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Response to Kerr - 2

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Response

Stephen Burt

The Electronic Poetry Center (<http://wings.buffalo.edu/epc/>). Wild Honey Press (www.wildhoneypress.com). Jacket (jacketmagazine.com). Contemporary Poetry Review (www.cprw.com). Quarterly Literary Review—Singapore (www.qlrs.com). Varnamala: Indian-English Poetry (www.geocities.com/varnamala/ineng.html). The War against Silence (www.furia.com/twas). Thai Pop Music Chart (<http://www.thainetcity.com/shop/top10.htm>). WFMU radio (www.wfmu.org). University of Minnesota student radio (www.radiok.org). Save Our Streams (www.ruf.rice.edu/willr/cb/sos).

What do all these websites have in common, and what do they have to do with BSkyB? Dr. Kerr's timely and cogent essay explains how globalization has affected audiovisual art forms in Ireland. She shows how Irish regulators have worked with (or against) "corporate oligopolies" to shape and limit one form of internationalism in the media. The websites that I have just listed represent another form of internationalism in the arts—a kind that creates global audiences for proudly or defiantly local content. We might call this phenomenon *localist internationalism*. This essay explores examples of it in poetry and pop music, mostly from the Irish republic, Singapore, and the United States. The broadcast media trends that Kerr describes differ from these new media trends, I will claim, principally because of differences between poetry and music, on the one hand, and film and television, on the other. Even in poetry and music, however, the corporate interests that Kerr examines pose threats to local content and to that content's global availability. I will conclude by describing one of those threats at its origin and points of impact in the United States.

Kerr hopes to "understand the relationship between the media and culture," drawing parallels with "emergent mass media" of other eras, such as "telegraph and cinema." *Media* is the plural of *medium*, "an intermediate agency, means, instrument or channel."¹ Air is a medium for sound, light, and radio waves. Radio waves are a medium for talk and music. Print is a medium for sonnets, novels, and descriptions of basketball games, all of which are forms or kinds of writing (we might call them media, too). When we talk about *the media* we are talking about several things, and, often, focusing on what those things have in common.

We also need to think about how media, and the forms a given medium carries, differ. Kerr considers film and TV; her earlier work examined videogames. These art forms require some money to produce and more money to distribute, even on a limited (city center to city center) basis. They present, in other words, high capital barriers to entry. Other art forms experience globalization very differently. Kerr notes that during the 19th century, “song and dance — media which require little in terms of capital resources and little formal training — carried Irish cultural heritage abroad,” while “the newspaper and the book remained the preserve of the literate upper classes.”

Pop songs and poems in the English-speaking world now are hardly the province of an illiterate peasantry. They do, however, require less training and are much cheaper to make than feature-length films. Even before the Internet, pop music and literary poetry could include more producers and more local scenes than cinema or television. During the 1950s and '60s, for example, a rock or soul group on a local label could have a Top 10 single in Baltimore or St. Louis without cracking the national charts. Rock, hip-hop, and folk music — and verse in all its varieties — are simply less capital-intensive as art forms than cinema, television, classical orchestral music, and even, perhaps, serious stage drama. The relationship of those forms with national and international digital media therefore encourages, rather than damages, what local character they now possess. The Web lets examples of both arts, and especially conversations about them, receive more and faster hearings over great distances. At the same time, the preeminent examples of Web influence show no sign of damaging local or national character.

Kerr notes that Irish access to British-owned stations and to American content threatens to prevent “independent producers and producers from small domestic markets” from reaching a domestic audience unless and until their work succeeds abroad. Pop musicians have faced and described the same problem. The Dublin pop group Stars of Heaven complained in 1988 that though they tried to “tell a different story,” “Little England...where the money’s made,” remained “a thousand miles away.”² If Stars of Heaven re-formed, they might still complain, but they could, perhaps, do more about it — as the poet Randolph Healy has. The son of a postman and trained as a mathe-

matician, Healy published a chapbook in 1983 and then no books (and very few poems in journals) until the late 1990s. During the late 1990s, however, his work began to appear in some quantity from magazines in England and America and from his own Bray-based Wild Honey Press, whose site (www.wildhoneypress.com) offers not only chapbooks but also audio recordings of other experimental poets' work.

Healy's spate of publication owes something to a conference in New Hampshire and something to the Internet, which made it very much easier to sell small-press books without middlemen and across national boundaries.³ Once confined to short, page-sized poems, Healy's work has expanded into open-ended sequences, in part because the Web makes them easier to conceive and to publish. One such sequence, "Arbor Vitae," explores yet another medium, and another international community, who surely belong among "the less well-off in society" in Kerr's phrase. The medium is sign language—or rather sign languages—and the community is that of the deaf:

St. Mary's School for Deaf Girls,
St. Joseph's School for Deaf Boys,
both residential, only hundreds of yards apart,
yet the lack of opportunity for contact between them
led to separate "men's signs" and "women's signs."
The difference between these became so great
that a belief arose among the girls
that another system had been brought from America for the boys.⁴

Published on the Web, the poem as a whole has never seen print. The American scholar and critic Keith Tuma, however, gave "Arbor Vitae" tens of thousands of potential readers when he placed excerpts in an Oxford University Press anthology.⁵

Healy's imagined community of readers, critics, and writers shares energy with other, more interactive websites, like the University of Buffalo's Electronic Poetry Centre, and with Internet-based poetry magazines. Of the latter, the most important remains *Jacket* (jacketmagazine.com), founded in 1997 and still run by the Australian poet John Tranter.⁶ In its seventeen complete issues so far, *Jacket* has run poems, essays, and features on Healy and other Irish experimental writers; on literary translators associated with Paris and Mexico City; and on experimental Anglophone poetry from pretty much every locality where it's being written — yet with much more Australian

writing and thinking than such a magazine could have if it originated in London or New York. Tranter's essay "The Left Hand of Capitalism" explains:

Sappho, Callimachus, Catullus, Li Bai and John Donne all had small audiences for their poetry, and any serious poetry faces the same situation today — it's not a profitable market anywhere in the world. Bookshops can only afford to stock popular verse. Canadian bookshops can't afford to stock New Zealand poetry, and vice versa. Few Australian poets are found in the bookstores of Brooklyn; Scottish poets despair of big sales — any sales — in Normal, Illinois. Enter the Internet: it's relatively cheap, it reaches everywhere there's a telephone line (or a satellite drifting overhead), and it costs the distributor almost nothing. In effect, the purchaser does the work of accessing the material and paying for its delivery.⁷

Notice that Tranter's examples of serious poets are deliberately international. *Jacket* works not just as a cheap way to print poetry but as an affordable way to link readers in Toronto with poets in Auckland. These links are not the work of an oligopoly, but a way to evade the costs that oligopolistic distribution and physical raw materials impose; and it is not a threat to local content, but an enabler. Without the possibility of readers in Toronto or Kyoto, writers like Healy might publish nothing at all.

To call these Web-based communities international is not, of course, to say that they reach every nation. One has to look a bit longer to find Web-based poets and critics from developing countries. They can, however, be found. *Quarterly Literary Review Singapore* (www.qlrs.com) is an online poetry magazine in English, by, for, and about a community of (sometimes quite young) Singaporeans. Its editorial material promises both "apolitical" attention to "quality of writing" and "increased scrutiny in the public arena of what kind of home we want Singapore to be."⁸ Recent issues include writing by Singaporeans about Ethiopia and Rhode Island and a longish poem by a native New Yorker. *QLRS* poetry at its best negotiates between local experiences and imported literary models, with finely managed, sometimes comic results, as in Chris Mooney Singh's "13 Ways of Looking at a Durian:"

The land of the Durian Eaters
Is the land of the Lotos Eaters
There is a problem with time.
There is a problem with credit cards.⁹

These examples hardly disprove the very real “digital divide,” the gap in Net access between rich places and poor ones; they do, however, show that new global media *can* promote local arts in developing nations—or at least the art of verse in English.

Poets and poetry are, of course, “high-culture” art forms, hence frequent candidates for institutional support. Can local perspectives and works of art find their way through the Web to an international audience without that prestige or support? It will surprise few readers to learn that musicians in various parts of the globe sell music online. It might do more to show how local perspectives make international trips if we look at the music journalism and criticism that pop music sites also offer. Glenn McDonald’s website (www.furia.com/twas) has offered, for almost eight years and 400 installments, McDonald’s eloquently idiosyncratic essays on whatever his favorite new records are that week. The site began with U.S. and U.K. rock, and has expanded along with McDonald’s own tastes. Recent installments often cover contemporary pop from Japan. “There are enough bands with English names to get you started,” McDonald writes in column number 396, “but you will eventually hit something where you have to do some translation in order to even know what you’re looking at.”¹⁰ Having discovered these Japanese bands through the Web, McDonald is now learning the Japanese language in order to know what he’s hearing and to interpret it for himself and the relevant “virtual communities of interest.”¹¹

Kerr suggests, as have others, that the global reach that new media environments afford communications oligopolies, like the Murdoch empire, may lead to a bad globalization of the arts, with social interests, local practices, and smaller nations neglected. In art forms with low capital barriers to entry, a better kind of globalization is already occurring. People in one corner of the globe get access to art works from another, which do not thereby lose their national or local character. Indeed, that character becomes an attraction for people, like McDonald, who have had little unmediated experience of it. W. H. Auden quipped that poets ought to be like cheeses, “local, but prized elsewhere.” The localist internationalism of these websites uses just that model.¹²

All these examples are meant not just to renew optimism about new digital media but also to show how form and medium matter. Kerr writes that, “the media are only one form of cultural contact.” I would ask instead if they are many—reading a poem on the page of a book,

reading a hyperlinked poem on an Internet page, listening to a song downloaded from a Web page, and watching a feature-length film on the Web, in a theatre, or on TV perhaps constitute six different sorts of cultural contact with six patterns of distribution, some tending to increase and some tending to decrease the opportunities for art making and art reception.

So far, my musical and poetic examples lack obvious policy implications. All these sites contain some political commentary, and some receive funds from a government. None, however, are obviously helped or hindered by national telecommunication laws and rules. The case is otherwise for my final example of localist internationalism—or rather, my final several hundred examples. These are the so-called webcasters, websites (some tied to broadcast radio stations) that play (“stream”) music in real time over the Web. Until faster telecommunications and better microcomputing made webcasting feasible, music broadcasting in the United States was the province of commercial radio, now concentrated in fewer and fewer hands, and of noncommercial stations “left of the dial,” affiliated with colleges and universities, religious institutions, or National Public Radio. Thousands of webcasters changed all that, offering personal record collections, specialist knowledge of choral music or *raï*, or college radio’s usual mix of obscure rock and hip-hop. Listeners with sufficiently fast connections suddenly had hundreds or thousands of ways to hear obscure music, rather than twelve, or two. This, too, was localist internationalism. Webcasts from New Jersey’s WFMU (www.wfmua.org) make the esoteric knowledge of collectors and critics in the New York area available anywhere the Internet goes. “Diffusion en Direct de Africa” (<http://www.comfm.com/live/radio/africa/>), from Paris via Gabon, offers streaming West African pop all night and all day.

Most U.S. webcasters may soon face financial and regulatory ruin. The reasons involve recent changes in copyright law, starting with the Digital Millennium Copyright Act (DMCA) of 1998. Since the dawn of radio, broadcasters have paid royalties to songwriters, that is, to holders of the copyright in each musical composition. Organizations that represent songwriters’ interests (in the United States, ASCAP, BMI, and SESAC) collect money from broadcasters (a flat annual fee from noncommercial broadcasters, a percentage of revenue for commercial

stations) and distribute it to their members. For most college stations, this fee runs in the hundreds of dollars. (BMI also asks some college stations to keep track of what they play for about a week each year.) Radio broadcasters do not, however, pay the musicians who play on the records, nor the labels that release them. Webcast streaming audio, unlike radio, can, in theory, be digitally captured for later playback. Webcast recordings might, then, in principle, trade off with music sales as broadcast recordings would not. Using that logic, the DMCA directed the U.S. Copyright Office and the Librarian of Congress to establish rates and payment schedules for royalties to be paid by webcasters to the holders of copyright in the actual recordings, that is, to the company who put out the records. Broadcasters lobbied for low rates, while the Recording Industry Association of America (RIAA), representing the major labels, asked for higher ones. College and non-commercial webcasters wanted rates lower than for-profit stations would pay. More importantly, webcasters wanted royalties set as a flat annual fee or a percentage of station revenues, rather than on a per-song or per-listener basis.

In June 2002, the Librarian of Congress made his final report. Using a now-defunct 1999 agreement between Yahoo! and the RIAA as the basis for calculating the cash value of each webcast performance, the Librarian set royalty rates at .02 cents for FCC-licensed noncommercial and college broadcasters, and .07 cents for all other webcasters, *per song per listener*. Let me repeat that: per song, per listener. The more people listen, the more the webcaster pays. If these rates stand, webcasters must make these payments not only for all future webcasts, but retroactive to October 1998, and payable by October 20, 2002. According to the *Chronicle of Higher Education*, a college station playing 15 songs an hour, all day, every day, with an average of only 200 listeners per hour, would owe \$5,256 per year, or \$21,024 in retroactive payments, if that station has webcast since 1998. A Web-only station with just 100 listeners per hour, online since late 1998, now owes record companies \$9,198 per year, or \$36,792 retroactive. (Webcasters with very few listeners or few webcasts pay an alternative minimum of \$500/year, \$2500 retroactive.¹³)

"Most stations that were webcasting had no idea that this was coming," writes Rice University broadcaster and activist Will Robedee. "[M]any of those that did" expected a system like ASCAP's and BMI's — "a fixed fee with reasonable record keeping." Robedee adds that the Intercollegiate Broadcasting System, which represents some college

radio stations, “has determined...its members’ average annual budget at \$9,000.”¹⁴ Stations with national or international listenerships for their webcasts have reported budgets as low as \$3,500 (San Diego State) and \$8,000 (UC-San Diego).¹⁵ Even more burdensome than the new fees—often double or triple a station budget—were new record keeping requirements, some prohibitively expensive, others technologically impossible. The June standards required webcasters to report every song played, along with information about it, including how many people were listening.¹⁶ These record-keeping requirements are far beyond what ASCAP and BMI request, and far beyond the capacity of most college and noncommercial broadcast stations, many of which use handwritten play lists. Robedee estimates that so-called measure-cast software (which calculates listeners *per hour*, not per song) costs \$2,500 per year, not counting any additional hardware expenses.¹⁷

Should these rates and requirements stand, certain American stations linked to the Corporation for Public Broadcasting (CPB)—most of them NPR affiliates, but including the University of Minnesota’s Radio K (www.radiok.org)—would be able to keep webcasting, since the CPB has reached a separate agreement with the RIAA.¹⁸ WFMU itself plans to pay only 25 percent of the new fees on the grounds that only 25 percent of their music comes from major labels, and has instituted a variety of internal record-keeping systems to help their DJs prove it.¹⁹ Broadcasters and their allies have also gone to federal courts on this issue, with some decisions still pending. Nonetheless, the DMCA, as interpreted in fall 2002, would mean the end of American webcasting in its current form. Overseas webcasters might be doomed, too, if the major labels pursue them, since their sites have American listeners. Dreading the royalty payments as insupportable and the record keeping as impossible, hundreds of college stations (and an unknown number of web-only stations) silenced their streams between June and November 2002.

While still clouded, the future of noncommercial webcasting looks brighter in January 2003 than it did three months before, because Congress has tried to address the problem. A bill called H.R. 5469 entered the House of Representatives in fall 2002; its original version delayed the effective dates for the June requirements by six months. A second version set new and less stringent rates and requirements, but it applied only to certain commercial webcasters, doing nothing to help college or noncommercial streams. Thanks in part to advocates for college and noncommercial radio, outgoing Senator Jesse Helms (R-N.C.)

held up that version of the bill in the Senate. A third version of H.R. 5469 has now become law, and might (or might not) save collegiate and noncommercial webcasters. This bill postpones the retroactive payments until May 31, 2003, and permits both commercial webcasters and educational and community stations to negotiate new agreements on rates and record keeping with the RIAA.²⁰ The bill does not, however, set new rates itself, nor does it require that new agreements take place. Advocacy continues on several fronts, with the future of small and noncommercial webcasters still very much up in the air.

With her enlightening series of Irish examples, Kerr has shown us how, and how much, government action can matter for capital-intensive, audiovisual art forms — and how profit-seeking multinationals can “deep-six” those art forms’ new potential. It is cheaper to write a poem or record a pop song, and cheaper to make it available on the Web, than it is to make a feature film — hundreds if not thousands of times cheaper. These far lower capital barriers both to making these art forms and to distributing them means that their globalization can take place in part through the localist internationalism that I have described in electronic venues like the *Quarterly Literary Review Singapore*, *furia.com*, or *radiok.org*. As the example of web radio illustrates, however, low capital barriers to entry do not mean that big companies cannot intrude, nor that national politics have no role to play. The protection of both local content and international interest, even in three-minute pop songs, may require new government action — and may require that artists get involved.

Notes

1. OED 5a.
2. Stars of Heaven, “Little England,” *Speak Slowly* LP (Rough Trade, 1988).
3. On Healy’s career, see http://www.wildhoneypress.com/Reviews/Archambeau_Healy_article.htm.
4. http://indigo.ie/~tjac/Poets/Randolph_Healy/Arbor_Vitae/arbor_vitae.htm. Also in Keith Tuma, ed., *Anthology of Twentieth-Century British and Irish Poetry* (New York: Oxford University Press, 2001), p. 884. These and all websites mentioned last visited Feb. 5, 2003.
5. The poem itself also experiments with differences between media — visual and auditory, print and Web, spoken and written, sign and English. Healy writes of the poem’s embedded acrostics, “No matter how good your hearing is there are things which you will not hear.” http://indigo.ie/~tjac/Poets/Randolph_Healy/Arbor_Vitae/arbor_vitae_notes.htm

6. Readers of *Jacket* can see Healy's own books and those from Wild Honey reviewed by writers from other continents. See, for example, <http://www.jacket.zip.com.au/jacket15/guidding-reviews-healey.html>).
7. <http://jacketmagazine.com/lefthand.html>
8. <http://www.qlrs.com/about.html>; <http://www.qlrs.com/issues/jul2002/editorial/ev1n4.html>.
9. <http://www.qlrs.com/issues/jul2002/poetry/13wolaad.html>.
10. <http://www.furia.com/twas/twas0396.html>. For McDonald's introduction to his methods and aims, see <http://www.furia.com/twas/twas0300.html>. On Japanese pop in general, <http://www.furia.com/twas/twas0364.html>.
11. <http://www.furia.com/twas/twas0398.html>.
12. W. H. Auden, *Collected Poems*, ed. Edward Mendelson (New York: Vintage, 1991), p. 853.
13. For the official statement of rates and rules, and the Librarian of Congress' rationale, see http://www.copyright.gov/carp/webcasting_rates_final.html. For the *Chronicle* article, see <http://chronicle.com/free/v48/i49/49a03301.htm>. For other summaries of the new webcasting rules and webcasters' reactions, see especially the Web pages maintained by College Broadcasters, Inc., <http://www.collegebroadcasters.org/streams.shtml> and the advocacy organizations Save Internet Radio, <http://saveinternetradio.org/>; Voice of Webcasters, <http://www.voiceofwebcasters.com/>; and especially Save Our Streams, <http://www.ruf.rice.edu/willr/cb/sos/dmcapage.shtml>.
14. E-mail from Will Robedee of Save Our Streams, Sept. 13, 2002. About IBS in general, and for their (perhaps reckless) position on webcasting, see <http://www.frontiernet.net/ibs/DCMA.html>.
15. San Diego State (KCR) budget as reported by *Wired* magazine, <http://www.wired.com/news/school/0,1383,54726,00.html>; UC-San Diego (KSDT) budget as reported by the Associated Press, <http://www.detnews.com/2002/technology/0208/26/technology-571025.htm>. Macalester College's WMCN, which does not webcast, expects a 2002–03 budget of about \$6,000 (e-mail from station manager Pat McGrath, Sept. 24, 2002).
16. Library of Congress Copyright Office, "Notice and Record keeping for Use of Sound Recordings Under Statutory Licenses," prepared by David O. Carson, Sept. 17, 2002.
17. E-mail from Robedee, Sept. 13, 2002. Other new restrictions concern what can be played (no more than three songs from one artist within three hours, for example). Listener requests may also be illegal, as they might constitute prohibited "interactivity."
18. Conversation with Andy Marlow at KUOM (Radio K), Sept. 12, 2002.
19. <http://www.wfmu.org/carp2.html>.
20. The most reliable and most frequently updated source on these advocacy efforts remains Robedee's Save Our Streams site <http://www.ruf.rice.edu/willr/cb/sos/>. The site's front page gives a history of recent Congressional action (on which my own relies), offers the texts of the relevant bills, tracks ongoing lobbying, and includes a list of already-silenced web streams. For advocacy and journalism on this and related efforts on behalf of independent musicians and small-scale music makers, see also the Future of Music Coalition and its site, www.futureofmusic.org. For a representative college station's decision to cease webcasts, see the site for Boston College radio (WZBC), <http://www.zbconline.com/streams.html>.