

Interview with Cory Doctorow

(Conducted by Alan Chorney and Danielle Hubbard)

Q: What first interested you in the idea of publishing under the Creative Commons license? Do you think this type of licensing should be used by all artists?

Doctorow: I put my first novel under Creative Commons just as Creative Commons was launching, and I don't know that I can tell you exactly what went into my thinking ten years ago, but I can tell you where my thinking's arrived at and it kind of answers your second question as well, your second part of this, should this type of licensing be used by all artists.

It's important to note that although I make my books available under Creative Commons licenses, other people don't. It's still the case that everybody's books are available as free downloads whether or not you Creative Commons

licenses. The only question is whether your books are available for download in a way that you have blessed, or in a way that you shake your fist at without any hope of making a change – in that you shake your fist impotently.

Everything that people like they can copy, and so I think that this moves copying on the Internet from the realm of a problem to the realm of a fact. A problem is a thing you can change; a fact is a thing you need to accommodate, so if you can't figure out how to earn a living in which copying takes place you're going to run into big problems, not because copying is good or copying is bad, but because copying is a fact. There is no Internet in which copying is reduced over time; there is only an increase in copying from here on in.

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So I use Creative Commons licenses for three reasons. The first one is purely commercial. I believe that more people treat the free e-book as an enticement to reward me through purchase than as a substitute to leave me high and dry by taking the work and not putting any money into it. So far that's worked out very well. I think that performing this public act of generosity and trust

is rewarded by the public, that it creates a social contract that the public enters into with me willingly. I think it's the only thing we've got. We can't coerce people into paying. There's no way to exclude people that don't want to pay.

But then there's two other dimensions. There's an artistic dimension, because, as I say, copying won't get any harder. If you're going to make contemporary art you should assume it's going to be copied. Now there's nothing wrong with making art that's not contemporary; you can make retro art and it can be quite good art. If your thing is to be the armourer at a re-enactment of the Civil War, or the blacksmith at Pioneer Village, or to make your own gesso with scraped down rabbit skins and egg shells the way Michelangelo did – go do it. That's great.

But I'm a science fiction writer and science fiction writers are meant to be at the very least contemporary, if not futuristic. And so I have an obligation to try and find artistic modes that are

contemporary. By making art that is intended to be copied I make art that fits in with the dominant motif of the 21st century.

And then finally there's this moral dimension, because although there's no way to prevent copying, that's not to say that attempts to prevent copying are without consequence. Our



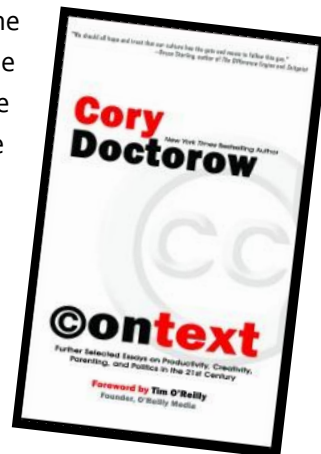
attempts to prevent copying, whether they're in the realm of Digital Rights Management –that creates a regime where devices are designed to hide secrets from their owners and where the law makes it illegal to divulge what those secrets are or where they've been hidden; or through easy attempts at changing the Internet's infrastructure to make it easy to censor and surveil people - whether that's YouTube's content guard system that allows people to spuriously claim to own copyrights and works that they find embarrassing or unpalatable and make those works be censored automatically, and actually through series of spurious claims end up with legitimate users of YouTube being censored off YouTube all together, or the surveillance proposed in regimes like ACTA, the Trans Atlantic Free Trade Agreement , TAFTA, the Trans Pacific Partnership...and so on these surveillance regimes where we make it easier to spy on people who use the Internet in case they might be using the Internet in ways that violates copyright law; all of these things are profoundly immoral in that they have these enormous impacts on things that people do that are legitimate, and have no nexus with the creative market place or the entertainment industry. These things are rather part of the everyday

round of people in the 21st century, because the Internet is the nervous system of the 21st century.

Everything we do today involves the Internet and everything we do tomorrow will require the Internet. So when

attempts to reduce copying results in things like the Six Strikes regime in America or the Three Strikes regime in Britain, where repeated unsubstantiated accusations of copyright are enough to knock you, your family, and everyone who shares your Internet connection off the Internet without any presumption of innocence or without any pretence of due process, we wreak incredible harm on people who may have done nothing to violate copyright law and even if they have, are being punished way out of proportion to anything that they may have done. After all, watching TV the wrong way should not require that you be disconnected from the single wire that delivers free speech, free press, freedom of assembly, and as we found in studies like the one that the champion for digital inclusion, Martha Lane Fox, did in the UK, the Internet delivers to families in the most vulnerable populations. It delivers better nutrition, better health, access to education and post-secondary education, social mobility, better employment and so on.

Taking the Internet away from people who merely live in the same house as someone who's accused of having an Internet connection that someone else may have used possibly to watch TV the wrong way is so unbelievably disproportionate and so unbelievably immoral that it would be a damn shame for anyone who calls themselves an artist to be involved in this.



I don't care how you make your living from the arts, but if the way you make your living from the arts is predicated on censorship, is predicated on surveillance, is predicated on the suspension of

due process and the presumption of innocence, than you're doing art wrong. There is no legitimate artistic mode that requires that of the wider society.

Q: Libraries are often seen as defenders of copyright. With a copyright system that is currently less than ideal, what role can libraries play in reforming copyright?

Doctorow: Libraries do have an enormous moral authority and have more lobbying weight than I think they recognize. Although in these days of austerity it's fashionable to bash anyone who works for the public service, I don't think anyone seriously believes that librarians got into it for the glamour and big bucks.

So when a librarian says that he or she needs something, I think there are a lot of people who will understand that that librarian is speaking from heart and not just blowing smoke or trying to feather her or his own nest.

I think that in the immediate frame, libraries can refuse to buy any e-book that has DRM [Digital Rights Management] on it. Publishers,

especially today, need libraries as customers. They can't afford to alienate a customer as big as a library. And as we've seen with EIFL [Electronic Information for Libraries], which is the Electronic Collections Branch of IFLA [International Federation of Library Associations], when libraries work together in coalition to do group buys or to boycott commercial offers, libraries are able to shift the way publishers do business.

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There is no DRM that is safe for public use. There is no DRM that libraries should impose on their patrons. Libraries should boycott DRM without exception immediately and until DRM is removed from products that publishers make available to their patrons. End of story.

Q: In your young adult novels, such as *Pirate Cinema* and *Little Brother*, you are very adept at explaining complex issues such as copyright, hacking, or the legislative process in a way that is not dry or pedantic. How much effort do you put into not only entertaining, but also educating, your audience?

Doctorow: The first thing that I do when I write a book – and with the risk of sounding pretentious I have to call that an artistic endeavour – so when I endeavour to make a work of art, the thing that is uppermost in my mind is not educating, is not

informing, is not even entertaining. It's taking an inchoate, irreducible aesthetic sensation that is resonant in my brain and my breast, and moving it to your brain and your breast. Everything is in the service of that artistic task.

I want you to feel a thing that I feel. One of the ways to do that is with the way the story unfolds, the way the tension is built up. It is in the way that it makes you feel about, and see, the world around you. That's also something that can transfer, some of that feeling, because although the feeling is inchoate and irreducible, some of

the things that go into it is a technical understanding of how the world works.

Both of these are in service to something that's very hard to talk about. In some ways, talking about books is like dancing about architecture, to mangle a famous quote here.

Q: Why do you think it's important for the youth of today to have access to media that they can freely Remix and Mashup without fear of infringing on copyright?

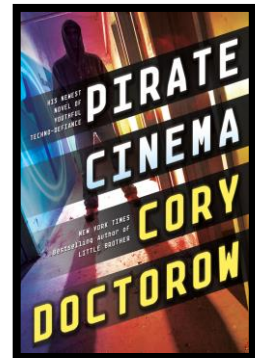
Doctorow: The youth of today – the youth of every generation – mashes up and recreates the art around them.

My first endeavour to write was in 1977 when they brought me home from having seen *Star Wars*. We got off the family dinosaur and went home and I had my lid blown because, in 1977, the narrative options available to a six-year-old were pretty thin. Everything we got was about as narratively challenging as *Teletubbies*. It was all *Davy and Goliath*. There were three channels. Mostly what they showed was very dry adult programming, and the stuff for kids was really thin and often, you know, badly managed by the broadcasters, who really had no ...didn't really think much about what they were broadcasting, so they would chop it up in the middle, or they would truncate it and leave the ending off. They used old prints that were really crappy. I'd never really seen a challenging story like *Star Wars*.

When I say challenging, I mean something with dramatic tension, and reversals, and multiples points of view, and a non-strictly-

chronological sequencing, and that just blew my mind.

When I got home, I sat down, and I started writing out the *Star Wars* story over and over again on stapled together scrap paper that I trimmed to be about the size of a mass market



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paperback novel, because to me that was like practicing scales. It was how I tried to take apart the story and see how it worked – take apart this thing that had really excited some aesthetic or intellectual sense of mine. Kids have always done this. This is how every kid does everything. Copying and adapting is the soul of learning.

When my daughter was born, my mom came from Toronto for a visit and she said, "Have you stuck your tongue at her yet?"

I said, "No, Mom, I haven't stuck my tongue out at my week-old baby yet."

My mom has a PHD in early childhood education. She knows a lot about kids, and she said, "You should – here, watch." She picked my week-old daughter up in her arms and she looked down at her face and she stuck her tongue out.

And my daughter stuck her tongue back out at her grandmother. My daughter was too young to know she had a tongue! She'd never felt her tongue. She'd never seen her tongue in the mirror. But she knew how to copy, the way she knew how to nuzzle for the breast.

No one has to teach how to copy. Copying is how we do language acquisition. Copying is how we do skills acquisition. Originality is just filing off the serial numbers. Amateurs plagiarize. Artists steal. Kids have always made work by copying and adapting other work, and they've always shared it with the other kids around them.

When I was nine years old, I was making and photocopying my own zine (that was a blatant rip-off of *Cracked* and *MAD Magazine*) called *Weird*, and sharing it around, photocopying it for my grade four class. And today, I wouldn't photocopy it and pass it around. Today I would put it on the Internet. And I would share it with my little chums that way. And the only difference between that is that once I put it on the Internet I'm liable to civil and criminal prosecution, arbitrary censorship, legal threats from bullies.

We need a regime that can regulate the entertainment industry's supply chain but not one that pretends that the same rules that the entertainment industry plays by should be the rules that everybody plays by as well. When we "do" culture we're not doing commerce.

We say, "Oh well, copyright regulates what you do with copies, how you handle and make copies." That's been notionally true for centuries. But to say, "Oh well, we have a set of rules that regulates what you do with copies whether you're a civilian twelve-year-old in your parents' basement or someone with a printing press," is

rather academic when the kid in her parents' basement can't make a copy when every copy of a book implies a printing press, when every copy of a film implies a film lab, when every copy of a record implies a record factory.

To say: "This binds everyone equally," is like saying: "The rich and the poor are equally free to starve in the streets." It doesn't actually mean the rule is in any way suited to being followed by civilians, by people who are just hanging around and not being part of the entertainment industry.

What's more, when the rule is really only a reply to the industry you can make the rule as abstract and as difficult to understand as you want. You can design it such that you know you need to be an entertainment industry lawyer to stay on the right side of it. And that's fine, but along comes the Internet and makes it possible for all of us to copy all the time, not only possible but inevitable that we will make and handle copies all day long, everyday, because the Internet's made of copies.

There's no way to see information on the Internet without copying information on the Internet. To say: "Well then we should apply these very abstract and difficult rules to the everyday actions of everyday people engaged in cultural activities," is insane.

It is to say that we have a set of rules that need to be complex and nuanced and flexible enough that it can be used to license the Harry Potter trademarks, and copyrights from Universal to Warner...or from Warner to Universal, when Universal opens up its Harry Potter theme park, but simple enough so that a twelve-year-old in her parents' basement in Orlando down the road can make a Harry Potter fan site without incurring millions of dollars of civil liability – and it can't be both.

It can either be simple enough for her to use, or nuanced enough for them to use, and so long as the lawyers are in charge they're going to insist

it be nuanced enough for them. And that's fine, but when they get around to saying: "Well then, you also need to turn every twelve-year-old into an entertainment industry lawyer," that's where it's bananas. That's where it criminalizes all of us. That's where we need reform.

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