Creativity without Copyright: Anarchist Publishers and their Approaches to Copyright Protection

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I. Introduction

Publishers have always been players in the copyright debate, at least since the “battle of the booksellers” over the Statute of Anne at the end of the 18th century.[[1]](#footnote-2) The recent litigation against Google and the ensuing settlement suggests that publishers remain strong advocates of copyright protection.[[2]](#footnote-3) The mission statement of the Association of American Publishers (AAP), an organization representing hundreds of imprints on publishing issues makes protection of intellectual property a primary goal. [[3]](#footnote-4) Their agenda items include: “To nurture creativity by protecting and strengthening intellectual property rights, especially copyright.”[[4]](#footnote-5) Thus, American publishers generally are strong advocates of copyright and the paradigm for cultural production it supports. Because book publishers endorse copyright as part of their business model and remain central to the production of books, a study of their attitudes towards copyright and the benefits of a copyright regime are relevant to understanding the value produced by copyright legislation. Yet, despite the publishing industry’s centrality to the copyright debates, how copyright is used, interpreted or assessed by the book industry has not been thoroughly studied.[[5]](#footnote-6)

It is no surprise that publishers are strong advocates of copyright protection. As the position of the ASP suggests, the prevailing economic model asserts that creativity does not become fully incentivized unless a property right in the final product is secured. While publishers play a role as gatekeepers for cultural content, most of what publishers contribute to a book comes in the form of financial investments, marketing, quality control, and assuming the risk of publication.[[6]](#footnote-7) Of course, these financial considerations are combined with other publishing values, including the role of books in creating a cultural commons, enriching public debate, and offering controversial points of view.[[7]](#footnote-8) Given their economic interests, publishers require some financial incentive to publish. Even the most independent and radical of presses must make some money in order to finance future publications, pay staff, and provide royalties to the author. The survival of a publishing house is contingent on some level of profitability and debt avoidance and thus one might argue that those engaged in the professional production of culture are more likely to require copyright protection in order to generate future productivity than those trying to break into the culture industry or those creating for reasons of artistic self-expression.

While the publishing industry as a whole as well as authors tends to be supportive of copyright law, there is a small cohort of publishers with a far more complex view that allows us to test the importance of the law as part of the entrepreneurial process. Radical presses expressing anarchist views offer an interesting point of study regarding copyright policy for several reasons. First, independent and radical presses, much like their mainstream counterparts, must make some profit in order to stay in business. If copyright is essential to the business of publishing, then radical presses should also endorse the concept.

However, these presses will have to endorse copyright only after having thought through its political implications because of the second reason radical presses are an interesting point of study. At the level of theory there is an inherent tension between copyright and anarchist values (and possibly radical values as well), which a press may feel compelled to address as they articulate their policy. Anarchist Pierre-Joseph Proudhon is perhaps most famous for his statement “property is theft.”[[8]](#footnote-9) He is less well known for his work on copyright, *Les Majorats Littéraires,* written in 1868 where Proudhon makes an argument against copyright.[[9]](#footnote-10) While it is a mistake to claim any single theorist can speak for anarchists generally, Proudhon’s work marks the first anarchist treatment of copyright law and thus provides some insight into how those aligned with a rejection of both the state and a capitalist system might view the subject.[[10]](#footnote-11) Thus, focusing on anarchist presses, who may reject copyright for ideological reasons, but need to endorse it for entrepreneurial reasons, establishes an interesting field upon which to test the value of a system of copyright, understand the reasons why copyright might be chosen over an alternative, and also discover how copyright helps publishers protect their works.

A third reason why anarchist presses can provide insight into publishing has to do with their position on the margin. Anarchists seek to disseminate their ideas as widely as possible, but access to mainstream publishing and distribution channels has been historically difficult for anarchists and radicals alike. As a result, radical literature tends to be self-published and distributed outside formal channels in the form of pamphlets and in more recent years as zines. While such a practice has allowed for anarchist literature to evolve in rich and complex ways unhindered by the filtering mechanisms of the traditional publishing industry, it has also resulted in the fact that much of what has been written by anarchists is ephemeral and difficult to find. It has also meant that anarchists and other radicals have seen it necessary to create their own presses as a counterpoint to mainstream media, with the specific political goal of getting their message out to as many people as possible. The goal of information flow is often at odds with strict copyright and thus one might expect anarchist publishers to be less in favor of legal mechanisms that might hinder the flow of ideas.

Given the political economy of publishing, the underlying anarchist value that property is theft, and a history that suggests anarchists would like to see their ideological message read by as many people as possible, one can hypothesize that anarchist presses will be highly critical of copyright. These presses, more so than mainstream presses, should have thought about the concept of copyright in relation to their businesses, have possibly debated the use (or rejection of) copyright, and these decisions have culminated in publishing choices. However, a simple investigation of copyright statements demonstrates that anarchist presses take a variety of approaches to the issue of copyright.

Indeed, many anarchist presses publish books using traditional copyright protection or affix a copyright notification to their webpages. Others use the copyright page as a political statement and advocate the free flow of information. In both cases, the books to which a notification of some sort is attached are sold, presumably to make money for the author and publisher. The fact radical presses continue to exist despite often rejecting copyright poses an interesting challenge to the efficacy of the law. If some forms of publishing do not require copyright, then what benefits are associated with its existence? If a publisher makes a choice to utilize an alternative to copyright or reject the system altogether, what impact does this have?

This paper reports on interviews with publishers working for anarchist and radical presses operating in the United States and discusses the policy choices associated with the range of copyright statements they have used. Based upon these interviews, it can be argued that even for publishers, the importance of copyright is ambiguous and it is possible to function without copyright law and still be remunerated. In order to contextualize independent and anarchist publishers, Part II will describe the current state of publishing. Part III will offer an overview of method and research design and report on the interviews with publishers. Part IV will offer some conclusions.

Part II: The State of Publishing

A mass market in books developed during the 18th and 19th centuries through a combination of literacy, piracy, and technological innovation, ultimately benefitting both authors and publishers. Piracy was central to getting affordable books into the hands of the masses. Mark Rose describes how the monopoly of the London booksellers was threatened by the cheaper pirated books produced by Scottish booksellers that met the demand of an increasingly literate public at affordable prices.[[11]](#footnote-12) Coser, Kadushin, and Powell, authors of one of the only systematic studies of the publishing industries in the United States, describe the American history of the paperback novel and the creation of a mass market as heavily reliant upon piracy as well.[[12]](#footnote-13) In both the US and England, mid-19th century reforms in copyright law supported by the entrenched booksellers helped shut down pirate publishers and in the case of the US, temporarily killed the paperback industry.[[13]](#footnote-14)

Besides piracy, the industry has historically operated under a variety of pressures making it difficult to predict the success of a book among the public and thus affecting the way the industry functions. Early authors sold their books outright to a publisher for a flat fee and publishers then made a profit commensurate with the number of books they sold.[[14]](#footnote-15) Modern copyright provides the author with the copyright, but generally, the author grants an exclusive license to a publisher in return for royalties on each book sold. The industry today attempts to predict demand for their products, but such predictions are difficult because bookstores buy with the ability to return unsold copies for a full credit.[[15]](#footnote-16) Thus, around 50% of mass-market paperbacks are returned to the publisher and destroyed, making the distribution model highly inefficient.[[16]](#footnote-17) As a result, profits increasingly come from subsidiary rights, including movie rights, book clubs, foreign publishing rights, and rights for paperback reprints, instead of direct sales to individual readers.[[17]](#footnote-18) These rights are part of the contract that is signed between an author and book publisher.

Despite their cultural value, books are understood and sold as commodities. Unlike some commodities, there is a lengthy history of publishers understanding their job as protecting both profits and culture. However, market considerations will prevail over literary considerations.[[18]](#footnote-19) Prioritizing economic considerations can mean books with literary, educational, or political merit will not be published if their appeal is too narrow to make a profit.[[19]](#footnote-20) That being said, over the past thirty years, the publishing industry has continued to publish more titles each year, with 140,000 books published in the US in 2001 and 2002, up from 120,000 during 1997 to 2000.[[20]](#footnote-21)

Over the past forty years, publishing has become increasingly consolidated.[[21]](#footnote-22) Prior to the 1980s, publishing was still largely a cottage industry.[[22]](#footnote-23) During the 1980s, many smaller presses were bought, with 150 mergers taking place between 1984 and 1988 alone. [[23]](#footnote-24) Today, there are 10 major publishers controlling the US market, with the largest market share belonging to two foreign-based companies.[[24]](#footnote-25) Most publishers are now part of major media conglomerates where publishing books is only one arm of a larger corporate entity.[[25]](#footnote-26) These trends have led some scholars to be concerned about the level of media monopoly and its impact on the free flow of ideas.[[26]](#footnote-27)

As publishing has consolidated, a separate movement towards independent presses can also be noted. Independent presses began growing in number during the 1960s in part as a response to the increasing commercialization of the publishing industry and the need to publish a countercultural message that was distinctly anti-capitalist.[[27]](#footnote-28) At the end of the 20th century there were over 50,000 presses in the United States, some publishing only one book in a year.[[28]](#footnote-29) Thus, even as concentration occurred at one end of the publishing spectrum, numerous smaller presses have emerged to counter this concentration. These smaller presses tend to align with independent booksellers and often specifically ask their customers to support local bookstores instead of corporate chains.[[29]](#footnote-30)

The future of the book and publishing itself is bound up with the future of the Internet. E-books are slowly developing, but generally speaking books, more so than music or movies, seem to provide an entertainment experience that is less superior in the digital format. Some authors are experimenting with alternative modes of publishing that may provide an avenue for capturing more royalties than exist within a conventional system, including self-publishing and print on demand sites such as Lulu.com.[[30]](#footnote-31) Canadian horror writer G. Wells Taylor illustrates the possibilities of an Internet-based publishing model. When he found his work was not easily publishable through the dwindling number of traditional publishers, Taylor went on to develop a new publishing model that sought to connect him directly to his possible fan base.[[31]](#footnote-32) The future possibilities are more fully theorized by those working on the future of the book.[[32]](#footnote-33)

Part III: Anarchist Press Case Studies

To conduct this research, I generated a list of twelve presses (see Table 1) operating in the United States and Canada to contact regarding their copyright policies. The largest and most well known is AK Press, which operates out of the San Francisco Bay area and is both a publisher and distributor for other smaller anarchist presses. The smallest is Crimethinc, which functions as a radical decentralized operation and has published only a few works.[[33]](#footnote-34) These presses all identify in some way with publishing radical political work with most specifically focusing on anarchist publications. Their websites provide some information about the press, those who work for it, and all offer books for sale online. I sent an initial email to all the presses listed in Table One requesting an interview. From those initial contacts, five presses replied. I scheduled semi-structured phone interviews ranging from 20 minutes to an hour with representatives for each press, with one press following up on my email but without scheduling an interview at the time of this writing. All interviewees granted consent to be quoted for this research.

Table One: Anarchist Presses[[34]](#footnote-35)

|  |  |
| --- | --- |
| **Press Name** | **Copyright Policy** |
|  AK Press | Copyright |
| Arbeiter Ring Publisher |  |
| Autonomedia\* | Mixed: Anti-Copyright and Copyright depending upon the author. |
| Black Rose |  |
| Crimethinc | Anti-Copyright |
| Eberhardt Press |  |
| Freedom Press |  |
| JuraMedia |  |
| Microcosm Publishing\* | Mixed: Copyleft, Creative Commons and some copyright, depending upon the author. |
| PM Press | Copyright with some creative commons. |
| See Sharpe Press\* | Copyright with some creative commons. |
| Soft Skull\* | Copyright with some creative commons. |

Case #1: Autonomedia

According to the website, Autonomedia “is an autonomous zone for arts radicals in both old and new media. We publish books on radical media, politics and the arts that seek to transcend party lines, bottom lines and straight lines.”[[35]](#footnote-36) Founded by Jim Fleming 25 years ago, the press publishes books on a range of subjects under the Autonomedia imprint, as well as Semiotext, and more recently, the Critical Art Ensemble. Autonomedia has published over 300 books, with an average of about 10-15 books every year.[[36]](#footnote-37)

The story of Autonomedia is as much about the personal development of its founder, Jim Fleming as it is about the press itself. Fleming grew up in the mid-west and attended the State University of Iowa where he began college in the fall of 1968. As Fleming said, “it was a lively time on college campuses” with an air of open revolt that made what was happening seem exciting and relevant.[[37]](#footnote-38) As a result of his early exposure to radical ideas, Fleming decided to pursue graduate studies. However, after going back to graduate school after some time working for a civil rights agency, the atmosphere on college campuses had changed and more focus was put on career training than the excitement of intellectual debate. As a result, Fleming looked for a different place where he could make an intellectual impact and decided that media was the most relevant venue.

While in graduate school, Fleming had begun doing some reviewing for books and films and then became an editor for a daily newspaper. Because full time academic work no longer held any appeal, Fleming moved to New York City to work in book publishing. While it was difficult to break into the business, he began working for a small publishing house where he got to learn all aspects of the trade. As he noted, “The experience [of working at the publisher] gave me enough of an overview that I figured I could do this type of thing myself.”[[38]](#footnote-39) As a result, he started Autonomedia.

Autonomedia operates as a “fairly fluid” collective and employs somewhere between 8 and 15 people. Editorial decisions are made collectively and “sometimes we don’t know how editorial decisions get made.”[[39]](#footnote-40) If one person doesn’t like a project or if there is vocal opposition, then it is unlikely the project will move forward. With some exceptions regarding book design, all staff work as editors and the press reviews around 20 manuscripts each week. They make a concerted effort to get as many people as possible to read as many manuscripts as possible.

While Autonomedia began with a traditional model of copyright, and Fleming cannot identify the precise point in time where they arrived at a consensus that the press would challenge the traditional model, publications with an anti-copyright statement at Autonomedia go back at least 20 years. According to Fleming, “Within the first four or five years of starting up we had started to publish explicitly anti-copyright books.”[[40]](#footnote-41) It is now the official policy for Autonomedia to be anti-copyright whenever possible. As Fleming notes,

Now we have a house policy that argues for anti-copyright whenever it can be achieved. But there are factors militating against using an anti-copyright paradigm, often the authors themselves. If we have an author that feels they can’t give over copyright because they are looking to further their own career or some are trying to make their living by writing. They are not always comfortable giving the rights to their work away and so if it is something they want to publish, we will accommodate their desires and needs.[[41]](#footnote-42)

The press itself sees publishing under an anti-copyright statement as more ideologically consistent, but it is not always the case that authors feel the same way.[[42]](#footnote-43) As a result, the press will use mechanisms ranging from a handshake with no contract to a formal contract including a traditional copyright statement to some use of creative commons licenses as these have become more popular.

One of Autonomedia’s most popular selling books is Hakim Bey’s *T.A.Z: The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism*. [[43]](#footnote-44) Initially published in 1985 with an anti-copyright statement that reads, “Anti-copyright, 1985, 1991, 2003. May be freely pirated & quoted – the author & publisher, however, would like to be informed at:[address of autonomedia is given],” *T.A.Z.* is also available for free on Hakim Bey’s website in its entirety.[[44]](#footnote-45) Given its popularity and long print run, this book is an excellent example of the costs and benefits of an anti-copyright model. According to Fleming, there is possibly a pirated printed version of *T.A.Z.* available, but as a commercial decision, letting this book exist without copyright protection has primarily meant being unable to control or gain a revenue stream from, the multiple translated editions that have appeared. Since its publication, *T.A.Z.* has been translated into at least 20 different languages and with traditional copyright protection Autonomedia would have been able to make deals with foreign presses to share in possible profits.

When asked if the loss of these profits mattered, Fleming replied,

In a purist sense, we subscribe to an anarchist position that property is theft and that IP feels like a special kind of theft in the sense that technologies make it so possible to share media products very quickly, easily and cheaply, that books are the least easily shared compared to Mp3 files, etc. But we are interested in trying to challenge the traditional model of copyright.[[45]](#footnote-46)

Thus, while clearly a press interested in surviving, albeit under a non-profit and collective model, profits for Autonomedia must be made in alignment with the values of the press and with the larger goal of assuring that important ideas make it into the public consciousness. Fleming continues,

The hacker slogan – information wants to be free – fits here. We have costs in the production of books, you can’t get printers to print for free, so we have expenses that need to be covered, but we are not a crackpot fringe publisher, we are not in it for the money, but are trying to advance a set of ideas and we feel these ideas will circulate best if they can circulate freely, monetarily as well as every other way. We have chosen not to try to be a for-profit enterprise – technically we are a not-for-profit entity.[[46]](#footnote-47)

For Autonomedia, aligning values with practice is important and while they respect the interests of authors to protect their work and also have a concern that their publications will be pirated by larger presses who are primarily interested in profit, they generally seek to keep property rights to a minimum and operate without the benefit of copyright. Increasingly, however, to avoid being cannibalized by for-profit larger entities, they have begun reframing the anti-copyright statement to include “pirated for non-commercial reasons” in order to avoid any future scenario where a work becomes a revenue stream for a capitalist driven enterprise.

In terms of traditional publishing, the lack of a copyright statement has been largely irrelevant but one might question how the Internet has influenced publishing decisions. For Autonomedia, the Internet has been extremely positive and negative. It has been positive because it has allowed them to bypass the traditional distribution channels and sell directly to interested buyers. As a result, according to Fleming, the press ships books world-wide in quantities that simply would not have been possible without the Internet. Given that the press has an interest in global debates, gaining a global distribution network has been a very positive thing. Additionally, the press operates an “E-Zine” called Interactivist that allows for smaller commentaries and articles to be published in an online forum and generate discussion.

Virtually all the anti-copyrighted books can also be found in PDF format online. In response to a possible reduction in sales from on-line availability, Fleming said that they take a “Grateful Dead” approach to the circulation of their ideas for free. The Grateful Dead assumed that bootlegs were ultimately good for them because they made more people want to attend the live concerts. Overall, according to Fleming, seeing the work widely circulated is a goal and the Internet helps achieve this.

Autonomedia has thought through their approach to copyright and has made the conscious decision to refuse a copyright maximalist approach. They have never utilized the legal system to enforce their copyrights, even in the cases where they might have done so, which were few to begin with. They are a press that wants to contribute to a larger political discussion and sees it as important to try to align their copyright policy with their underlying ideology whenever possible, while accommodating the interests of individual authors along the way.

Case #2: Microcosm Publishers

Microcosm Publishing is an independent publisher and distributor that not only publishes and distributes books but also distributes zines, stickers, pamphlets, and other items. According to the website, one of their stated goals is to, “add credibility to zine writers and their ethics, teach self empowerment, show hidden history, and nurture people’s creative side.”[[47]](#footnote-48) Microcosm began in 1996 with “one person doing part time mail order out of a bedroom.”[[48]](#footnote-49) Thirteen years later, the press has two locations, one in Portland Oregon and one in Bloomington Indiana, and eight people working in some capacity (not counting Wade, the cat, who is both supreme overlord and shadowy CEO).[[49]](#footnote-50)

Microcosm specializes in DIY culture with books and zines ranging across the spectrum of ideas, all with the underlying ethos of DIY punk culture.[[50]](#footnote-51) They quote Chris Landry on the value of zines, which is clearly part of the underlying philosophy of the press itself.

"Zines are the best expression of the d.i.y. ethics of the punk rock subculture. While bands can be co-opted into the mainstream and the music scene continues to be male-dominated and increasingly a-political, zines have been keeping it true. Zines take the profit and fame motive out of artistic expression and focus on communication, expression and community for their own sake. Zines are the one truly democratic art form. Zine writers are the most important writers in the world."[[51]](#footnote-52)

Microcosm tries to articulate their ideological framework on the website for its possible readers and operates with a sense of transparency not found at larger presses. According to their F.A.Q., they seek to reinvest any profits into the local communities where they work and live. They operate as a nonprofit and there are no “owners.” Instead, they pay themselves a starting wage of $7.50 an hour with an additional 25 cents each 3 months.[[52]](#footnote-53) As they state on the website,

“A further breakdown is like this: about 40% of what we earn in a month goes right back to reordering things or getting new stuff. About 30% is what we get paid for our work and rent. The other 30% goes into printing new books. We are not in the habit of accumulating wealth or capital (no matter what rumors on the internet tell you). If you have questions about these things, get in touch!”[[53]](#footnote-54)

Much of this transparency is to adhere to the values of a collective organization that seeks to balance financial survival with a radical economic ethic.

Joe Biel, who agreed to be interviewed for this article, has numerous roles at Microcosm, one of which is to be the resident expert on their copyright policy. Biel became involved in publishing inadvertently as an outgrowth of his interest in punk rock and the intersection between punk rock and anarchism. He got interested in reading and “then from there and through the participatory ethic, the next step was to do it instead of being a reader and/or consumer.”[[54]](#footnote-55) Microcosm is an independent press with all revenue for future publications generated from their existing projects. Biel is in charge of production scheduling and finance. Unlike Autnomedia where everyone functions as editors, Microcosm has specific people designated as editors and they put out around 12 books each year and maintain a back catalogue that adds another 12 books per year hopefully as new additions with new materials instead of reprints of the original book.

Microcosm does not accept unsolicited manuscripts, but instead develops a relationship with authors whom may initially have distributed a zine via their press. Once a person has a relationship with the press, they may be invited to work on a larger project and if there is a mutual interest, a book project is begun. They follow this process because they want to make sure their authors understand the press and what it can provide. Often expectations from authors need to be made clear and authors need to understand the limitations of a small independent press.

According to Biel, the idea of using copyleft originated with some of the people who brought the ethic to their projects. As authors, they were interested in seeing their work distributed with an anti-copyright statement, but because this “doesn’t have any meaning,” Microcosm sought out alternative models that might achieve the goals of an anti-copyright statement with some sort of clear legal meaning. When the software industry began popularizing a copyleft model and it became more widely understood, Microcosm decided to use it as well. The press has since adopted the creative commons license, in part because it is defined and easy to explain.

Biel noted that while the press itself advocates a creative commons approach, and encourages its authors to do so, it is often the case that authors are much more concerned about protecting their work with a traditional copyright statement because they fear their work will be taken by a large corporation that will publish it for profit without their consent. Whether a real or imagined threat, there is some concern on the part of authors that their work will be used in inappropriate ways. Additionally, Biel noted that there is some confusion over what copyright protects. For example, one author had recently submitted their text with both a copyright and a creative commons statement, which raised questions about what exactly the author thought was being protected or if either statement really mattered in the end.[[55]](#footnote-56)

When asked if there were examples where copyright became an issue for the books they published, Biel said, “not terribly.” There are contractual issues associated with movie rights that can become confusing from a creative commons perspective. Microcosm doesn’t deal with movie rights, but sometimes authors want these to be included in the contract. Copyright ends up not mattering too much because there are simply not many cases of piracy. As Biel noted, “If you are doing your job it would never be able to happen – there might be room for some to exist but as long as things are out there and available via the press, it [piracy] wouldn’t work. The nature of the trade is based upon a single distributor, returns, and you can’t get in with the same title somewhere else because everything is searched by ISBN.”[[56]](#footnote-57)

However, while it is rare, cases of being “bootlegged” do occur. One of the most bootlegged Microcosm titles is a zine published by Cindy Crabb, *Support Zine.*  This is a resource for people who have been sexually abused and Biel thought that perhaps it is often copied and redistributed freely because those involved in the issue see it as so important that they want the information to be out and have not considered the author’s desire to protect her work.[[57]](#footnote-58) In the case of *Support Zine*, the author personally tries to stop the copying by talking to those who are doing it, but Microcosm has not become involved. While many do stop, others continue to make copies, often, Biel thought, from some sense of entitlement to make this information widely available.

Microcosm has not pursued legal action or sent cease and desist notices against anyone, even those who have made unauthorized reproductions of Microcosm materials. There have been cases where they have talked with those making reproductions of their work in an effort to get them to stop. Generally, this conversation goes something like, “We worked really hard on that and it is sort of weird that you would make your own without any overhead,” to which the person making the copies often says, “Oh, I didn’t think about that.” Interestingly, the folks most often doing the copying are fans who want to see the ideas spread. Often these fans, because the general culture is a DIY punk-based one, see Microcosm as the “big bad” corporation with people thinking they must be making enough money that bootlegging can be justified.

Beil notes that the people making the copies are not “very good bootleggers” because they often include the publication information (and copyright notification) in the unauthorized copy, which then works as promotion for the press.[[58]](#footnote-59) When copying does occur, Beil says that it is not financially significant enough to worry about, it helps distribute the message to those most interested in it, and, “we don’t feel particularly threatened by it.”[[59]](#footnote-60) For copying to reach a point where it might be seen as a threat, it would have to involve numbers that would rival their own publication runs, which Biel believes simply wouldn’t happen. In other words, the days of the book pirate seem to be over.

When asked more generally if copyright mattered, Biel responded that he simply didn’t know. Protecting foreign translations might be an issue, but Biel’s thought translations were such difficult work requiring such intense labor for a good translation that it “seems you couldn’t be too upset with that.”[[60]](#footnote-61) Overall, he thought the threat of copyright infringement seemed more fictitious than real and there was no evidence of serious infringement of imprint work today. Instead, the fear suggests some sort of cultural reaction. However, he did see that from an author’s perspective, if you have spent a considerable time putting work together, you are more likely to fear the theft of your work.

Biel concluded by offering an important insight – that the Internet, easy distribution mechanisms, and bootleggers combine to create a new world where financial destruction comes not at the hands of pirates seeking to make money, but from fans. Much like environmentalists who have suggested our national park system is being “loved to death,” so too are small publishers, music makers, and video producers being undermined by their fans, especially when there is a political message people feel needs to be freely distributed. While Microcosm isn’t too worried that someone will reproduce exact replicas of their published materials and, on balance, the Internet has been positive because they can distribute their works and avoid the monopoly of the trade distributors, there have also been points where the ease of copying has been devastating.

Biel personally sees the potential for devastation less in book publishing than in film distribution. Films are traditionally distributed for screenings at a price substantially more than for personal use. Thus, a DVD to purchase for individual consumption is around $20 but a public display copy (protected with copyright) is between $75-100 for the films Biel works with and has personally produced. However, it is often the case that fans will purchase a personal copy and then do a screening of the video, thus undercutting the ability of the distributor to capture the market. In terms of copyright protection, seeking to protect independent documentaries, especially of political work, seems to be one of the only areas where copyright law might be relevant, according to Biel.

Overall, Microcosm has not had to depend on copyright to protect its published works and even when it could have used copyright protection to enforce its rights it has chosen not to. Its authors, especially zine authors, tend to be more concerned with protection, often because they want to protect their work from possible unauthorized corporate commercialization. Instead, the presses underlying ethic of information freedom and the fact that the “threat” of piracy seems overstated, means that Microcosm continues publish under a creative commons or copyleft license without copyright mattering much at all.

Case Number 3: See Sharpe Press

On the website for See Sharpe Press you can read about a public domain controversy that has recently erupted. See Sharpe publishes *The Jungle: The Uncensored Original Edition,* which includes several chapters not found in the traditional version, an introduction and forward providing information on the history of the book, explanatory footnotes, and the reasons why the original version does not include the additional chapters. Amazon.com used to sell See Sharpe’s edition on the website, but has recently begun publishing its own version of *The Jungle: The Uncensored Original Edition* under its CreateSpace imprint. Given that the text itself is in the public domain, there is nothing wrong with another edition being published and while See Sharpes was the only “uncensored” one, other editions of *The Jungle* exist. However, it would appear that to make their new public domain copy, Amazon.com used See Sharpe’s version but removed the introduction, forward, and footnotes. In order to distinguish it further, they also changed the font and created a “cheap black & white cover.” They also “falsely claimed that they hold the copyright to the book.”[[61]](#footnote-62)

Even more questionable, is the fact that Amazon.com has removed See Sharpe’s version of the book from their website *despite* the fact that all the ratings and commentary associated with the book continue to reference the See Sharpe edition.[[62]](#footnote-63) However, a customer who wants to purchase the book from Amazon now, will get a different text than the one rated and described in the accompanying Amazon text. It is unlikely that the average consumer will notice this switch, but See Sharpe press certainly has and suggests that those interested in purchasing a copy of the *Uncensored Original Edition* should do so direct from the publisher or through Barnes and Noble or at a local bookstore.[[63]](#footnote-64)

See Sharpe Press is the one-man operation of Chaz Bufe who became a publisher as an outgrowth of his work in college. After becoming alienated from academic life in graduate school, he left academia and began working as a publisher by self-publishing a music theory book for rock & roll and jazz musicians in 1984. That book sold over 10,000 copies and is still in print.[[64]](#footnote-65) Bufe didn’t want to deal with conventional publishers and because he had worked for a number of years as a graphic artist, he had the necessary skills to begin publishing on his own.[[65]](#footnote-66) The first three things he published were his own books, all of which did quite well with publication runs over 10,000. He then began publishing other people’s work. Bufe published his first anarchist pamphlet in 1985 and has since published over 30 books and over 45 pamphlets.[[66]](#footnote-67)

The press relocated to Arizona in the early 1990s and Bufe began publishing full time at that point.[[67]](#footnote-68) According to the webpage,

“See Sharp Press is a “cause-driven” small press. Our mission is to make available radical books and pamphlets that would otherwise not be published, especially in the areas of anarchism and atheism. We want to live in a free, sane (that is, in part, religion-free) world, and feel that this is the best contribution we can make toward that goal.”[[68]](#footnote-69)

Other areas of publication interest include music, philosophy, psychology, and alcohol abuse self-help.

Bufe puts his work under formal and traditional copyright protection. He notes, “in theory knowledge should be free, however, we are living in a capitalist society and have to defend author’s rights. The only way to do this is for copyright to work.”[[69]](#footnote-70) Thus, Bufe approaches the issue of copyright from the perspective of the author and the author’s relationship to the publisher. Trying to make money as a commercial publisher is a difficult business and Bufe feels that those most critical of copyright have generally not been required to survive in the cut-throat environment of commercial publication or try to make a living off their work.

Unlike Microcosm and Autonomedia, both of who encourage authors to seek alternatives to copyright, See Sharpe Press wants its authors to copyright their work and even though a formal copyright application is no longer necessary for protection, he encourages his authors to formally file for protection. Bufe had heard about creative commons, but didn’t know enough about it to comment on its relation to his work as a publisher. Bufe’s relationship to his authors includes a contract assigning the exclusive publishing right to See Sharpe Press.

Despite defending the practice of copyright, Bufe also sees flaws with the current state of the law. When asked about copyright generally, he commented that, “copyright has gotten to the point where it is a detriment to the publishing industry because you have life plus 70 years – this is absurd.”[[70]](#footnote-71) Copyright is too long and while Bufe sees value in protecting a work for an author and perhaps an author’s immediate heirs, the overextension of copyright, in his opinion, simply allows for corporations to control what should go into the public domain. Essentially, for a publisher such as Bufe, who has published works in the public domain, the copyright term extension act has “put a 20 year freeze on things going into the public domain and has made it dicey for publishers to try to publish things from the gray period where you can’t track down the copyright.”[[71]](#footnote-72) Bufe sees copyright as offering protection for the author but a form of protection that has been extended too far for the benefit of corporations. In response, he would like to see the length scaled back to a term of 27 years with a possible renewal for an additional 48 years, something in line with the way copyright functioned prior to the 1970s revisions.

Bufe has also found that in the 25 years he has been publishing, piracy of his works (aside from Amazon.com) has simply not come up. The Internet specifically has been valuable and he has used it to put portions of his books, or all of them, online for free. He sees this as a way of spurring sales of the hard copy and a form of marketing for the press. Instead of the Internet being a threat to copyrighted works, he sees it as a great marketing tool. Thus, while defending copyright as an important aspect of the publishing process, he also seeks to use the free flow of information to draw people to his publications and also finds value in a vibrant and open public domain.

Case Number 4: Soft Skull Press

According to its FAQ,, Softskull was born in 1992 by Sander Hicks “as a guerrilla publishing operation run under-the-table at the Kinko’s where he was employed.”[[72]](#footnote-73) It was a self-publishing effort and the first book published was *Foam*, Hick’s first novel.[[73]](#footnote-74) In 1996, Soft Skull incorporated in New York and has continued to publish books and expand its title listing since then.[[74]](#footnote-75) Richard Eoin Nash signed on as publisher for Soft Skull in 2001 and only recently left in March of 2009.

Nash’s first publishing job was in the permissions department at Oxford University Press part time while he tried to support himself as a theatre director. Working at Oxford helped him understand the problematic aspects of what he called “the permissions culture,” one of the less discussed consequences of copyright law, which Nash sees as one of the “greatest threats to free speech in the US.”[[75]](#footnote-76) While at Oxford, Nash was responsible for clearing permissions, typically requests from students or academics to quote a few words from a title owned by Oxford. In the vast majority of cases, the request should have been considered a fair use. Instead, permission was sought, often for quoting as few as 20 words and it seemed like a “clear waste of resources.”[[76]](#footnote-77) More frightening, from Nash’s perspective, was that many publishers use permissions to control access to prior work. As Nash noted, it is easy to tell the difference between someone quoting a work and using an entire manuscript in an anthology, however, the permissions process is the same for both.

While at Soft Skull, when permission requests would arrive, Nash often not only granted permission, but would send along a personal note describing how such material should be considered fair use. Soft Skull itself is a small and independent operation with eight staff listed on the website where all employees work as editors and read manuscripts. The press uses volunteers whenever possible to help with the burdens of running the small business. Soft Skull sees itself as part of “indie culture” and understands its books to support this culture. Buying books from Soft Skull is framed as both a political and creative act, where purchasing power equates to creating the type of publishing and creativity that the consumer wants to see exist – something that is not part of the corporate controlled mainstream media.

While using a radical organizing structure, Softskull, according to Nash, was never “properly anarchist.”[[77]](#footnote-78) They liked the concept of anarchism, no had specific meetings to figure out what being an anarchist press might mean at a practical level. As a result, the press took a more “improvisational” approach, especially in the area of copyright and they primarily just “went with the flow.”[[78]](#footnote-79) As Nash pointed out, the flow meant that the press was basically “pro-copyright,” in part because authors and agents tended to be conservative about the issue.[[79]](#footnote-80) Nash recognized that the press could have taken a more educational approach and attempted to get authors to think more clearly about copyright issues, but creating these “teaching moments” wasn’t something Soft Skull had made part of their publishing policy.[[80]](#footnote-81)

Despite the general approach to copyright, Nash as publisher was interested in pushing authors towards alternative regimes, if he felt they might be “temperamentally disposed to taking a different stance.”[[81]](#footnote-82) Thus, while Nash himself was predisposed to using a creative commons licensing model, such an approach was not dominant at Soft Skull. In fact, according to Nash, he had worked with the authors of *Reproduce and Revolt* to license it under a creative commons license, but the recent purchasers of the press had published the book with both a creative commons license and a traditional copyright statement, suggesting they did not yet understand the full implications of the alternative licensing model.[[82]](#footnote-83)

Nash, much like the other publishers interviewed, found that the importance of copyright is vastly overrated and piracy was simply not a threat. In fact, for Nash, the lack of piracy should be a concern to the industry. He said,

The [lack of piracy] is sort of like a bit of an indictment of the state of the publishing industry, that we have been so unsuccessful at creating demands for what we are doing that we actually manage to satisfy social demand for our books at the prices we are charging unlike in India or China, for example, where the demands for what people want exists but they can’t afford books at the price people are charging. Unfortunately we actually are satisfying demand.[[83]](#footnote-84)

Within this paradigm, piracy can be seen as evidence of a market where consumers want the products being sold. Of course, for publishers, as Nash notes, “it can be as hard to give something away as it is to sell something because it still requires time [to read].”[[84]](#footnote-85) However, the lack of piracy suggests complete disinterest in the book market, which should be a concern to publishers.

Ultimately, even on the Internet, appropriation of work is not a significant issue, from Nash’s perspective. According to Nash, it isn’t hard to get someone to download a PDF file, but is almost as impossible to get them to read the PDF as it is to get them to buy a book.[[85]](#footnote-86) In part, these problems exist because the people who would have had the leisure time to read in past years have found, for the most part, that they are now working more and more hours. “Through a mixture of informal cultural coercion and almost being browbeaten into working really late as a result, they are just totally mentally exhausted when they get home and the last thing they want to do is engage in demanding culturally immersive reading when watching a sit com demands so little of your brain.”[[86]](#footnote-87) The future of the book itself, either electronically or in its traditional form, remains problematic if time for reading is declining. However, copyright, to the degree it is relevant at all, is not the most significant issue.

Soft Skull itself never issued a cease and desist order or had the need to make a copyright claim. In Nash’s time at the press, there were three claims made against them, all of which were frivolous. Soft Skull published a book edited by William Upski Wimsatt and Adrienne Brown, *How to Get Stupid White Men out of Office: The Anti-Politics, Unboring Guide to Power*.[[87]](#footnote-88) Michael Moore, author of *Stupid White Men and Other Sorry Excuses for the State of the Nation*[[88]](#footnote-89)sought to make a trademark claim based upon the use of the phrase “stupid white men.” The single copyright claim was over the book *Stencil Pirates* by Josh MacPhee, a book that includes photographs of stencil art from around the world.[[89]](#footnote-90) The author of a different street art compilation sent the cease and desist order claiming frivolous similarities related to the look and feel of the two books. From Nash’s perspective, these cease and desist orders were intended to stifle the newer books. When Soft Skull’s legal team responded, the claims were not pursued because, according to Nash, once it became clear that Soft Skull was not going to be intimidated into agreeing to do what the opposing side wanted, it was not worth pursuing the case further.

These copyright and trademark issues aside, Nash did raise the important point that outside the legal framework of copyright law, there remains the issue of attribution, appropriation, and the relationship of inspiration to art. The recent controversy over the Obama campaign art based on a copyrighted AP photo by Shephard Ferry has raised larger questions about his appropriation of union posters without any specific acknowledgement of his inspiration. Thus, while a legal discourse of copyright and its resulting attempts to commodify creative work may be understood critically within radical circles, a moral discourse of appropriate attribution and claims of plagiarism remain quite relevant. Furthermore, while Soft Skull itself has not needed to use copyright law, it is clear from their experiences, that some presses do see a reason to embrace copyright law, but these reasons have more to do with stifling competition than with encouraging creativity.

Part IV: Conclusion

It is clear that additional interviews will render this subject even more complex. However, there are some general themes that have been raised by these initial case studies that are worthy to note.

First, while I initially hypothesized that publishers, even those at radical presses, would be strong advocates of copyright protection because they have a larger financial stake in the publication of any specific book, it appears that from the publishers’ perspective it is authors driving the copyright process, not the press itself. While Bufe encourages his authors to copyright their work, all the other presses felt that alternatives to copyright would work equally well but that authors were wary of trying them. In part, these authors were concerned because they wanted to protect their work from being appropriated by the corporate media and used to make profits without their permission. The concern about unauthorized commercial use did resonate with the presses and it is one reason why Microcosm chose the creative commons licensing approach and Autonomedia has begun to include a clause focusing specifically on copying for non-commercial purposes.

Second, all the publishers interviewed felt that copyright was not directly relevant to their work and for the most part was not an issue at all. Even if some sort of unauthorized copying did exist, it had not risen to a level where it became a financial threat to the press. In Autonomedia’s case, it was clear that they had willingly given up absolute control in order to better allow works to flow more freely, suggesting they were more interested in seeing their ideas flow than owning them. When it became an issue, Microcosm sought to talk with possible bootleggers and explain why copying something they had worked hard to produce was unfair, but also found that what minimal copying did exist was not a problem for the press as a whole. Soft Skull had found themselves the subject of copyright claims that demonstrated that copyright law was used in a frivolous manner to halt expression more than encourage it. Finally, See Sharpe, while taking the strongest copyright approach of all the presses, saw electronic copying as a form of marketing more than a form of piracy and, with the exception of work in the public domain, had simply not had to utilize the law to police any work. Such responses raises questions about why copyright is necessary if indeed publishers, even when it is possible, do not resort to the law to protect their products.

Third, for the most part, these small presses found that the Internet was generally a far more positive asset to their business than a bastion of piracy. In all cases, these small presses were able to reach a vastly larger audience on an international scale than they could have without the Internet. Furthermore, most seemed to feel that books are relatively well-protected from full digitalization because, despite the emergence of electronic reading devices, people still tend to favor the printed text over the electronic text. As Bufe from See Sharpe has found, putting some or all of an electronic text online generally helps the sales of the hard copy. These publishers, then, have come to a different type of accommodation with the Internet than that found in the music or movie industry, some of which has to do with the format of the product itself as well as other mechanisms available for protection.

Fourth, I had originally thought that ideology might play a substantive role in the policy decisions of anarchist presses, and these interviews suggest that even when the press itself adhered to a traditional copyright model, those involved in the everyday publishing decisions had struggled with the ideas that underlie copyright policy. In fact, even the strongest advocate of the copyright system felt that at a political level, copyright had gone too far and ultimately ended up protecting corporate commercial culture more than the work of individual authors or small publishers. Others were even more radicalized on the issue, demonstrating that copyright is both political and ideological and that their roles as publishers help to either support or reject a framework that all agreed needed to be challenged. Some saw their role as being leaders in an effort to reject the copyright system and create a more dynamic flow of information.

Most interestingly, none of those interviewed could identify why publishers and authors tend to place so much value in the copyright system when the objective number of claims of copyright infringement is so very low. Piracy is simply not an issue amongst these presses and more than one interviewee said copyright didn’t seem to matter much at all. There are many explanations for such a result. One explanation is that because copyright has been so intrinsically linked to the book industry, the norms of publishing align with the law without even thinking about it consciously. Mass piracy by booksellers of other publisher’s works is simply not practiced within the industry and the copying that does exist comes in the form of photocopies, which are clearly not substitutes for the original. Another explanation, as articulated by Richard Nash, is that publishing has become so much less relevant to people’s lives that they produce a product not worth pirating, unlike other sectors of the entertainment industry where unauthorized copying is rampant. A third explanation might be that, much like James Boyle notes in his recent book on the public domain, if prices are set correctly and the effort of gaining the unauthorized copy is high, people will choose cheap over free.[[90]](#footnote-91) Certainly for most people who purchase books, owning a copy of the tangible book is superior to having a photocopy or digital copy. One final explanation might be derived from comparing “new media” to “old media” as done by Poor, who found that new media journals were far more likely to use alternatives to copyright, including open access models, suggesting that restrictive copyright where the publisher retained most rights will become increasingly less relevant as new media sources renegotiate the balance between publisher, author, and reader.[[91]](#footnote-92)

Given that these presses do serve a political function and have thought about copyright from an ideological standpoint, it is important to note that they were also pragmatic. For some, adhering to copyright meant working within the business model established by “the system” but this was a necessary cost of doing business. For others, they saw their goals as seeking to accommodate alternatives whenever possible and using their position as publishers to help educate others on the value of alternatives to copyright that would be more consistent with anarchist and radical values.

 Overall, these interviews suggest that there are large gaps between the argumentation asserted by mainstream presses for why copyright matters and the actual practices of these smaller and more radical presses who have not found that copyright is important at all. Additional research needs to be done to more fully understand how copyright plays a role, especially within the mainstream presses and amongst authors themselves. Furthermore, as the creative commons approach gains momentum, it will be interesting to see how it gains traction within publishing.

Nash sums up the issues surrounding publishing and intellectual property generally. As he points out, the future of American capitalism is closely intertwined with intellectual property, a concept that has become increasingly important, especially relative to the amount it is discussed or understood within American society. It is difficult to imagine, he notes, a protest culture emerging around copyright where people might march in front of the library of Congress, yet it is also clear that there is a need to develop alternatives. The development of the Creative Commons, the work being done by authors such as Cory Doctorow and legal scholars such as Lawrence Lessig is helping. However, Nash also sees an important role to be played by publishers in backing away from a copyright maximalist position in favor of one that might create a broader space for fair use, the free flow of ideas and hopefully the democratic culture that books have always been understand to support.

Nash envisions a world where the system of copyright might simply collapse internally. It is becoming increasingly clear that we live in a culture that must allow most types of copyright infringement to proceed simply to have a functioning technological system. Given the future of mashup culture and the increasingly arbitrary enforcement efforts of the old media copyright maximalists, Nash sees the role played by copyright to be primarily punitive. For smaller publishers this is a problem because there is only now developing the type of pro-bono system that would allow most to fight against unwarranted copyright claims.

In conclusion, then, it can be argued that publishers should be thinking much more strategically about the reasons they endorse a system of copyright and what this system does for them. If indeed copyright and the permissions culture it generates is untenable and if the products of the industry are of so little interest that they are not worthy of pirating, then perhaps publishers, who historically were instrumental in creating the copyright laws we have today, can be among the first to recognize that the era of the law is over and that alternative models need to be generated. Publishers then, instead of adhering to an out-moded and conventional system, should position themselves as leaders pushing the structural transformation that is to come, ready or not.

1. Mark Rose, Authors and Owners. See also, James Hepburn, The Author’s Empty Purse and the Rise of the Literary Agent, Oxford University Press, 1968, 4-21 (describing the history of the relationship between authors and publishers and noting that publishers generally held enormous advantage over authors). [↑](#footnote-ref-2)
2. Mike Musgrove, “Google Settles Publishers’ Lawsuit Over Book Offerings,” The Washington Post. October 29, 2008. Available: <http://www.washingtonpost.com/wp-dyn/content/article/2008/10/28/AR2008102803611.html>. Visited March 30, 2009. [↑](#footnote-ref-3)
3. About the Association of American Publishers. <http://www.publishers.org/main/AboutAAP/about_00.htm>. Visited April 1, 2009. AAP Imprints 2007. Available: <http://www.publishers.org/main/Membership/member_03.htm>. Visited April 1, 2009. (PDF download with 100 pages of American Imprints associated with AAP). [↑](#footnote-ref-4)
4. About the Association of American Publishers. <http://www.publishers.org/main/AboutAAP/about_00.htm>. Visited April 1, 2009. [↑](#footnote-ref-5)
5. Studies of the publishing industry generally exist that mention copyright descriptively but do not focus on attitudes or benefits of copyright for publishing. The now classic study of the publishing industry was conducted by Lewis A. Coser, Charles Kadushin, Walter W. Powell, based upon sociological research in the 1970s. See: Lewis A. Coser, Charles Kadushin, Walter W. Powell, *Books: The Culture and Commerce of Publishing*. New York: Basic Books, Inc. 1982. Thompson produced a newer study of the publishing industry in 2005. See: John B. Thompson, *Books in the Digital Age: The Transformation of Academic and Higher Education Publishing in Britain and the United States*, Polity, 2005. Most scholarship focuses on the industry as a whole, but does not question the value of copyright specifically (Thompson, 5-6). Work done on copyright notices in academic journals exists. Poor studied new media versus old media journals and found that old media journals and larger publishing houses often published legally inaccurate copyright notices that limited fair use while new media journals were far more likely to be open access and provide more accurate copyright notices. See Jonathan Poor, “Copyright Notices in Traditional and New Media Journals: Lies, Damned Lies, and Copyright Notices,” *Journal of Computer-Mediated Communication*, 14 (Nov. 2008) 101-126. Other work cited by Poor relating to copyright notices and journal publications includes: E. Gadd, C. Oppenheim and S. Probets, “RoMEO studies 4: An Analysis of Journal Publishers’ Copyright Agreements,” *Learned Publishing*. 16(4) 293-308, 2003. (Arguing that a variations in copyright notifications are problematic and arguing for a standardized notice); P.L Ward, “Copyright: The Ideal Framework for Editors of Scholarly Journals,” *Australian Academic & Research Libraries*, 33(4). Available: <http://alia.org/au/publishing/aarl/33.4/full.text/layzell.ward.html>. (looking at agreements between publisher and authors to find ways of working together); C Day, “Copyright, Pricing and Market Power: The Great Journals Debate,” *Logos*, 6 (1), 39-42, 1995. (Finding no link between copyright and journal subscription costs). Mark Bide’s 1999 study of publishers and their rights management approaches found that most publishers had not thought through publishing as a rights business or the future implications of the digital age for managing rights. See: Mark Bide, “Managing Rights; The Core of Every Future Publishing Business?” *Publishing Research Quarterly*, Fall 1999 15(3), 69- 83. [↑](#footnote-ref-6)
6. John B. Thompson, Books in the Digital Age, p. 24 – 25 (outlining the functions of a modern publisher). [↑](#footnote-ref-7)
7. “The industry remains perilously poised between the requirements and restraints of commerce and the responsibilities and obligations that it must bear as a prime guardian of the symbolic culture of the nation. Although the tensions between the claims of commerce and culture seem to us always to have been with book publishing, they have become more acute and salient in the last twenty years.” Lewis A. Coser, Charles Kadushin, Walter W. Powell, *Books: The Culture and Commerce of Publishing*. New York: Basic Books, Inc. 1982, 7. [↑](#footnote-ref-8)
8. Proudhon, [↑](#footnote-ref-9)
9. Pierre Joseph Proudhon, Les Majorats Littéraires Examen D’un Project de Loi avant pour but de Créer, au profit des auteurs, inventeurs et artistes un monopole perptuel. 1868. Complete Works, Vol XVI, Paris, Librairie Internationale, Google Books <http://books.google.com/books?id=ioAGAAAAQAAJ&pg=PP7&source=gbs_selected_pages&cad=0_1#PPA1,M1> (This text has not been translated into English yet, but really should be). [↑](#footnote-ref-10)
10. It can be argued that an anarchist reading of copyright would eschew the system as a proprietary right premised upon the exploitation of a working class (artists) by a producing class (publishers). Historically, owning a printing press was expensive and publishing books is difficult and time-consuming work. Thus, the type of economic critique an anarchist would make about the capitalist system generally applies specifically to the publishing industry as it also functions as a system of exploitation allowing the vast majority of profits to filter up from the workers to the owners of the means of production. [↑](#footnote-ref-11)
11. Rose supra note xxx [↑](#footnote-ref-12)
12. Coser, et al. 20. The “first paperback revolution” of the 1840s was made possible because the US government did not recognize copyright for foreign works and new printing processes became available that allowed for cheap editions called “broadsheets” to be sold on the streets and through the mail creating intense competition for profits. The cheap editions threatened the more traditional hard-back publishing industry who helped convinced the U.S. Post Office to withdraw permits to mail the books at the cheaper newspaper rates in 1845, thus killing the first wave of the cheap paperback. The adoption of an American copyright law ended pirated editions of English work, along with “cutthroat competition, high rates of returns on unsold copies, inadequate retail outlets, and the scarcity of suitable books for reprinting killed the second paperback revolution” in the late 1890s and early 20th century. The mass market paperback did not emerge again until after the Second World War. (Id. At 20-22). [↑](#footnote-ref-13)
13. Hepburn, supra note xxxx, 16. [↑](#footnote-ref-14)
14. Hepburn, 6. [↑](#footnote-ref-15)
15. Thompson, supra note xxx, 18. [↑](#footnote-ref-16)
16. Coser, et. al. supra note…. , 7. [↑](#footnote-ref-17)
17. Coser, 14. [↑](#footnote-ref-18)
18. Coser, 15. See also: Leonard Shatzkin, *In Cold Type: Overcoming the Book Crisis*. Houghton Mifflin Company, 1982. Publisher Leonard Shatzkin argues that more than making money, publishing “has a very strong element of service, and a few minutes spent among publishers will reveal to anyone how clearly that responsibility is recognized.” (6). However, he goes on to say,

Among some people outside publishing, one may find the notion that profit is somehow secondary, or perhaps even completely foreign to the world of books. This fallacy is reinforced, in part, by the statement frequently heard among publishing people themselves, that “the profitable books underwrite the publication of the unprofitable ones.” Although that may explain the ultimate result, it suggests a completely misleading picture of the decision criteria. Unprofitable books happen; they are not planned. Not one book in a hundred is published in the expectation that it will actually be unprofitable. Only a subsidized publishing program, like a university press, can lose money deliberately (22). [↑](#footnote-ref-19)
19. The tension between profit and contribution to scholarship is most intense in the world of academic publishers where non-commercial concerns are often given precedence over commercial ones, according to Oxford University Press academic publisher Niko Pfund. However, even university presses dedicated to academic audiences and published through University systems require some consideration of the resulting profit from a book. In academic circles, profit-centered interests are of some concern because quality research may not always appeal to a broad audience, be adopted as a course textbook, or meet the standards academic publishers must meet to justify publication in a competitive environment See: Niko Pfund, “University Presses Aren’t Endangered…” Chronicle of Higher Education, June 28, 2002, p. 7 [Lexis-Nexis]. [↑](#footnote-ref-20)
20. Thompson, supra note. 49-50. [↑](#footnote-ref-21)
21. Thompson, id at 54-64. [↑](#footnote-ref-22)
22. Coser, et. al. supra note…. 8. [↑](#footnote-ref-23)
23. Benjamin M. Compaine and Douglas Gomery,83. [↑](#footnote-ref-24)
24. Benjamin M. Compaine and Douglas Gomery, *Who Owns the Media? Competition and Concentration in the Mass Media Industry*. 3rd Ed. 2000, 80. [↑](#footnote-ref-25)
25. The American book industry is currently dominated by two foreign-based corporations – Pearson PLC, based in Britian, and German based Bertelsmann AG is the largest book company in the world and owns, among others, Bantam Books, Doubleday, and Random House.Id 106. [↑](#footnote-ref-26)
26. Ben Badikian, etc…. [↑](#footnote-ref-27)
27. Benjamin M. Compaine and Douglas Gomery. Supra note 117. [↑](#footnote-ref-28)
28. Id at 117-118. [↑](#footnote-ref-29)
29. Chains outsell independent booksellers because publishers give higher discounts to chains because distribution is easier than “dealing with the inefficient, recalcitrant, incomprehensible distribution network of independent stores.” Shatzkin, supra note XXX, 9. However, this also means that chains hold enormous power over publishers because they direct massive numbers of book sales, leading to the decline in independent book stores. John B. Thompson, Books in the Digital Age, Polity Press, 2005, 2, 68. [↑](#footnote-ref-30)
30. Self Publishing. <http://www.lulu.com/> Visited April 10, 2009. [↑](#footnote-ref-31)
31. “Canadian Horror Writer Shut out of Genre-Free Canadian Publishing,” Market Wire, June 12, 2008. [Lexis-Nexis]. [↑](#footnote-ref-32)
32. The Institute for the Future of the Book, Available: <http://www.futureofthebook.org/> Visited April 10, 2009. [↑](#footnote-ref-33)
33. Crimethink Ex-Workers Collective. Available: <http://www.crimethinc.com/>. Visited April 3, 2009. [↑](#footnote-ref-34)
34. Asterisks mark those presses who were ultimately interviewed. [↑](#footnote-ref-35)
35. Autonomedia, <http://www.autonomedia.org/contact>. Visited March 30, 2009. [↑](#footnote-ref-36)
36. Personal Interview with Jim Fleming, March 25, 2009. [↑](#footnote-ref-37)
37. Id. [↑](#footnote-ref-38)
38. Id. [↑](#footnote-ref-39)
39. Id. [↑](#footnote-ref-40)
40. Id. [↑](#footnote-ref-41)
41. Id. [↑](#footnote-ref-42)
42. Concern by authors is often expressed regarding the contracts they sign with publshers. See: Jill Miller Zimon, “I Can’t Believe I signed the Whole Thing,” Quill, January/February 2006, 40. (Warning authors to be careful about the contracts they sign for their published works). [↑](#footnote-ref-43)
43. Hakim Bey, *T.A.Z: The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism*, 2003. 2nd. Edition [↑](#footnote-ref-44)
44. Hakim Bey, <http://www.hermetic.com/bey/taz_cont.html> [↑](#footnote-ref-45)
45. Personal Interview [↑](#footnote-ref-46)
46. Id. [↑](#footnote-ref-47)
47. About Us, <http://microcosmpublishing.com/about/> Visited March 30, 2009. [↑](#footnote-ref-48)
48. Id. [↑](#footnote-ref-49)
49. Id. [↑](#footnote-ref-50)
50. Microcosm F.A.Q. <http://microcosmpublishing.com/faq/> [↑](#footnote-ref-51)
51. Id. [↑](#footnote-ref-52)
52. Id. [↑](#footnote-ref-53)
53. Id. [↑](#footnote-ref-54)
54. Personal Interview, Joe Biel. March 25, 2009. [↑](#footnote-ref-55)
55. Id. [↑](#footnote-ref-56)
56. Id. [↑](#footnote-ref-57)
57. Id. [↑](#footnote-ref-58)
58. Id. [↑](#footnote-ref-59)
59. Id. [↑](#footnote-ref-60)
60. Id. [↑](#footnote-ref-61)
61. See Sharpe Press Home Page, <http://www.seesharppress.com/> Visited March 30, 2009. [↑](#footnote-ref-62)
62. Amazon.com: The Jungle: The Uncensored Original Edition: Upton Sinclair: Books, [http://www.amazon.com/Jungle-Uncensored-Original-Upton-Sinclair/dp/1440451443/ref=sr\_1\_3?ie=UTF8&s=books&qid=1238464701&sr=1-3](http://www.amazon.com/Jungle-Uncensored-Original-Upton-Sinclair/dp/1440451443/ref%3Dsr_1_3?ie=UTF8&s=books&qid=1238464701&sr=1-3). Visited March 30, 2009. [↑](#footnote-ref-63)
63. See Sharpe Press Home Page, supra note . [↑](#footnote-ref-64)
64. Personal Interview with Chaz Bufe, March 25, 2009. [↑](#footnote-ref-65)
65. Id. [↑](#footnote-ref-66)
66. About See Sharpe Press. <http://www.seesharppress.com/about.html> Visited March 30, 2009. [↑](#footnote-ref-67)
67. Personal Interview, supra note xxx. [↑](#footnote-ref-68)
68. About See Sharpe Press. Supra note… [↑](#footnote-ref-69)
69. Bufe, personal interview. [↑](#footnote-ref-70)
70. Id. [↑](#footnote-ref-71)
71. Id. [↑](#footnote-ref-72)
72. Softskull FAQ. <http://www.softskull.com/faq.php>. [↑](#footnote-ref-73)
73. Softskull FAQ. <http://www.softskull.com/faq.php>. [↑](#footnote-ref-74)
74. Id. [↑](#footnote-ref-75)
75. Id. [↑](#footnote-ref-76)
76. Personal Interview, April 6, 2009. [↑](#footnote-ref-77)
77. Personal Interview, April 3, 2009. [↑](#footnote-ref-78)
78. Id. [↑](#footnote-ref-79)
79. Id. [↑](#footnote-ref-80)
80. Id. [↑](#footnote-ref-81)
81. Id. [↑](#footnote-ref-82)
82. Id. [↑](#footnote-ref-83)
83. Id. [↑](#footnote-ref-84)
84. Id. [↑](#footnote-ref-85)
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86. Id. [↑](#footnote-ref-87)
87. William Upski Wimsatt and Adrienne Brown, Ed. *How to Get Stupid White Men out of Office: The Anti-Politics, Unboring Guide to Power*. Soft Skull, 2004. [↑](#footnote-ref-88)
88. Michael Moore, author of *Stupid White Men and Other Sorry Excuses for the State of the Nation*. Harper, 2001. [↑](#footnote-ref-89)
89. Josh MacPhee, Stencil Pirates, Soft Skull, 2004. [↑](#footnote-ref-90)
90. [↑](#footnote-ref-91)
91. Poor, supra note…. At 104. (Noting that Marquette Books will launce seven new journals in 2008 all using an open access model where authors retain copyright instead of the journal). [↑](#footnote-ref-92)