm of technological and informational systems of control. The author does not profess to provide solutions or make predictions. Instead he expresses concern for the availability and accessibility of expression, public discussion, and creativity. The ongoing campaign for control over information (or the lack of it) will undoubtedly have significant ramifications for our political and cultural future. Should culture flow at low cost with little intervention from above? Or should information flow be closely regulated in order to protect the ideas and creations of our artists? The answer probably lies somewhere in between, and Vaidhyathan urges the reader to help guide our cultural and political future somewhere toward that middle ground.

¹⁰ Albert Z. Kovacs, *Quieting the Virtual Prison Riot: Why the Internet's Spirit of "Sharing" Must Be Broken*, 51 Duke L.J. 753, 761 (2001).