

Anarchism, Alternative Publishers and Copyright

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ABSTRACT

Anarchist and alternative publishers' applications of and attitudes towards copyright law are examined. An e-mail questionnaire and interviews with publishers are the basis for further discussion. Publishers were asked how intellectual property legislation might develop following technological changes. There was a clear division of opinion among publishers, with bigger publishers willing to use copyright law despite their ambivalence or opposition to it on a philosophical basis.

INTRODUCTION

To put it in the simplest possible manner: anarchists do not accept the state's laws. Anarchists publish books, journal articles, pamphlets and other texts. The law in most countries states that if someone creates a new document which is fixed in some format (such as printing), then it is automatically protected by copyright. No registration or payment of fees is necessary. Indeed, even putting in a © is unnecessary. Copyright is an automatic monopoly right that gives the owner the right to prevent third parties from copying the work or amending it without permission. Copyright is one of several types of 'intellectual property'. This raises an interesting conundrum. Many anarchist theories of property begin with the idea that 'all property is theft'. Intellectual property is a type of 'property', albeit a somewhat unusual type as it is intangible, and it owes its existence to specific laws. Does that mean anarchists are opposed to copyright? How does that translate in practice when an anarchist writes something, and thereby automatically gains copyright? Is *all* property 'theft', or is intellectual property different?

1. CONTEMPORARY ANARCHIST ANALYSES OF PROPERTY

Most anarchist theories of property begin with either Proudhon's 'all property is theft', or some other critique of the concept of property that suggests that it requires the state's support, and therefore anarchists should be opposed to property. To

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anarchists, intellectual property is a type of property. Intellectual property laws restrict freedom: 'Intellectual property like all other property rights places limits on what individuals are allowed to do' (Waldron, 1993). This prohibition even leads to censorship. Freedom of expression, the non-propertarians and anarchists claim, is therefore impossible without the abolition of intellectual property laws.

It is, of course, simplistic to think of anarchists as a single group with homogenous views on intellectual property. Anarchism is not one homogenous theory, but anarchists are agreed on the basic idea of promoting organisation without hierarchy. To attempt to identify a single anarchist view on intellectual property would be misleading. The intention here is merely to give an indication of some anarchist approaches to intellectual property.

Contemporary anarchist approaches have been shaped by two ideas: the Situationists' concept of *détournement*, and the idea of usufruct, as developed by Murray Bookchin.

The relationship between Situationists and property stems from the anarchist and radical art movements that preceded them (such as Dada-ism and Surrealism). Situationists encouraged people to see modern life for the detached spectacle it was, to steal ideas from the old world, and so create a new more engaging reality. The Situationist idea of *détournement* involved the plagiarism of art and text, and the subversion of these facets of modern life into something challenging (Plant, 1992). This notion of *détournement* is useful to consider in relation to intellectual property rights, especially when much use of copyrighted material by social movements is for the purposes of subversion (whether through satire or criticism).

Usufruct is enshrined in the law in Canada and some parts of Europe. It has been defined as:

the right of enjoying a thing, the property of which is vested in another, and to draw from the same all the profit, utility and advantage which it may produce, provided it be without altering the substance of the thing (Baltic, 1990).

Usufruct is the freedom of individuals in a community to appropriate resources merely by virtue of the fact that they are using them. Such resources belong to the user as long as they are being used. Bookchin distinguishes this from property, which is the permanent ownership of resources (until sale or other exchange) by an individual, whether they are using them or not (Bookchin, 1991, p50); usufruct is a temporary property relationship based upon utility or need which meets the demands of communality. He argued that communal property, once identified as property, is only a small step from private property as it is easy to divide the community into smaller and smaller groups until what is left is a collection of individuals holding property rights.

Bookchin presents a critique of 'reciprocity' which, he argues, implies egoism and self-interest. Usufruct is the nearest we have to a completely free 'exchange', suggests Bookchin, utterly lacking in reciprocity. The argument for usufruct is not

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that 'I have sacrificed myself in some way for you, now you must do the same for me', but it is rather a free gesture based on the fact that you are another human being. It is self-interest, he suggests, that leads to the notions of property that exist in capitalist society. He expresses surprise that anarchism still holds the propertarian notions of mutual aid and communism, which all rely upon some concept of equity of exchange. Usufruct is particularly relevant to a discussion of intellectual property because here, one is not dealing with a physical object that constitutes the intellectual investment, but with manifestations of ideas.

The traditional notion of usufruct, however, must be changed to deal adequately with legal requirements which insist that the original form of an intellectual property should not be changed. Often, the creator's moral rights are abused by their work being altered in some way. However, this point only concerns a work's re-invention.

The section of UK law on moral rights also creates some problems. Although these Rights are identified in the 1988 Copyright Act, they are not the same as copyright. They give authors the right to be identified as authors, and to object to any amendments to their works that impugn their reputations. Should writers/creators have the right to dictate how their work is changed and adapted? On the one hand, should Einstein have had control over how his theory of relativity was used to create the atomic bomb? On the other hand, should U2 be able to stop Negativland from sampling their music? (<http://www.negativland.com/>).

Is usufruct incompatible with copyright? Whilst copyright provides the owner with the right to stop any third party from copying or amending all or a substantial part of a copyright work without permission, in practice (especially with electronic information on the Web), usufruct is the norm. Web users, usually without realising it, are demonstrating that usufruct is alive and well, with both the creators of Web materials and the users apparently content with what is going on.

2. ALTERNATIVE PUBLISHING AND INTELLECTUAL PROPERTY

The alternative press aims to publicise the marginalised ideas of alternative political movements. 'The alternative public sphere treats its media and the constituencies it serves and informs (and is itself informed by) as inseparable' (Atton, 1999a). This is especially true of grassroots movements and their media. Where information is propaganda, as for example with the alternative news-sheet *SchNEWS* and much of the APA (Amateur Press Associations) milieu, the purpose is distribution across the widest possible constituency (Black, 1995). This leads publishers to advocate 'anti-copyright', 'indicating that the reader or purchaser is free to copy as much of the document as they wish, provided it is not for commercial purposes' (Atton, 1996b). There are some alternative publishers, however, who guard their copyright jealously. Atton (1996b) cites the example of Black Rose Books (Montreal, Canada) whose copyright statements are 'just as stringent as those of larger publishers'.

Intellectual Property Myths (Anon 1999) suggests that intellectual property and physical property are two distinct ideas. 'Physical property rights are derived

from the basic fact that a physical object can't be in two places at once ... Information, however differs ... it can be in many places at the same time'. Barlow (1996) agrees, stating that 'information is a verb, not a noun ... it is something that happens in the field of interaction between minds or objects or other pieces of information'.

Originally, the inheritance of copyright was designed to help the families of authors who died young (Jones, 1996). However, the extended duration of copyright law to 70 years *post mortem* no longer works to protect authors' families. It simply protects the interests of the copyright holder, who is often the publisher to whom the author has assigned their copyright. Once copyright could be bequeathed, it was only a small step to its sale and purchase 'like any other valuable property' (Jones 1996). Waldron (1993) suggests that 'by allowing intellectual property rights to circulate as commodities ... modern law shatters the connection between author and work, no less effectively than modern capitalism shatters the connection between individual labourer and the product commodity that emerges from an assembly line'.

3. THE DEVELOPMENT OF COPYRIGHT LAW

Copyright law was originally introduced because of a coincidence of interests. The state wished to reinforce its controls over the publication of seditious and dangerous materials. At the same time, the Stationers' Company, the guild of members that held an indefinite monopoly on publishing in England, wished to maintain their monopoly against pressure from other publishers. The first Copyright Act (1710) aimed to regularise this situation, and to benefit publishers and booksellers, not authors, who took no part in debates (Feather, 1994, p67). This was despite the fact that since the 1660s it had not been uncommon for authors to sign contracts with publishers, and for authors to be paid royalties (albeit very small) based on sales of the publication. The initial court cases involving the first Copyright Act were between publishers who held hitherto indefinite monopolies, and competitors who wished to start publishing the same works.

Over time, the author became more important. By 1800, Feather notes, 'the mutual dependence of authors and published was recognised on both sides, for ... the publishers needed a constant stream of new books if they were to continue to make profits from works protected by the law'. The change in the parties' respective strengths was such that by the mid-nineteenth century, publishers were *opposing* a proposed extension to the length of copyright term as it would make the author all-powerful (Seville, 1999). Since then, the situation has swung back in the publishers' favour; they now appear to have the dominant role in the publisher-author relationship. Nonetheless, the existence of Moral Rights, whereby authors can sue if their name is not associated with something they have written, or can sue if their work is amended in such a way as to impugn their reputation, has restored the balance somewhat. The concept of, and the importance of, the author

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are now fully enshrined in copyright law.

Authors writing before the establishment of the first copyright laws in the early eighteenth century clearly created their works for some other reason than that their work would be protected by copyright. In many cases, they were created for a wealthy patron, who in turn paid them. The very concept of a named author is a relatively recent development. For many centuries, most published works appeared anonymously or pseudonymously. Martin (1995) comments: 'in practice ... most creators do not actually gain much benefit from intellectual property'. Usually the beneficiaries are publishers, large media companies or software corporations. Martin (1995) claims that 'intellectual property is theft, sometimes in part from an individual creator, but always from society as a whole'. Even the UK Library Association accepts this argument. Norman (1995), the Association's copyright advisor, suggests that 'copyright, when accompanied by technology, may ... be preventing intellectual development rather than furthering it'. Where the author has created the work as part of his or her employee duties, the copyright owner is automatically the employer. This gives employees no discretion in the use of their work (Jones, 1996).

Anti-propertarians consider that there are three significant concepts of possession. These can be summarised as:

- ◆ Property itself - Ownership of tools that constitute the means of production.
- ◆ Possession - Ownership of tools which are not used as the means of production. For example, if someone owns a saw it is his or her 'possession'. If however they were to pay somebody else to saw wood with it, it would become 'property'.
- ◆ Usufruct - The idea that individuals may appropriate resources merely by virtue of the fact that they are using them. Such resources belong to the user as long as they are being used. 'Function in effect replaces our hallowed concept of possession - not merely as loan or even "mutual aid" but as an unconscious emphasis on use itself' (Bookchin, 1991).

4. INFORMATION INEQUALITY

In the same way as the inequitable distribution of physical property creates wealth and poverty, appropriation of information creates social inequality. One way in which information inequality is constructed is through new technology. Goehner (1999) cites the example of Moscow State University that relies upon the use of pirated software. 'This is the only way to learn ... we have no money'. A similar example in the traditional publishing environment can be found in 1970s Pakistan, where due to costly book imports, a 'book famine' existed (Mizra, 1983). This led to the pirating of expensive Western academic texts. In short, 'intellectual property is one more way for rich countries to extract wealth from poor countries' (Martin, 1998). This argument can, of course, be extended to the information-rich and information-poor within a given country or community.

The major pharmaceutical companies, however, felt obliged to withdraw their objection to the South African Government's efforts to provide cheap versions of anti-AIDS drugs subject to patent cover. This shows that those who own intellectual property can on some occasions be shamed into releasing their monopoly power.

5. IMPACT OF ELECTRONIC PUBLISHING ON COPYRIGHT

Print imposes constraints upon anarchist publishers. Atton (1996a) summarises these as low capital, exclusion from mainstream channels of distribution, poor coverage by the mainstream media, legal constraints on content, and demonisation by the mass media. The main advantage of electronic publishing, for example the Internet, is the removal of the constraints of small print runs, as producing one electronic copy is no more expensive than producing one thousand. In addition, an Internet search is as likely to pick up alternative literature as mainstream literature. The move to electronic publishing is therefore full of potential for anarchist publishers. However, information technology is no panacea. Technological barriers prevent the vast majority of the world's population from accessing electronic information. Moreover, the dominant technologies are strongly opposed by groups such as primitivists and situationists, who contest the dominant industrial paradigm and the culture of the individual.

Some argue that current copyright law cannot cope with the electronic age, because technological developments and the attitude of most Internet users make copyright meaningless. Another reason for this perceived irrelevance is the ease with which copies can be made. This is closely related to the alleged general 'lawlessness' of the Internet. Atton (1996a) discusses this briefly in his analysis of anarchists' appropriation of the Internet, noting that some see the Internet as ideal for anarchists, as it allows the rapid and widespread dissemination of ideas. He also notes the over-reaction of legislating institutions to Internet-based anarchist information, and associated attempts to restrict freedom of expression (Atton, 1995). Halbert (1999) comments on the new types of lawlessness connected with electronic media. She notes the opportunities for computer hackers who, she suggests, often have libertarian and mutual aid principles underpinning their activities. The hacker attitude is summed up by their slogan: 'Information should be free, and plagiarism saves time'.

Oppenheim (1999; 2000; 2001) and Hugenholz (1998) have discussed whether copyright has a future on the Internet. Lawyers claim that copyright can in principle be applied to the Internet as it can to traditional media (Gringras, 1998; Reed, 2000; Lloyd, 2000). Critics of intellectual property, such as Barlow (1998) and Martin (1998), however, suggest that intellectual property is being undermined by technology. Copyright will *have* to change, despite the best attempts of governments and big business to restrict the flow of information. Even the creator of the World Wide-Web (Berners-Lee, 1996) suggested as much: 'Concepts of intellectual property, central to our culture, are not expressed in a way which maps onto the

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abstract information space ... The concept of “copyright” as expressed in terms of copies made will make little sense’.

Publishers fear that electronic publishing will cause sales to fall. During the *Anarchy in the UK* conference in 1994, this concern was raised and dismissed by anarchist publishers discussing computer networking:

We discussed the impact of free electronic access on book and magazine sales. Mitzi and I made the point that most people don't like either reading from a screen or a pile of A4 printouts. Though Hakim Bey's TAZ is in the [Spunk Press] archive, I will go and buy it to read it properly (Heavens, 1994).

6. ELECTRONIC NON-PROPERTARIANISM AND THE ALTERNATIVE PRESS

The digital environment has a particular potential impact on copyright in software and text publications. An example of the non-propertarian approach is the GNU manifesto, which demands software be made available under ‘copyleft’ (GNU, 1999). Copyleft allows users to copy and/or adapt, or modify, the program as they like, as long as they do not make the software proprietary. Copyleft provides an incentive for other programmers to add to free software. The most successful application of copyleft is the Linux operating system, which is challenging Windows. Electronic non-propertarianism is best summed up by Moglen (1999) who stated ‘propertarianism joined to capitalist vigour destroyed meaningful commercial competition, but when it came to making good software, anarchism won ... A commons in cyberspace is the central institutional structure enabling anarchism to triumph’. Copyleft fulfils the criteria of usufruct, that of being allowed to utilise a particular program when you need to. In addition, it gives the opportunity for the communal development of the program by the addition of individual pieces of code.

Turning to electronic publications, Barbrook (1999) suggests that ‘far from wanting to enforce copyright, the pioneers of the Net tried to eliminate all barriers to the distribution of scientific research’. However, today there is movement instigated by publishers towards the enforcement of electronic copyright. The publishers take two approaches. Firstly, they vigorously promote a strengthening of the law worldwide in favour of copyright owners (Oppenheim, 1999; 2001). There have been moves by some Governments, notably the USA and European Union, to toughen copyright legislation in the electronic environment. These moves are clearly motivated by economic incentives. Secondly, publishers are developing technological mechanisms, usually known as Electronic Copyright Management Systems or Digital Rights Management Systems, to prevent unauthorised use of digital materials (Tuck *et al.*, 1996). They also aim to ensure that it becomes a criminal offence to by-pass or deactivate such systems with the intention to infringe.

The issue is muddled by the lack of harmonised international copyright

legislation (Oppenheim, 2001). This is partly due to the ambiguity of international copyright conventions (e.g., the Berne Convention for the protection of literary and artistic works), but also because the laws are implemented differently in different countries.

So, how does the alternative press view copyright? Atton (1995) states that:

There is a strong movement against intellectual property rights and for the full distribution of publications, unhindered by copyright clearance, because the ethos of much alternative publishing is concerned with the widest possible dissemination of unorthodox, dissident ideas using the smallest amount of resources.

This encompasses both 'anti-copyright' and 'open distribution' of publications, which together are described as 'distributive use' (Atton, 1999a).

Alternative publishers function within capitalist markets, and ultimately have to cover their costs, or at least, not make an horrendous loss (Curtis, 1994). They also cannot afford to ignore copyright completely, as many rights holders jealously protect their rights.

7. METHODOLOGY

Our research was based upon the hypothesis that anarchist publishers do not fully utilise the rights granted them by copyright law, because of their opposition to traditional notions of property, as well as their resistance to dependence upon legislation. To assess anarchist publishers' attitudes to copyright, we adopted two approaches. The first was to survey a sample of anarchist publications to assess awareness of copyright and the presence of copyright notices, whether pro- or anti-copyright. The second was to examine a number of anarchist publishers regarding their attitudes to the topic.

We examined a collection of anarchist pamphlets, newsletters, periodicals and books produced within the last 20 years. The pamphlet collection of the A:Spire Autonomous Zone Infoshop in Leeds was used. In total, 112 items were examined. For books, we analysed a selection of the book stock of the Kate Sharpley Library for anarchist materials, irrespective of age. The publisher, year of publication and copyright notice were noted in all cases.

The copyright notices on electronic works were investigated using the list of anarchist electronic resources on the Anarchist FAQ Web page. The title of the page and any copyright notice were noted, along with whether there is a contact e-mail address on the site; 68 Web sites were examined.

The e-mail questionnaire aimed to get a broad view of publishers' attitudes towards copyright. A range of anarchist and alternative publishers was approached. They specialised in different areas of publishing, from books to newsletters, from hard copy to electronic, and covered a wide variety of anarchist and other currents.

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175 publishers were identified.

The questionnaire is reproduced in the Appendix. It was sent in mid-April 1999. Because the nature of alternative publishing is relatively fluid, with groups publishing one item and then disappearing, forty-eight of our e-mails returned 'delivery failure notices'. In these cases, the addresses were removed from the list and consequently from the total sample size.

Interviews were conducted with those who were willing to be contacted for further research. The interviews were designed to provide further information on the publishing collectives/companies, to investigate in more detail the attitudes to copyright and changing technology, as well as to allow a more detailed debate about questions of ownership and property which underlie copyright legislation. The criterion for selection of interviewees was to cover as wide a constituency of the alternative/anarchist-publishing spectrum as possible. This was obviously limited by the respondents' willingness, location (interviews were conducted in the UK), and availability within a rigid time frame. The interviews took place in Summer, 1999.

Face to face interviews were conducted with six publishers: Verso; Freedom Press; Black Flag; Earth First! Action Update; SchNEWS; and Green Anarchist. Unfortunately, no anarchy-feminists were found, nor were autonomously organising ethnic groups. We used semi-structured interviews (see Appendix). There is no suggestion that these are all anarchist publishers. Verso certainly makes no claim to be, and arguably *SchNEWS* and *EF!AU* are not thoroughgoing anarchist enterprises. We do not claim that we obtained a representative sample of anarchist publishers.

8. RESULTS

112 pamphlets were examined. Over three-quarters (78%) were published in the UK, and roughly 5% were each from the US and Australia. It was impossible to define the country of publication in 10% of cases. This UK bias is probably as a result of the fact that pamphlets (being smaller publications, and therefore less marketed) do not 'travel' so well. Many also deal with specific local issues or situations.

26% of pamphlets mentioned copyright in some way. Only 2% explicitly asserted copyright over the contents of the publication. The remaining 24% contained anti-copyright statements of some kind, e.g., 'anti-copyright - copy and distribute', or the slightly nauseous:

All godhaven ink publications are anti-copyright, help yourself to any or all of it, loads of it's nicked anyway. If you like it enough to want to use it, then there's enough of you in it to call it your own.

One publication proclaimed itself to be 'anonymous and anti-copyright'. Even

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those publications that contain copyright notices conveyed a spirit of anti-copyright, for example:

Copyright 1990 by Graham Purchase. Reprint permission will gladly be given for not-for-profit anti-authoritarian publishers. Commercial publishers should, however, contact See Sharp Press, PO Box 6118, San Francisco, CA 94101 if they wish to publish this pamphlet or portions of it.

This pamphlet is anti-copyright and can be freely reproduced by any revolutionary group. But copyright protects it from being used by journalists, rich bastards etc.

242 books were examined. Over half (52%) had been published in the UK; 46% were published in North America (26% in the US and 20% in Canada), and the remainder were published in Australia and France. More than three-quarters (78%) of the books included some reference to copyright. Unlike the pamphlets, 69% of these were pro-copyright statements, and only 9% were anti-copyright.

Notable copyright statements included:

Anti-Copyright 1994, may be freely pirated and quoted - the author and publisher however, would like to be informed at the following address.

Not ©. Any of the material in this book may be freely reproduced, translated or adapted, even without mentioning the source.

@nti-copyright. Copies of reproductions requested.

All rights reserved. This book may be reproduced in whole or part by any revolutionary or social justice group. However, Governments and corporations may not reproduce it in part or whole, by any means including electronic and photocopying.

@nti-copyright. No rights reserved. Any part of this publication may be freely reproduced, circulated, transmitted in any form or quoted out of context in hostile newspapers with no prior permission required whatsoever.

As can be seen, some notices entirely relinquished copyright and accepted that 'hostile media' may use the information. Others made the distinction between the acceptable reproduction by 'revolutionary or social justice groups' and reproduction by 'Governments and corporations'.

The e-mail questionnaire was sent to 175 addresses. Four publishers responded but refused to reply, and 48 addresses were no longer correct. The nominal sample size therefore was 123. The total response rate before the deadline was 42, or

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34%. Two further replies were received after the deadline passed. These were not used in the analysis.

The majority of publishers are made up of between two and five members (52%). 12% of respondents are single people operations. The remaining 36% were made up of groups of five or more people. There was some confusion as to where the line was drawn for inclusion in the publishing 'collective'. For newsletters, many respondents said that the collective included everyone who was in any way involved in the publication, but for others only the 'core group' was included. This collectivity is part of the defining character of anarchist and anarchistic publishing.

52% of the publisher collectives contained a majority of men, 38% were roughly equal in gender distribution, and only 5% a majority of women. Age distribution suggests that the majority of those involved are young; 40% are aged 15-29, and a further 55% are aged 30-44.

The majority of the publishers came from the UK (64%), with most of the remainder (31%) from the US. The vast majority of respondents (86%) both write and publish works. 12% were involved only in the publishing, and the remaining 2% were involved only in writing.

Many publishers publish in multiple formats. The most popular format (55%) was hard-copy periodical or news-sheet. 50% produce hard-copy pamphlets, and 40% publish books. Print is the preferred publishing medium, with 93% of the publishers using it in some form, but electronic media are strongly represented. A breakdown of the formats used is shown in the Table below. 50% combine both hard copy and electronic, and 7% publish exclusively in the electronic environment; 36% maintain an electronic archive, 33% publish electronic texts and 21% publish an electronic journal.

FORMAT	NUMBER	PERCENTAGE
Hard-copy books	17	40%
Hard-copy pamphlets	21	50%
Hard-copy journals	23	55%
Electronic archive	15	36%
Electronic texts	14	33%
Electronic journals	9	21%

We asked whether copyright encouraged creative works. 38% of respondents believed it did does not. Reasons given included the prohibition of plagiarism, which adds to creative works: several publishers cited the music industry as a particular example of this. Others suggested 'copyright laws inhibit the free flow of information'. One claimed 'most people who create are largely unaware of the copyright laws, it's largely irrelevant to the act of creation'. Three respondents suggested that people would create regardless of copyright; in the case of anarchist publishing, one publisher suggested 'I think with anarchist texts, people write

them because they feel they have something to say.’

14% believe copyright *does* encourage creative works, referring to the sense of ‘protection’ which gives the authors security. One respondent suggested that copyright law and intellectual property protection merely give authors autonomy over how their work is exploited. ‘I am in favour of workers’ control, and if workers are intellectuals they should control the fruits of their labour’. Another publisher raised a similar point: ‘Copyright is part of a general commodification of culture and life. Within the framework of a capitalist society it creates the possibility for writers and others to try to control their creations and share in the wealth capitalists extract from them.’

This links to the Lockean vision that ‘a person owns her body and hence she owns what it does, namely its labour’ (Hettinger, 1989). One electronic publisher suggested that the *duration* of copyright acts as a ‘serious deterrent to more widely circulated works’. One publisher stated that all copyright laws are honoured by their collective with the exception of ‘when I reprint something on my not-for-profit, non-commercial web site’.

The large percentage who were unsure if copyright promoted creativity or not (45%) included those who could see both sides of the coin. Many of these could see how creation was encouraged by protection ‘from unscrupulous publishers’ or from otherwise being ‘ripped-off’, but could also see how it can be restrictive to the creative process. 3% of the sample did not respond to the question.

We also asked if copyright protected publishers’ economic interests. The vast majority (73%) agreed. Several respondents suggest that reasons for this are obvious: ‘these laws were written by publishers’. Others asserted that copyright only helps if the publisher has its ‘own team of lawyers’ or is ‘rich enough to use the law’. Two publishers pointed out that their economic interests are only protected when the author has assigned the copyright to the publisher. (Of the sample, only 5% of the publishers required copyright to be assigned.)

Those who believe that copyright protects the publishers’ economic interests suggest this is acceptable, as it ‘protects their investment in the material published’. One publisher suggested that contrary to copyright protecting economic interests, the best way to protect your assets as a publisher is to be ‘THE place to get published’. 17% did not know whether copyright protected interests or not, or did not express an opinion. 83% did not consider publishing to be their primary source of income.

The vast majority of publishers had no problem with small organisations reproducing their work in a not-for-profit way. One publisher even suggested that they would ‘send them a packet of vegan biscuits by way of appreciation!’. There were suggestions, however, that copiers should ask first, or provide a proper citation to the source material. Where work was reproduced for profit, the publishers’ responses were more confused. Most suggested they would be annoyed. Several advocated retaliation or direct action, but conceded that the opportunities for this were limited. There was some division over whether to use the courts; one group

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categorically stated 'we would not use the establishment's courts to pursue it'. However several, especially US-based publishers, suggested suing (38% [5/13] of US-based publishers compared with 22% [6/27] of UK-based publishers). Many other groups acknowledged that only those with access to resources could have recourse to law: 'if they were a large company with big corporate lawyers, realistically, we couldn't do anything'.

Two publishers had already experienced copyright infringement by a company. In the first case, knowing they had little hope of winning the case, they threatened litigation and used the media to publicise the case. In the second example, three paragraphs of a magazine article were used, uncredited, in a book. They were advised that this was not enough to sue, so the magazine informed its readership of the infringement. The allegedly infringing author relied upon the co-operation of the alternative movements, and this publicity may have damaged his relationship with them.

Two publishers had no problem with corporate exploitation of their publications. For these publishers it is 'the ideas' that are important and their dissemination is welcomed, especially if it resulted in some finance coming their way!

31% do not use any copyright symbol on their work. Of those that do, nine respondents use the © symbol, 15 use an anti-copyright statement and, for five publishers, it depends upon the author's wishes, or the investment (whether in time or money) made in producing the work. Most anti-copyright statements are qualified with 'for not-for-profit', and a declaration barring its use for profit. One publisher asks that he be informed before copies are made, and stated that he generally grants permission, but that 'it's simply rude to republish something without asking the person who wrote it for permission'.

Several publishers admitted stealing others' copyrighted material; one justified it by 'once in print it should be available for anybody to use'. Another suggested a variation on Proudhon that 'copyright is theft', whilst another echoed the sentiment 'plagiarism should be used as a revolutionary tool'.

Others suggest that while in a capitalist society, people need a 'means of making money' therefore 'their intellectual goods need protection', for example:

Writing is real work, and publishing is too - and it involves a fair amount of economic risk. Copyrights provide some protection, and are therefore desirable as long as capitalism exists. As a piecemeal 'reform' abolishing copyrights would be useless ... only unscrupulous rip-off artists would prosper. Those who advocate the abolition of copyright don't make their living from writing or publishing, and what they are doing is highly hypocritical - they're advocating that we professional writers give up our means of livelihood - essentially that we do useful work for free - while they continue to take money from the government, corporations, etc.

Others suggest that 'if it's there to protect individual writers and artists ... then

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I'm in favour, if it's about helping mega-rich publishing corporations keep a strangle-hold on the mass market, then sod it'.

One publisher suggested that 'the Internet and digital libraries are destroying the traditional concepts of intellectual property and copyright. It's just too easy to make copies and sent [*sic.*] them around. I think this is a good thing and is, for the most part, not malicious'. Finally, the moves to more electronic publishing were generally welcomed.

INTERVIEWS: VERSO

Verso books is a normally considered a small independent publisher, but it constitutes the largest, and most mainstream, of the publishers we examined. Although not specifically alternative or anarchist, it has often been called 'radical'. Originally the book-publishing arm of the journal *New Left Review*, it is now completely independent.

Being a commercial company with a paid staff, Verso has to consider profitability, which is 'phenomenally variable, depending on what has just been published'. At the time of the interview, it had just had a success with Christopher Hitchen's *Nobody Left To Lie To...* about President Clinton. This sold 80,000 copies in the USA. The average Verso print run is more typically four thousand. Verso is 'highly committed to print'. Technological changes are seen as more likely to affect production rather than the dissemination (i.e., manuscripts are now received on disc). Verso's web site is a catalogue of its works, and acts as a route for book proposals.

Authors retain copyright on their books, which is uncommon in commercial publishing. All the published books contain a '© Name Date' notice on the reverse of the title page. Verso have never published a work with an anti-copyright statement, but they 'don't expect we'd have an objection to it if someone really wanted to do it'. The use of the copyright statement is an important declaration 'for the author', but its use is also seen as an automatic part of the publishing process.

Verso always seeks copyright permissions from people whose work they republish. This generally involves negotiating a fee for the use of the work. The editor of edited collections is contractually responsible for ensuring copyright clearance.

Verso has never had to deal with a case of copyright infringement for works that they publish, but readily admit that 'you can't possibly look at every book that's published to check that Verso's stuff isn't in it'. Recourse to action over copyright infringement would be on a case-by-case basis: 'if it was a rich publisher, you would very much want some official recourse... [you also have to] work out if you can afford to do that ... If it was someone who was much less moneyed ... you might well write and say "this is a bit much, make sure that [we] get properly acknowledged for future editions, and also if you do find

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yourself with £100 spare: could we have it?"

INTERVIEWS: FREEDOM PRESS

Freedom Press is one of the longest established UK anarchist publishers. Most Freedom publications contain the standard copyright notice, and it has never published an anti-copyright notice. This was partly informed by other people who had bad experiences with publishing using anti-copyright notices, specifically Robert Crumb, who created the cartoon character Fritz the Cat, and who labelled his works anti-copyright. Subsequently, commercial companies copied Fritz the Cat and other Crumb cartoons. US Court cases ruled that Crumb did not own the copyrights to his creations. 'Getting away from copyright is a good anarchist idea. But ... if somebody is going to make money out of my publications, I want a share.'

Freedom believe that creators should be paid and have control of their works. They do not require that authors assign their copyright. If others copied their works, Freedom would lose money, but there is 'nothing we could do about that'. Freedom claims to have never copied other people's works without permission, although it has produced some facsimiles with permission.

Freedom have experienced copyright infringement. George Woodcock's *Anarchy or Chaos* was published in England during World War 2. In 1949, Woodcock migrated to Canada and some time later *Anarchy or Chaos* was reprinted without permission by a Canadian publisher in facsimile form. Another example was a dispute that involved the late Nicolas Walter. Walter had published a pamphlet that was republished without permission by some Sheffield anarchists. Walter wrote to a letter to *Freedom* which it published, denouncing the group as 'incompetent pirates', a tag they must have been proud of, or amused by, because they then changed their name to 'Pirate Press'. In both of these cases, there was little it could do.

Freedom Press's electronic publications are sparse. There is a web page that acts as a catalogue for publications, as well as a forum for some international news. The advancement of technology to publish electronically is seen as inevitable, but there is little enthusiasm for putting sparse resources into electronic publishing. Freedom Press believes the law on Intellectual Property is fair in today's moneyed society. In a money-less society, they believe that all Intellectual Property would be in the public domain.

INTERVIEWS: BLACK FLAG

Black Flag was established initially as the newsletter of the Anarchist Black Cross. The aim was to support anarchist prisoners. It has changed format from a mimeographed monthly A4, to a newspaper (late 1970s, early 80s), then a newspaper and a quarterly journal (during the Miner's Strike 1984-85). The first

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quarterly magazine appeared in 1992.

Occasionally, *Black Flag* articles are sent to e-mail lists. This constitutes a cheap way of getting ideas out. They accept that they are not utilising electronic publishing to its full potential, due to lack of resources, both time and money. The magazine will in all probability always remain in print, as the people *Black Flag* most want to read it, are those least likely to have access to electronic media (i.e. the working class, unemployed and prisoners).

Black Flag argue the issue of copyright does not really arise in their publications, and they use no copyright symbol. However, Albert Meltzer, one of *Black Flag*'s founders, objected to the anti-copyright statement, because he had experienced copyright infringement. He had printed a pamphlet privately, with all the associated costs, and some students photocopied it and started giving it out free. When someone has put the money into publishing, it can create a situation where the work's originator is then out of pocket and unable to produce more.

If its copyright is infringed, *Black Flag* consider the audience the work would reach, and the possibility of money coming back to the group. Ultimately, it would depend upon:

who did it, why they did it, what they were doing it for, as to what we'd do about it. If somebody like Sony or EMI or Penguin suffer infringement, they've got batteries of lawyers to deal with it... and they've got huge amounts of money and they can just write it off as a tax-deductible loss. But if someone put their toil into creating something, they ought to have a modicum of protection. Unfortunately, they don't have that much because in order to access these things you need a lawyer and it's out of reach for a lot of people, for something like copyright infringement you are not going to get legally aided.

Black Flag was accused of infringing copyright in the 1980s. This involved an unauthorised publication of Donald Room's image of a bee with a sting and a circled 'A'. This resulted in a 'very nasty letter' claiming copyright infringement. Since then, *Black Flag* shows caution by using only anti-copyright or non-copyright images.

When asked how intellectual property resembled other forms of property, *Black Flag* said: 'Patents are only relevant under a capitalist system. Some intellectual things could be possession (love letters, things like that), but the vast majority is going to be usufruct, because it's something you can use, but it belongs to the community as a whole'. Once someone has created a work of intellectual property, it should belong to 'humanity as a whole, and not just the producer'.

INTERVIEWS: GREEN ANARCHIST

Green Anarchist was started in 1984 after the 'Stop the City' demonstrations, as a forum for the 'counter-cultural currents within the '80s protest movement'. It has

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a circulation of four thousand, a third of which is outside the UK. The political perspective underpinning it is 'a natural outgrowth of the decentralist autonomous currents within the green movement'. This broadly equates to primitivism, a society organised along non-hierarchical anarchist lines without technology, in which living self-sufficiently is everyone's goal. The collective publishes a quarterly magazine and a selection of pamphlets and books, all anti-copyright, and mainly polemical. The magazine loosely follows a theme for each issue, to which replies are published in the following issue. *Green Anarchist* does no electronic publishing of its own, but it perceives electronic publishing will change copyright, because of the ease of copying. The technology itself is not threatening, but the necessity of adoption of the technology to prevent being left behind, or excluded, is worrying. The production qualities of alternative publications have 'had to' improve over the past fifteen or so years. Now everything must be desk-top published and well laid out, whereas previously poor quality duplication was good enough. It was also noted that people read less in the electronic environment.

Green Anarchist has been avowedly anti-copyright since its inception, and 'like it when other people publish our articles ... the thing is about getting out information. We can't enforce legal sanctions even if we were so minded ... [copyright] is a barrier to the free dissemination of information'. The only use of their material which annoys *Green Anarchist* is the quoting of 'tiny and unrepresentative samples', but they suggest that anyone doing proper research should get the original article and check it. This, of course, assumes reasonably easy access to back files of *Green Anarchist*, which is unlikely, as most libraries do not hold back issues. When asked whether the creator of a work should be able to control it, *Green Anarchist* suggested that the creator, in principle, should not have control, but then nobody else should be able to own it either. 'In early societies there was this thing called "usufruct" which suggested that what you held was yours and everyone else could use it when you weren't.'¹

Green Anarchist suggested that anarchist publishing is ruled by a cartel of major anarchist publishers, who set the agenda of what can be published. They also suggested that these publishers operate using capitalist business practices (such as not paying bills until threatened with legal action). *Green Anarchist* believes people should self-publish and establish their own distribution networks to bypass this cartel, in much the same way as the anarchist publishers did in the first place to bypass the mainstream.

Green Anarchist would never resort to taking legal action. Instead, it publishes public denunciations and encourages people to confront infringings publicly.

INTERVIEWS: EARTH FIRST! ACTION UPDATE

Earth First! Action Update (EF!AU) is a monthly round-up of ecological and other direct action from around Britain, and the newsletter of UK EF!. Its primary purpose is as a networking tool to spread direct action information organised by

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radical environmental movement. 'A different collective [from the UK EF! network] takes on its editorship for a year' in order to minimise the hierarchical control of information. It has been published since 1991.

EF!AU is printed as a newsletter, sent out on e-mail and put on the web. Electronic publishing has changed the *EF!AU*. 'We're getting a lot more of our stuff, and doing our research by e-mail and electronic means'. However, there are fears that it is becoming

a substitute for person-to-person networking. There are a few implications for that... it's very easy to assume that it's possible to publicise something just on the Internet these days, and that it's not necessary to go to what is essentially, a lot more effort, to distribute it on paper. There are a lot of people who just don't bother with 'real world' type networking because it's so much more difficult.

Is electronic publishing changing copyright? 'You can put information on the web anonymously, and if there's information you think should be in the public domain then you can put that there ... it is becoming much easier to get an international content, and to rapidly exchange international news.'

Electronic publishing is changing alternative publications. *Squall*, a squatters' action magazine, briefly gave up hard-copy publication in favour of electronic publication. However, they've started to publish in hard copy again since this interview was conducted. It is difficult to know what path the *Action Update* will follow, as a different collective takes it on each year. Electronic publications do outreach in some ways, but not in others:

you can't just walk into a bookshop or a cafe and see a pile of electronic newsletters and pick one up. There is a lot of creative stuff which only can be done on the Internet, for example when people broke into the head offices of Shell ... they set up a website ... and because they got the meta-data, it came up on several search engines ahead of Shell's main site ... there's a lot of new scope.

The newsletter has always contained an 'anti-copyright' statement: '@nti-copyright - photocopy and distribute'. 'Most of us are more in favour of selective copyright except that... wording it would be too long and it wouldn't fit on the page.' Two reasons for the anti-copyright statement were given:

they mean absolutely nothing, and everyone's known they mean absolutely nothing for quite a long time, but we still put them there because everyone else does. The other reason is just as a symbolic political statement really ... we state 'photocopy and distribute' because we want other people to do our distribution for us.

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Texts in *EF!AU* have been republished in *SchNEWS* without prior permission. Similarly, some of its graphics have been ‘borrowed’ by other groups. ‘We were very pleased and excited that other people would consider what we had written and what we had drawn to be worthy of their publications’. Equally, if the *EF!AU* want to use material from other sources, ‘we just tend to do it’.

Creators’ control over what they produce depends on how the works are used: ‘I’d want to be credited ... I wouldn’t mind if they made money out of other work that they put in to it. People who produce stuff have the right to claim copyright. If you put an anti-copyright thing on it, then it’s usufruct ... it should be generally available to anyone who wants to use knowledge, as much held in common as possible.’

INTERVIEWS: SCHNEWS

SchNEWS is the free weekly publication of the Brighton based Justice? collective. It has a readership of between twenty and twenty-five thousand, largely accounted for by e-mail and the Internet. It is impossible to gain a more accurate figure, as *SchNEWS* has always been very successful in getting people to photocopy and distribute it, as it is a short publication. *SchNEWS* developed from weekly news readings at the local pub.

The group does not have, and never has had, any ‘long term plan’. However, it has permanent office space, telephone and fax numbers, and greater resources than many similar publications. This is one reason for its success. It also publishes the *SchNEWS* ‘annual’, which is a collection of the last 50 issues of *SchNEWS*, photographs, cartoons, and articles from other publications. Because it is free, *SchNEWS* largely survives on donations. As sometimes, they are ‘too skint to put out an issue’, the annual is a good way of getting some money.

The changing technologies are viewed very positively by *SchNEWS*, and have already changed how they operate. The news-sheet is sent out on e-mail and is on the web. Another change sparked by electronic communication is that ‘now we have [many] more contacts all across the globe, and since we put the [Adobe] Acrobat program on 6 months ago, people have downloaded it, Acrobat it up and printed out’ copies direct from the web. ‘People find [e-mail] easier than doing things by the post, and, for them, it’s free that way. X hundred go out on e-mail rather than us having to sit there for another three hours stuffing envelopes, and wondering if we’ve got enough money for stamps.’

The DiY ethic (McKay, 1998) is very important to *SchNEWS*, now the Internet and other technological innovations are making it possible to bypass the mainstream publishing industry. Anything that subverts the mainstream media is considered to be good.

Changing technologies have already changed copyright law:

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if you want to publish an article or a book or something, if you've got a bit of money you can open up a website and do it that way, or if it's an article you can just send it round to your mates and do it that way... it's really freed it up. The flip side to that is who has access to the technology ... there's some statistic that gets bandied around that only 5% of the world's population have ever used a telephone, let alone any of the other stuff.

The publication is self-consciously anti-copyright, and always has been. It readily admits to stealing texts from other publications. These are generally other anti-copyright publications like the *EF!AU*. They also copy text from promotional materials of campaigning organisations, with details of how to obtain further information. 'Because *SchNEWS* is only two sides of A4, we encourage other people to go and find more information for themselves ... We never think of *SchNEWS* as being the final word ... It's an ongoing project.' This is seen as positive in promoting further networking, the wide readership of *SchNEWS* means this is generally welcomed.

SchNEWS believes journalists should not gain copyright, but it was suggested that maybe the author of a novel should.

[Copyright] would probably come up as an issue, it would depend why [and how] it was written ... if you're producing something which has some utility value for other people then from our point of view you don't put restrictions on how people use it. Obviously if people quote *SchNEWS* we like to hear about it and look at what they've done with it. Not to rap their knuckles, but just out of interest.

It also likes to receive recognition where it is republished or quoted, largely out of a sense of 'respect'. 'The gap between property and possession is quite slender; it depends on who is using them and what for.'

The major reason for using anti-copyright is 'wanting to get the information out ... wider theoretical debates about capitalism, how that relates to ownership of your own body, speech ... culture'. A prime aim is encouraging people to have access to things the mainstream would not allow.

DISCUSSION

There is a difference between the copyright notices on the more ephemeral anarchist published pamphlets and electronic information, and the copyright notices on anarchist published books. Even within the anarchist-publishing realm, copyright is claimed on books and longer works, while it is less common on more ephemeral works. Anti-copyright notices are reasonably common on all anarchist-published materials, especially pamphlets, but less so on the Internet and books.

Electronic media are not considered to be as stringently governed by copyright

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as information in the print-based domain. Although viewed by many alternative publishers as a great innovation, they have been criticised, especially in regard to access.

Unlicensed copying is encouraged by some, but by no means all, anarchist publishers. Many of the anti-copyright statements include statements regarding those who are permitted to copy, typically including a reference to their status within the capitalist society. For example, a 'non-hierarchical revolutionary group' is allowed to copy freely, but 'governments and corporations' or 'journalists and rich bastards' are excluded.

Anarchist publishers are far less willing to allow their material to be disseminated by the mainstream capitalist media than by the media within their alternative public realm. However, if they were to write a novel or create a *magnum opus* which involved the input of significant energies, or as one publisher put it, 'real work', then some copyright, control or recognition for the work was desired. Very few of those who created works which were more permanent and of significant lasting value were happy to relinquish their rights over it.

Most alternative publishers believed that intellectual property should be held in common. There was some disagreement over whether intellectual property on works of lasting value should be so treated. It was suggested that some protection or reward to the creator for the creation of lasting works is necessary, but copyrights were not necessarily the way to organise this. Many publishers expressed an uneasy truce between their beliefs and the realities of working within a capitalist society. In an anarchist society, it was generally held that usufruct would govern intellectual property relations. However, under capitalism, it is preferable to protect creators and authors, and copyright is used for this, not so much to the extent that legislative procedures would be enacted to protect the works, but more as a legal warning.

It would be wrong to generalise too far. The publishers interviewed were from very different publishing backgrounds. *SchNEWS* and the *EF!AU* are both free newsletters. *Black Flag* is an orthodox anarchist magazine. *Green Anarchist* is an anarchist magazine with a very different attitude towards technology and the development of civilisation to the other groups. Freedom is a well-established anarchist publisher, and Verso is a mainstream independent publisher. In contrast to the others, Verso is publishing to make money to pay its staff. Consequently, their attitudes to copyright are very different.

According to our survey, anarchist publishers believe that copyright protects the economic interests of the mainstream publishers. The majority of respondents suggested the cost of legal action prevented them from gaining the same benefits as the larger publishers. Responses such as the mainstream media 'have their own team of lawyers', or are 'rich enough to use the law' were typical. Several publishers suggested that protection for the investment was acceptable, and that copyright 'protects the [alternative publisher's] investment in the material published'. The alternative presses see themselves as distinct and subject to different rules to the mainstream press.

All the publishers interviewed accepted that a degree of control over the product of the author's labour was justified. This sits uneasily with the notion that intellectual property should be held in common. Freedom clarified this by suggesting that in the current moneyed economy, authorial control was justified, but in a future communitarian economy, there would be no need for it.

Moral Rights are enshrined in UK law, and are not primarily of economic value. They are designed to protect the author from being misconstrued or misrepresented. The results from the e-mail survey (although not specifically asking about Moral Rights) suggest that many respondents would be happy if the authors' Moral Rights were respected. 'I am in favour of worker's control and if workers are intellectual they should control the fruits of their labour'. Others suggest that asking to use the material, and providing a proper citation to the source (essentially respecting the author's Moral Rights of paternity), is sufficient for not-for-profit reproduction. Moral Rights provide a means for an author to object to new versions that substantially alter the meaning of the work. A number of respondents mentioned this as an important issue in rights infringement.

We found that the more permanent a work, the more strongly its copyright is asserted. There are examples of publishers losing out economically, and no longer being able to produce works. One is Albert Meltzer (as detailed in the *Black Flag* interview). Another is the case of *Information Liberation*. Martin (1998) discusses the reproduction of this work, and states that:

Because it is a small publisher, Freedom Press would be hard pressed to enforce its claims to copyright even if it wanted to. Those who sympathise with the aims of Freedom Press and would like to reproduce some of its publications therefore should consider practical rather than legal issues. Would the copying be on such a scale as to undermine Freedom Press's limited sales? Does the copying give sufficient credit to Freedom Press to encourage further sales? Is the copying for commercial or non-commercial purposes?

Atton (1996a) suggested that Freedom Press has had to prevent other not-for-profit organisations from distributing its titles at wholesale prices. Such cheap titles effectively remove Freedom's ability to cover its costs.

Another important issue in relation to copyright and the economics of production is that of the anti-copyright notice. It reduces the production costs for the original producer as they have to produce fewer copies, whilst simultaneously obtaining the widest possible readership for the works. Anti-copyright notices are less common in books than pamphlets, but exist in both media, including lengthy books.

All publishers from the sample who make money from their publications use the copyright symbol. Two others use the copyright symbol whilst not making a profit from their publications. There are three possible explanations for this result. Firstly, the alternative press are protecting their investment on copyright works. Secondly, these are publishers who have staff wages to pay. Finally, these

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are larger publishers who produce a larger proportion of books or more substantial works, which, as we have seen, tend to use copyright notices.

Very few Internet resources had copyright notices. Possibly because hardware, software and format date so quickly, although legally the information is copyright for the same duration as print-based works, it is perceived as somehow less protected.

The networked environment has been a boon for both production and distribution of alternative and anarchist literature. The speed with which information can be moved around the world using electronic information means that 'it is becoming much easier ... to rapidly exchange international news' (*EF!AU*). This was also noted by *SchNEWS*, whose international distribution is now considerably easier. Not only does this save money, it also saves time, as accessing electronic information is more-or-less instantaneous. The benefits for alternative publishing in the electronic sphere account for the rapid utilisation of electronic publishing; half the publishers we examined are doing at least some publishing in electronic form.

Those publishers who assert an anti-copyright stance in the hard-copy environment, hold it more strongly in the electronic environment. Those who guard copyright in the hard-copy environment acknowledge that the changing technologies will lead to changes in copyright practice.

Barlow (1996) noted that intellectual property is very different from traditional property, especially in the electronic age. There is a difference between the way anarchist publishers view their own output, and the output of other publishers. The degree to which their products are property is perceived as less than the traditional publishers.

CONCLUSIONS

Unlike Verso, which is not an anarchist publisher and which clearly does believe in copyright, anarchist publishers do not fully utilise the economic rights granted by copyright laws. This was for one or more of four possible reasons:

1. Several of the publishers questioned disliked the idea of using laws as a means to redress their grievances.
2. Anarchist publishers do not see copyright as 'property' in the traditional sense, but as usufruct, suggesting that information has a utility value to the community as a whole. The restriction of the free flow of information by enforcing legal measures like copyright would be against the ideals of mutual aid and solidarity, which are the central tenets of anarchist thought.
3. Several publishers dislike the idea of controlling intellectual property and being able to prohibit others from utilising it. For example the idea of 'ideas' or the expression of ideas being protected is wholly distasteful to them.
4. Those publishers who did not mind the idea of using the law felt they were

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powerless to do so because of the high cost of access to the legal system, especially as copyright infringement cases do not attract legal aid.

Mainstream publishers frequently claim that copyright provides essential protection for the author. However, it is evident that copyright also provides economic protection for the publisher. Any anarchist publisher that continued to advocate copyright in a non-capitalist economy would be seen as hypocritical. In not making authors assign copyright, anarchist publishers are not acquiring economic control of the author's labour. If an anarchist publisher was to require the author to relinquish control over their labour, this must also be seen as hypocritical.

Owners of intellectual property are changing their property protection focus from hard copy to the electronic media. The Internet offers the potential to undermine intellectual property legislation, and it is on the Internet that the alternative publishers are waging war against new intellectual property legislation. Preventing the free flow of information is becoming less possible. It is possible that current innovations in common ownership of intellectual property on the Internet are offering possibilities of true 'usufruct'. We believe that Internet publishing will in the coming years provide the first large scale worldwide test of usufruct versus copyright.

NOTES

1. The definition of usufruct used by *Green Anarchist* in this context is subtly different from the one used elsewhere in this article.

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APPENDIX: ANARCHIST PUBLISHING AND COPYRIGHT: ATTITUDE SURVEY

1. Do you write works? YES •/ NO •
Do you publish works? YES •/ NO •
Both YES •/ NO •

2. Type of publishing, hard copy books •
 pamphlets •
 periodical/zine •
 electronic archive •
 e-text •
 e-journal •

3. Size of publisher (number of people involved)
1, •
2-5 •
5-10 •
10-15 •
>15 •

4. Year of first hard copy publication

5. Year of first electronic publication

6. Do you publish from one particular political perspective (eg: anarchy-feminism, anarchy-syndicalism, mutualism, ecology etc.)?
YES •/ NO •
If YES, what is it?

7. In general, do you think copyright laws encourage the creation of creative works? YES •/ NO •/ DON'T KNOW •
Why?

8. In general, do you think copyright laws protect the economic interests of publishers? YES •/ NO •/ DON'T KNOW •
Why?

9. Do you require (in the case of works authored by others), that authors sign over their copyright prior to publication?
YES •/ NO •/ DON'T KNOW •

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10. Do you use the copyright symbol or any of it's alternatives on items you publish (eg: ©, @nti-copyright, No copyright etc.)?
YES •/ NO •
Which? (Please describe)
11. If you wrote/published a work and somebody, without your permission, reproduced it for profit as a commercial exercise, what would you do?
12. If a small organisation (sympathetic to your aims), without your permission, reproduced your work/work you had published, what would you do?
13. If a small organisation (unsympathetic to your aims, eg: a neo-nazi group), without your permission, reproduced your work, what would you do?
14. Would it make any difference to your answers to questions 11-13 if the third party reproduced only a part of your work without permission?
15. Please indicate the dominant age range and gender distribution of your publishing collective/company.
- | | | | |
|-------|---|---------------|---|
| 15-29 | • | Mainly male | • |
| 30-44 | • | Mainly female | • |
| 45-60 | • | Roughly equal | • |
| 60+ | • | | |
16. Would you be willing to be contacted for further research?
YES •/ NO •
17. Is there any further comment you would like to make regarding copyright and publishing?

Many thanks for your time and help in filling in this questionnaire, if you would like a copy of the finished dissertation (available as an e-mail attachment [word 97], sometime in September), please tick this box •

ANARCHISM, ALTERNATIVE PUBLISHERS AND COPYRIGHT

INTERVIEW QUESTIONS:

Your publishing outfit...

1. How long have you been publishing? How did it all begin? What sort of things do you publish?
2. The political perspective which underpins your publishing, how did it come about?
3. Could you briefly describe the organisational structure of your publishing company/collective/etc...?
4. Do you publish for profit? Do you make money? If you are doing this to make money do you feel this is a contradiction to your anarchist principles (there is no right answer here... creating a collective which bypasses the mainstream wage system is surely a good thing!)?
5. Have you ever experienced copyright infringement on one of your publications? What did you do?
6. Who, if anyone, within your company/collective makes decisions about copyright policy?

Publishing and changing technology...

7. Do you think the advent of electronic publishing will change the face of copyright law?
8. Do you feel threatened by the technological changes which make up electronic publishing as a print based publisher?
9. Do you do any electronic publishing yourself? If so, in what formats?
10. How do you view the future of alternative publishing? Do you think it will effect your operations?

Your attitudes to copyright and intellectual property...

11. Property rights are interesting for anarchists... if someone creates or publishes a work should they have complete control over it?
12. Ownership can be broken down into several categories, property, possession and usufruct... can you see these applying to intellectual property? If so which model do you prefer for the allocation of property 'rights'?
13. Do you have a policy on people copying works you publish?
14. Do you have a policy on copying works other people publish?
15. What reasons do you think publishers have for adding anti-copyright statements to works they publish? It is unlikely that an anti-copyright, or selective copyright notice has any legal status.
16. To what extent are named authors a positive asset? (add to the value of the publishing exercise)
17. Do you ask authors to sign a contract when you accept an article or book for publication? (if 'yes' ask to have a copy!)

Details of the publishers contacted are available from Charles Oppenheim.