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Digital culture between distribution and remix

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In digital culture, we recognize new delivery options for media (audio, films, games, texts) – not only a new storage paradigm, but a transition to interactivity with proliferating screens of all sizes. These networks of transmission and circulation (including but not limited to UseNet or BitTorrent, iTunes or Tidal, Napster or Pandora, YouTube or Vimeo, SnapChat or Vine, Hulu or Netflix, Aereo or FilmOn, Steam or GOG.com, Twitch or TikTok, to name but a few) challenge some fundamental precepts of the media industries, and produce new configurations of information and entertainment.[3] Even a casual survey of digital distribution reveals that online content delivery means different things for audiovisual content in a variety of formats, and the consequences need to be discussed from the perspective of consumers, distributors, and creators. What we still call newspapers, television programs, books, films, music albums, games, etc. became increasingly available not only on physical data carriers but as streaming or downloadable data.[4] This shift is not only overriding physical media (what used to come on paper/tape/floppy/cartridge/vinyl/CD/DVD/BluRay, etc.), it means we need to reformulate certain questions that used to be medium-specific: what will happen to retro-gaming? What are the rights of used-book owners? Digital distribution has multiple consequences for just what exactly becomes available how and to whom.

In part due to digital distribution, we are now used to a media landscape where consumers get free previews or samples, distributors use licensing and anti-piracy measures, disrupted competitors respond by offering on-demand video or streaming audio services, creators find new access through various DIY distribution channels. Content that used to be premium is now increasingly used to draw an audience online so that their attention can be monetized otherwise. To viewers this can make it seem like more content is available for free. To dis-

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3 Compare James Allen-Robertson, *Digital Culture Industry. A History of Digital Distribution* (Palgrave Macmillan 2013), Jeffrey C Ulin, *The Business of Media Distribution* (Focal Press 2014), and Michael Curtin, Jennifer Holt, Kevin Sanson eds, *Distribution Revolution. Conversations about the Digital Future of Film and Television* (University of California Press 2014).
4 On cord cutting, see for example Gina Keating, *Netflixed. The Epic Battle for American's Eyeballs* (Penguin 2012), or Brian McKernan, *Digital Cinema: The Revolution in Cinematography, Postproduction, and Distribution* (McGraw Hill 2005).

tributors this is a trade on advertising revenues versus sales. But what does it mean to creators? How do they participate in the digital new economy? The questions such developments raise are complex. What consequences do compression and encoding have, what quality of service do we expect, what can be free, what should not be free, where does piracy begin or end, what about rights management, how are audiences finding what they like, how do media offerings become more than generic, how do creators and distributors find audiences, what roles do advertising and technology play? To what extent are we acting not only as passive consumers of media content, but take on varying roles as creators, producers, marketers, and distributors in an age of media platforms, remixing, sampling, and mashups?[5] One entanglement is the nexus of access, including but not limited to the tension between commerce and piracy.

Media conglomerates tend to view any and all piracy as detrimental, ignoring the factual findings from many countries that often the most ardent pirates are also those who spend the most on the kind of music, film, or other media content they hoard.[6] Media alliances have started to spread fear, uncertainty, and doubt about entertainment online, warning that online distribution may expose people to malware that steals user names and passwords.[7] Studies of notorious online markets distinguish various business models. 4shared.com for instance is a cyberlocker that provides legitimate file storage but is also alleged to facilitate pirated videos, music, books, and games. Another site, beevideo.tv, started as an application for set-top boxes and mobile devices downloaded over 12 million times, allegedly providing access to infringing content. Sites like sci-hub.org, bookfi.net, and libgen.io reportedly make available millions of publications, often without consent of copyright holders; smaller collections used to be available from aaarg.org, textz.com, library.nu, and other sites now shut down. Torrent trackers offer a logical and legitimate technical solution to the difficulties of moving large files online to lots of destinations without a large budget; Linux software for instance is routinely made available that way, but so are pirated software and movies.[8] One aspect that corporate views tend to ignore is that the reason movie theater revenues, DVD sales, music sales, and game sales are under increasing pressure is that all these media experiences compete against each other and against new experiences, while attention, discretionary income, and free time simply cannot grow at the same rate. Mobile games, social media, and other new formats necessarily cut into the audience share of "eyeballs" that used to go reliably to TV, cinema, or concerts.

Similar dynamics are transforming the way music is recorded, distributed, and heard – and again, one of the most salient consequences of the transformation is how such access gives rise to remix, mashup, sampling, and forms of creation that would have been unlikely or much harder without such access.[9] In some ways, stream ripping and CD remixing is not new. Already in the 1980s, the music industry waged a war of attrition against cassette tape, with warning labels, taxes and levies on blank tape, moral panic campaigns, etc. - yet many musicians (punk bands especially) fought back. For musicians, their records are not simply products, but acts of communication. When Producer Malcolm McLaren released Bow Wow Wow's cassette-only single "C-30 C-60 C-90 Go" with a blank B-side that urged consumers to record their own music, EMI quickly dropped the band. Another act, The Dead Kennedys, repeated the blank b-side gimmick with "In God We Trust, Inc.", meaning that anyone who came into possession of a used tape of either may discover unpredictable juxtapositions. The rhetoric around illicit distribution of

5 See Stefan Sonvilla-Weiss, *Mashup Cultures* (Berlin: Springer 2010), or Aaron Morales, *American Mashup: A Popular Culture Reader* (Chicago: Longman 2011)

6 Compare David Blackburn, Jeffrey Eisenach, David Harrison, *Impacts of Digital Video Piracy on the US Economy* (June 2019), https://www.theglobalipcenter.com/wp-content/uploads/2019/06/Digital-Video-Piracy.pdf, and Ross Crupnick, "Thanks to Stream--Ripping, Music Piracy Still a Scourge," *MusicWatch* (May 30, 2019), https://www.musicwatchinc.com/blog/thanks-to-stream--ripping-music-piracy-still-a-scourge/

7 Digital Citizens Alliance, "Fishing in the Piracy Stream: How the Dark Web of Entertainment is Exposing Consumers to Harm" (April 2019), https://www.digitalcitizensalliance.org/ clientuploads/directory/Reports/DCA_Fishing_in_the_Piracy_Stream_v6.pdf

8 I hasten to add that Spotify also uses a peer-to-peer network along with its servers, and Skype is another hybrid peer-to-peer and client-server system, yet nobody accuses them of belonging to the maligned "dark web". And the internet itself was conceived in the 1960s as a peer-to-peer structure.

9 Compare David Laderman & Laurel Westrup, *Sampling Media* (Oxford University Press 2014), and Eduardo Navas, *Remix Theory: The Aesthetics of Sampling* (Vienna: Springer 2012).

media is unfortunately very divisive.[10] But it is obvious that this is not just about accessing live sports broadcasts or streaming the latest popular music.

Cultural consumption, which evidently includes consumption and production of media, is undoubtedly "an ensemble of practices that shape the sphere of citizenship" (CANCLINI, 2001, p. 22). Therefore access to information is a right of citizenship insofar as it remains essential for individuals to make informed decisions and "act autonomously and creatively (CANCLINI, p. 45; 130-131)." Yet in this very same constellation, there is also "exclusion of people and territories which, from the perspective of dominant interests in global, informational capitalism, shift to a position of structural irrelevance", as Manuel Castells (1998, p. 162) observed, which led many observers to call for resistance against exporting the US intellectual property framework to the entire planet. Many commentators explicitly see certain forms of piracy, along with certain formats of activist media remix, as engagement for social change, and not as detrimental to a media economy.[11] For how can one reconcile the apparent tension between the Universal Declaration of Human Rights, Article 27 ("everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits") and the copyright regime as articulated in Article 1, Section 8 of the US Constitution ("promote the progress of science and the useful arts by securing for limited time to authors and inventors the exclusive right to their respective writings and discoveries")? Two worlds are emerging: "one is information as well as economically rich, the other is information and economically poor (YAR, 2008, p. 617)."

On the other hand, new forms of communication emerging on the same networks also offer feasible strategies for economic and social inclusion.[12] Digital distribution affords consumers a certain amount of convenience and choice, but for distributors it also means that it is less obvious where the audience is: if they are no longer watching movies in theaters (at certain times of the day and on certain popular days of the week) but online via VOD, who are they, where are they, and how do advertisers and distributors know what the audience likes? In film distribution, for instance, once the required infrastructure is in place, digital distribution can reduce the upfront cost that used to go into making a film available widely, and also promises to reduce marketing costs, because distributors can target audiences in more finely tuned ways (e.g. personalized recommendations on VOD channels, etc). Even if the transition was wrenching, it is only gradually becoming clear to creators, distributors, and audiences what kinds of trade-offs one may recognize in this transition.

Each year, practically all Oscar-nominated films quickly become available on pirate sites before the Academy Award ceremony is held, usually in very high quality; one factor making this possible, even before those movies have left the theaters and started to sell on DVD or BluRay, is that studios rely on screener discs sent out to Academy members and journalists in the marketing campaign for Oscars.[13] The fact that so-called screener leaks (traceable to industry insiders) have been consistently the main cause of early and accelerated Oscar-nominee piracy over the past decade shows that to an extent studios seem to accept this risk as part of their marketing cost. On average, in the past dozen years it too less than a month after its first screening for an Oscar-nominated film to leak online in a high-quality version: often it takes less than a week. Recently, legendary film maker Werner Herzog allowed himself to be quoted as stating flatly that "piracy is the most successful form of distribution worldwide" (BLANEY, 2019, online). But the reasons why someone like Herzog would recognize piracy as a successful form of distribution are rather varied. In some cases, films do not get commercial distribution, and so are denied an audience. In other cases, geogra-

10 See, for instance, Robert Levine, *Free ride: how digital parasites are destroying the culture business, and how the culture business can fight back* (Doubleday 2011). Compare Jonas Andersson Schwarz, "Honorability and the Pirate Ethic", in Tilman Baumgärtel ed., *A Reader in International Media Piracy: Pirate Essays* (Amsterdam University Press 2015), 81-110. For a neoliberal take on the same issues, see João Quintais and Joost Poort, "The Decline of Online Piracy: How Markets – Not Enforcement – Drive Down Copyright Infringement", *American University International Law Review* 34:4 (August 14, 2019), 807-876 (2019).

11 Jonas Andersson Schwarz, Patrick Burkart, Patricia Aufderheide, Peter Jaszi, Christopher Kelty & Gabriella Coleman (2015) "Piracy and Social Change: Roundtable Discussion", *Popular Communication*, 13:1, 87-99.

12 Jesús Martin Barbero, "From Latin America: Diversity, globalization, convergence," *Westminster Papers in Communication and Culture* 8:1 (2011), 47.

13 On this nexus, see Peter Krapp, "The most reliable source of piracy: the Hollywood PR machine" *The Reel: Scroll.In* (Feb 19, 2016), http://thereel.scroll.in/803764/the-most-reliable-source-of-piracy-the-hollywood-pr-machine

phical distribution windows are so far apart that ardent fans in various parts of the world may lose patience and seek to circumvent the timetable distributors have agreed to.[14] In yet other cases, the motivation for piracy is affordability, not just access. And in certain cases, piracy is motivated by barriers to access that have to do neither with geography nor with affordability but with credentialing, for instance in the distribution of academic publishing; a number of initiatives see it as unfair and exclusive, and organize file sharing and downloads to circumvent those barriers for the greater benefit of academics outside the credentialing networks.[15]

For these changes affect text as much as audiovisual media. There are numerous online text archives, mostly devoted to academic publications but also encompassing fiction and creative nonfiction works, such as Libgen, Aarg, Monoskop, B-OK.CC, and others around the web, bypassing access controls and copyright, especially for those who cannot afford or enter well-stocked scientific libraries and journals.[16] A foundational reference for those who defend those initiatives is a slim but ambitious volume on *Radical Tactics of the Offline Library*.[17] Print books of course have the advantage of being tamper-proof, version--controlled, redundantly stored data-carriers that are relatively sustainably sourced, less susceptible to corruption than digital data, and function as mobile, carefully designed objects to own and to keep. Ebooks, by comparison, may be lower priced, but their flexibly displayed, quickly published, more easily shared and duplicated content is software dependent and often not actually owned by the end user. If you prefer to read printed paper rather than electronic documents, maybe this is because the form of the book as a codex is a random-access machine, while online texts tend to be scrolls – the form the codex had already replaced hundreds of years ago. Unless they take a lot of effort to closely replicate the layout of the printed page, thus giving up many of the advantages of the flexible, small storage footprint of electronic text, ebooks do not have reliable citable page numbers, and though it is possible to annotate them, it is not quite the same as working with printed matter. On the other hand, electronic documents afford search modes that are fast and make text tractable for machine access in addition to the human user interface. Yet among those who own and use ebooks, surveys find a majority who downloaded or copied them for free, rather than buying them legitimately (or borrowing from a library). The format also influences discovery; before 2010, over a third of book purchases were made because someone found a title on a shelf; only a few years later, the dominant factor is personal recommendation or social media mention, leaving much less room for serendipitous or systematic discovery. Digital texts have tremendous reach but limited discovery yield. Similar things can be observed about streaming film; only about an eighth of the most popular and critically acclaimed films are actually available via on-demand subscription services, despite uniquitous claims to deep catalogues, and often geo-blocking exacerbates that issue, vexing viewers who simply connect from the wrong part of the world.[18] In discussing various groups of "Brazilian fans who collaboratively produce amateur subtitles for (illegally) downloaded TV shows" (SÁ, 2014), one may want to distinguish between *fansubbers* (who mostly focus on content from Asia) and *legenders* (who focus on Anglophone content). Both kinds of groups,

14 Florian Hoof, "Live Sports, Piracy and Uncertainty: Understanding Illegal Streaming Aggregation Platforms," Ramon Lobato & Jonathan Meese eds, *Geoblocking and Global Video Culture* (Amsterdam: Institute of Network Cultures 2016), 86-93.

15 See Vincent Lariviere, Stefanie Haustein, and Philippe Mongeon, "The Oligopoly of Academic Publishers in the Digital Era," *PLoS ONE* 10:6 (June 10, 2015), and Ian Sample, "Harvard University says it cannot afford Journal Publishers' Prices," *The Guardian* (April 24, 2012).

16 Prasanna R Deshpande, "Why should Sci-Hub be supported?" *International Journal of Health and Allied Sciences* 8:3 (2019), 210-212. - Compare Matthew Fuller, "In the paradise of too many books: an interview with Sean Dockray," *Mute* (May 4, 2011), www.metamute.org, and Sean Dockray and Lawrence Liang, "Sharing Instinct: An Annotation of the Social Contract through Shadow Libraries," *e-flux journal: 56th Venice Biennale* (August 14, 2015), www.e-flux.com. See also Annet Dekker, "Copying as a Way to Start Something New: A Conversation with Dušan Barok about Monoskop," in Annet Dekker ed., *Lost and Living in Archives: Collectively Shaping New* Memories (Rotterdam: Piet Zwart Institute 2017), 175-192.

17 Henry Warwick, *Radical Tactics of the Offline Library* (Amsterdam: Institute for Network Cultures 2014), http://networkcultures.org/wp-content/uploads/2014/06/NN07_complete.pdf

18 Of course, uNoGS.com, the unofficial Netflix online global search, offers a database that allows audiences to see which content is available in which country, along with a selection of proxies and VPN or DNS providers that permit access to the shows or movies they are looking for.

however, in their effort to provide Portuguese subtitles, exemplify a convergence of fans and pirates in search of audiovisual content.[19]

Similarly, entire music genres have become implicated in the debate over piracy and other non-commercial distribution in the global south.[20] At the same time, it should be emphasized that piracy and other forms of non-commercial distribution are not simply a reaction formation that is purely about richer versus poorer, nor about early-distribution window versus late. Nor is the piracy phenomenon explained satisfactorily with reference to international distribution windows; nearly a third of all US adults admit to downloading or streaming pirated movies or TV shows, a survey found in 2017.[21] A fast-growing percentage of households are cord-cutting, that is to say, they no longer have a cable or satellite TV connection. Often what we still call TV is actually streaming internet media, or downloaded content.[22] Most younger people never consider cable or satellite as they prefer to consume audiovisual media on their smartphones, tablets, or portable computers. As those devices have become more capable of storing and displaying media, the networks had to rapidly improve to provide the bandwidth needed.

This brings us to the interdisciplinary discourses around remixing, a topic pivotal for any critical theory of digital culture. The rampant popularity of remix is a peculiar challenge to the common understanding of creative expression - both in the contemporary context and in various theoretical dimensions. Remix of course has its roots in the emergence of recording and reproduction, raising questions about originality and repetition; but it has quickly become about the policing of legal and aesthetic boundaries with regard to genre, copyright, and distribution; and the practices of remix have far-reaching consequences of how we see technology in relation to art, communication, digital humanities, music and sound studies, media studies and visual culture, cultural history and media anthropology.[23] By the same token, and despite its topical currency, it is clear that "remix studies" cannot be a settled discourse – straddling critical legal theory (including but not limited to copyright), political considerations (including but not limited to the digital divide), industry studies (including but not limited to distribution of media "content"), and spirited debates over the historical and future potency of innovation and creativity (including but not limited to the difficulty of defining and distinguishing improvisation or imitation, homage and derivative work in mashups, etc.). To outline the contours of conceptual and historical stakes of the remix phenomenon one may be tempted to go back to Walter Benjamin on the work of art in the age of technical reproducibility, but one might also recognize readily how digital technology affords wider and easier access to media and thus allows remix practices to surge.[24] Those who would emphasize a longer lineage also point to appropriation in the history of art, while those who would foreground the radicalization of remix potential by dint of audiovisual technologies point to the strictures of the current copyright regime and the reaction formations it provokes.[25]

While hip hop made it perhaps more obvious

19 Mario Henrique Perin Bernardo, *Subtitulando: O universe dos legenders e fansubbers no Brasil*. Post Graduate Lato Sensu (Casper Libero, Sao Paolo 2011), cited in Vanessa Mendes Moreira De Sa, "The Collaborative Production of Amateur Subtitles for Pirated TV Shows in Brazil," in Martin Fredriksson and James Arvanitakis eds., *Piracy – Leakages from Modernity* (London: Litwin Books 2014), 285-306.

20 Ronaldo Lemos, "To Kill an MC: Brazil's New Music and its Discontents", in Lars Eckstein and Anja Schwarz eds., *Postcolonial Piracy. Media Distribution and Cultural Production in the Global South*, London: Bloomsbury 2014, 195-214.

21 Irdeto/YouGov survey of over 1,000 respondents, see https://torrentfreak.com/32-of-all-us/adultsa/watch-pirated-content-170119/

22 Television scholars have long joked among themselves that TV "is a medium because it is neither rare nor well done" - but increasingly they come to realize that TV is no longer easily distinguishable from, say, Netflix or Amazon or Hulu or YouTube or Twitch etc: Medium-specificity is in question.

23 Robert Verhoogt & Chris Schriks, "Reflecting Media: A Cultural History of Copyright and the Media," Karl de Leeuw & Jan Bergstra eds. *The History of Information Security* (Amsterdam: Elsevier 2007), 83-119.

24 Walter Benjamin, *The Work of Art in the Age of its Technical Reproducibility* (Cambridge: Harvard 2008); compare David Gunkel, *Of Remixology: Ethics and Aesthetics After Remix* (Cambridge: MIT Press 2016), or Mark Amerika, *RemixtheContext* (New York: Routledge 2017).

25 For the art historical view, see Kristin Eschenfelder & Michelle Caswell, "Digital Cultural Collections in an Age of Reuse and Remixes" *First Monday* 15:11 (2010), and David Evans, *Appropriation: Documents of Contemporary Art* (Cambridge: MIT Press 2009); for the technodeterminist perspective, see for example Leo Goldsmith,"A MOVIE BY ... Appropriation, authorship, and the ecologies of the moving image" *First Monday* 22:1 (2016), or Thomas W. Joo, "Remix without Romance," *Connecticut Law* Review 44 (2011), 415-480.

than other genres, sampling and mashups and remix of music or video tracks grew rapidly.[26] As long ago as 1988, Chuck D rapped "Caught, now in court 'cause I stole a beat / This is a sampling sport."[27] With extensive samples from the Monkees, the Beatles, Whitney Houston, and ABBA, British pop duo Bill Drummond and Jimmy Cauty (recording as KLF among other pseudonyms), practiced an aggressive appropriation that predated Public Enemy's early forays into copyright debates or Negativland's impish copyright activism (which was prompted by a 1991 lawsuit for daring to sample and satirize U2). John Oswald's Plunderphonics got him in trouble with Michael Jackson's lawyers in 1989.[28] In many early legal cases, the defense was not so much about freedom of expression, parody, or other exemptions that limit broad restrictions, but often rather explicitly about cultural activism and the right to protest.[29] Video remix practices such as political mashups have a long tradition of critical engagement, but have also been said to indulge in an aesthetics of deception.[30] But many other remix practices have been overtly positioned as activism – whether directed against the overzealous export of American copyright protections, or against other political constraints and causes.[31] Faced with this dynamic, many media scholars have focused on modest exemptions in copyright law that are supposed to foster certain freedoms, whether conceived as fair use or as the space that used to be labeled the commons.[32]

These positions on the digital distribution, propagation and consumption of cultural contents (music, films, games, videos, series, texts, images and so many others) build a scenario of disputes in which continuities and ruptures coalesce, both in the context of the dimensions already indicated, but also with regard to the elaboration of "content" itself – that is technocultural productions in their technical, aesthetic, and political dimensions. Here it is important to emphasize that the intention is to conceive of a a technocultural perspective on these productions as a way to contemplate both products and processes: that is, the two "dimensions" of the computational metamorphosis proposed by Manovich (2001, 2013) in *The Language of New Media* and *Software Takes Command*. In other words, both an exclusive Netflix overproduction and the TikTok platform itself can be positioned within this perspective, despite their due differences and specific investigative possibilities. Part of this friction between permanence and change is evident, to the extent that fields such as the juridical and the economic and - and this one indicated as a "third" - the technocultural are in constant tension, and in the sense that they imprint different speeds on their evolutionary processes, in which situations of adaptation and experimentation present themselves.

Moreover, apparent limitations or insufficiencies of one or more of these fields (what might be better defined as the current stage of technology - extending the idea of technique to economic policies and legal regulations) become, in effect, drivers of trends or scenarios in which contemporary technocultural production emerges. This is not a proposal of the crystal-ball type, but an attempt to apprehend a picture of in-process situations, looking critically both at industry claims that "the future has arrived" (suggesting the end of a teleological media history), and a naive expecation of salvation by the supposedly

26 For a crowd-sourced effort to account for sampling, mashups, and remix, see https://www.whosampled.com/

27 See also Mickey Hess (2006) "Was Foucault a Plagiarist? Hip-Hop Sampling and Academic Citation" *Computers and Composition* 23(3) 280-95.

28 Compare Aram Sinnreich, *Mashed Up: Music, Technology and the Rise of Configurable Culture* (Amherst: University of Massachusetts Press 2010), Margie Borschke, *This is Not a Remix: Piracy, Authenticity, Popular Music* (London: Bloomsbury 2017), and Paul Miller, *Sound Unbound: Sampling Digital Music and Culture* (MIT Press 2008)

29 Rosemary Coombe, "The Expanding Purview of Cultural Properties and their Politics" *Annual Review of Law and Social Science* 5 (2009), 393-412.

30 See Mette Birk, "The Panopticon of Ethical Video Remix Practices" *The Routledge Companion to Remix Studies* (New York: Routledge 2015), 246-257; Corey Creekmur, Melanie Kohnen, Jonathan McIntosh, Lori Morimoto, Katherine Morrissey, Suzanne Scott, Louisa Stein (2017) "Roundtable: Remix and Videographic Criticism" *Cinema Journal* 56(4) 159-184; Richard Edwards & Chuck Tryon, "Political video mashups as allegories of citizenship empowerment" *First Monday* 14:10 (2009), or Diran Lyons, "An Aesthetics of Deception in Political Remix Video" *The Routledge Companion to Remix Studies* (New York: Routledge 2015), 495-502.

31 Paolo Peverini, "Remix Practices and Activism" *The Routledge Companion to Remix Studies (New York: Routledge 2015), 333-345*; Kembrew McLeod, *Freedom of expression: Overzealous copyright bozos and other enemies of creativity* (New York: Doubleday 2005)

32 See Lewis Hyde, *Common as Air: Revolution, Art, and Ownership* (New York: Farrar, Straus, Giroux 2010); Patricia Aufderheide & Peter Jaszi, *Reclaiming Fair Use: How to Put Balance Back in Copyright* (Chicago: University of Chicago Press 2018), and Lawrence Lessig, *Remix: Making Art and Commerce Thrive in the Hybrid Economy* (New York: Penguin 2005)

democratized and horizontal access to the "metamedium" and its trappings of connectivity.[33] This exercise is inspired by two aspects that contribute to such a scenario: first, it invokes the idea of "critical uncertainties", understood in studies of administration and strategic design as forces in relation to which there is no clarity of their future unfolding. Critical uncertainties, in turn, tend to modeled in polarities - strictly controlled copyright as opposed to a "world in permanent Creative Commons"; Majid Yar's two worlds of rich and poor information mentioned above; centralization of platforms for publication/circulation of technocultural products versus fragmentation of (non-corporative) initiatives. It is clear that these extremes do not entice us simply to bet on black or red chips, but they open up malleable analytical boundaries.

Along those lines, it is also possible to briefly resume McLuhan & McLuhan's (1992) "speculative algorithm": the famous tetrad of his "laws of media", understood as a dynamic tool that would be able to explore a grammar of all media by proposing what a new technocultural form, inserting itself into the social fabric, will improve, make obsolete, recover, or reverse (when pushed to the limit). Despite the limitations of these proto-heuristics, the clues listed in such reflections give us room for some propositions regarding digital culture between distribution and remix, always taking into account - or precisely counting on - the risks and challenges of the tectonic movements produced by various economic/market, legal/regulatory, and technocultural/aesthetic constellations.[34] Rather than betting on one scenario or another as more likely than others, they open up a spectrum for the evaluation of what coalesces in the practices of digital culture.

One such scenario would emphasize less disruptive characteristics, related to protective formations of mainstream content producers in the so-called big entertainment industry. This is what we may recognize in the occupation of space in the "streaming wars", as "native" initiatives of digital culture such as Netflix feel pressure from more traditional conglomerates such as Disney. In this perspective, "cutting the cord" is not an attitude of rebellion by viewers faced with a closed system of few protagonists, but an option for a new elite among the players of that war. From the point of view of technocultural production, this scenario accelerates two other characteristics: the first concerns the valorization of the "historical" database of films, series, and other audiovisual materials of each one of these players, that is, a game of withdrawals and insertions of materials is established between the established platforms and the incoming ones, in which the idea of "audiovisual repertoire" appears as a competitive differential. This same notion of repertoire makes room for the second emerging characteristic, the dual identity of platforms as means of circulation/visualization of content and as producers of content, as Manovich has it. In this sense, the disputes between the holders of different audiovisual repertoires will also occur in the interfaces that mediate relationships with users. Differentiators and imitators interweave here, such as the construction of specific profiles or additional content that adds synchronous information to the execution of a film or series, such as the "x-ray" functionality of Amazon Prime Video, based on the Internet Movie Databas (IMDb) database.

From a marketing point of view, in a war of this kind, the most economically structured initiatives would tend to survive, which could open a new gap for the circulation and support of aesthetic and technical minority audiovisual productions; consumers would just swap their habit of using remote controls to choose between hundreds of cable TV channels for the navigation bar between 10 or 12 applications of the streaming players. This reduction of alternatives, and even an increase in access/signatures for so many platforms, could lead to other consequences: would there be a new wave in initiatives considered "piracy" for file-exchanges and content circulation? Would the training of screenwriters, directors and other audiovisual arts professionals incorporate into their curricula the pitching of content to new platforms, to the detriment of the exploration of other spaces and grammars (games and video clips, for example, currently travel outside the streaming war)? Here we propose a close relationship between the "platform" medium and the formats that appear there: in this scenario the platform *in-forms* not only audiovisual productions - in the terms proposed by Mark Hansen (2006) in *New Philosophy for New Media* - but the resulting consumer practices of sharing or piracy. While a majority of academic investiga-

33 See audiovisual productions for prospecting future scenarios for information and communication technologies such as Samsung's "Welcome to the Future": https://www.youtube.com/watch?v=XyIvSIY0MTM&t=2s.

34 A thought-provoking documentary (including Gilberto Gil) is "RiP! A Remix Manifesto", http://www.nfb.ca/film/rip_a_remix_manifesto/

tions focus on a negative correlation between piracy and profits, a new study from Eastern Michigan University and the University of British Columbia established that pirating movies can in fact positively impact box office revenue. Their research finds that high-quality piracy during opening week has promotional effects leading to an increase in legitimate revenues.[35]

A second scenario could be proposed that would explore the more radical aspects of remix culture – characteristics such as coalescent movements of dispersion and convergence of "content" and the fragmentation of tools and platforms for insertion and propagation of technocultural product. In this scenario, admittedly speculative but without departing from the context circumscribed here, the arrangements and validations of copyright and authorship would systematically shift towards more open licensing modalities for rearrangements and bricolage. Adapting Wendy Chun's (2016) recent reflections on substituting the notion of society for the network, in which the notion of privacy belonging to the former would be dissolved, this might result in the need to claim the rights to "be exposed, take risks and be in public and not be attacked". In this mode, it would no longer be a question of preserving previous notions of authorship but of claiming rights and duties within the new possibilities that emerge from the radicalization of DIY/remix processes as a creative gesture that develops new techniques and aesthetics even for the mainstream industry.[36] Processes of creation, sharing and propagation of technocultural products would operate even more incisively around the notions of fragment and assembly, in ever more ephemeral arrangements of time and space. This more porous dimension of the digital fabric punctuates a tendency towards formation processes for audiovisual production (understood in the widest possible scope of this term) that foregrounds the development of skills that link computational thinking and the construction of hardware objects to the dimensions of languages and media aesthetics. Currently, such movement has clues in initiatives such as Disobedient Electronics and its manifesto that defends that it is necessary to go beyond speculative design to combat conservative forces, the works of the artist Cesar Escudero Andaluz and the well-known English collective Blast Theory.[37] These artists also reflect another characteristic of this scenario: the thematicization of the aesthetic mediations and techniques involved in transdisciplinary processes. This, of course, is not new considering the work of other audiovisual directors such as Godard's cinema or Olia Lialina's net art.[38] Still, the processes of technocultural product development in this scenario would greatly reinforce the premise of not taking software (and therefore not hardware) as transparent or as a neutral tool – just like the Lumiére's camera pointed at the train stopped being a window to the world when Meliés took us to the moon. This scenario is also inviting a broader understanding of what can be recognized as a technocultural product. As one of the consequences, we would need to face more attentively the practice of an archaeology of the present, a simultaneous process of recognition of multiple initiatives and eventual intervention in them, in which open works would assume certain states for each access, activation, intervention.[39]

If considered by themselves, both scenarios may resemble fatalism and/or naivety, but it is necessary to go beyond this preliminary perception. As previously emphasized, there is a movement that allows for the elaboration of a set of clues that may help in the understanding of the characteristics of our audiovisual technoculture – more by attending to certain practices of each scenario than in betting on one of them winning the dispute for the future. The assumptions made here, both in the recovery and assembly of historical elements constituting the current context, and in this rapid speculative exercise, demonstrate that between distribution and remix culture, digital (techno)culture is both provocative and the result of tensions that are still permanent among social fields, perennially offering new clues in technocultural productions and their construction and circulation.

35 Anthony Koschmann, Yi Qian, "Latent Estimation of Piracy Quality and its Effect on Revenues and Distribution: The Case of Motion Pictures", NBER Working Paper No. 27649 (August 2020), https://www.nber.org/papers/w27649

36 One video series instantiating the totalization of Remix can be found at "Everything is a Remix", https://www.everythingisaremix.info/watch-the-series/

37 For Disobedient Electronics, see http://www.disobedientelectronics.com/; Cesar Escudero Andaluz: https://escuderoandaluz.com/; Blast Theory: https://www.blasttheory.co.uk/

38 Olia Lialina, http://art.teleportacia.org/

39 Lev Manovich in the introduction to *Language of New Media* (2001) proposed a "theory of the present" in order to examine new media.

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