

Gates, K. "Will Work for Copyrights: The Cultural Policy of Anti-Piracy Campaigns." *Social Semiotics* 16:1 (April 2006): 57-73.

Hollywood is in the process of reasserting the legitimacy and moral justification for its control over the production and distribution of virtually all film and entertainment television content in the United States. In the 1970s, the VCR challenged the Hollywood intellectual property regime and instigated a major effort on the part of copyright owners to secure control over filmed-entertainment content using mechanisms in the marketplace, the court system and the legislature (Bettig, 1996). Peer-to-peer (P2P) file sharing technology, combined with expanding bandwidth, has presented yet another technological challenge to established distribution arrangements, once again raising legal and moral questions about why and how a media oligopoly should maintain such a stranglehold over culture. P2P technology has introduced a crisis of legitimacy of sorts for intellectual property owners in the culture industries, forcing them to reformulate arguments for why they are the rightful proprietors and purveyors of culture. This project has been taken up as a central charge of the Motion Picture Association of America (MPAA).

At the same time, the information technology sector has focused concerted effort on a similar set of problems surrounding software piracy. Through cooperative efforts among IT companies, such as the Business Software Alliance (BSA), the computer software industry has been working to govern software production, distribution, and use in a way that maintains and reproduces the established dominance of the main industry players. Like Hollywood, the software industry recognizes this problem as a matter not only of legislative concern, but also as a matter of cultural policy, a set of strategies for governing the conduct of citizens outside the formal realm of the law, and either beyond or at the extended reach of the state.

This essay examines the ways that cultural policies outside the formal doctrine of law work to shape the conduct of citizens. Specifically, I examine the cultural policy of copyright protection through a critical analysis of the MPAA and BSA anti-piracy campaigns. Both the MPAA and BSA make labor-related appeals as part of their strategies to combat film and software piracy. The MPAA disingenuously encourages moviegoers to empathize with the "ordinary working people" involved in film and television production whose livelihoods are threatened, so the MPAA's argument goes, by film and television piracy. For its part, the BSA makes a cynical attempt to capitalize on disenfranchised workers' desire for revenge against their employers by asking these workers to report companies that use unlicensed software. These seemingly different strategies have at least one fundamental similarity: both exploit the economic insecurity of workers to make their anti-piracy appeals. In addition, both of these strategies are presented as empowering to workers: the MPAA gives screen workers visibility where they are typically invisible, and the BSA fulfills disgruntled workers' revenge fantasies. In fact, these so-called worker-friendly anti-piracy strategies serve to further disempower workers by individualizing them and limiting the way in which the threat to their economic security is constructed and addressed.