

Persona Rights in Young People's Labour of Online Cultural Production:
Implications for New Media Policy

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ABSTRACT

Persona Rights in Young People's Labour of Online Cultural Production: Implications for New Media Policy

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This thesis rests on the argument that the social internet as a commercial space is basically subtended by the appropriation of user labour, in the form of what has come to be called “user-generated content” or UGC. Especially it seems for younger people engaged in the labour of UGC, online content creation also inculcates them into an economy of creative labour. As a kind of apprenticeship for more formal creative industry careers, UGC creates value for both online platforms and for the users’ development of a branded online identity.

Identity work – which in this investigation mainly entails negotiating dimensions of age and gender (and to a lesser extent, class, race and ability) – constitutes an integral part of the value of UGC for individual careers as well as for commercial platforms, but also for the broader civic reverberations of online cultural production. Networked production and sociality are becoming more and more central to conceptions of contemporary citizenship alongside those of economic agency. To this end, the commercial imperatives of the social internet that tend to determine persona rights online, namely rights around privacy and intellectual property, demand re-evaluation in light of UGC as a labour practice.

Legislative protections for Canadians’ persona rights are currently under debate, but internet regulation faces a number of challenges and thus should be accompanied by other strategies for bolstering people’s persona rights online. Ultimately, this thesis seeks to

enumerate recommendations for policymaking around privacy and intellectual property in UGC environments, but also to suggest ways for young people to retain their persona rights while engaging in the UGC labour of online cultural production.

The research questions guiding this thesis follow from its central goal of re-evaluating internet regulation from the point of view of UGC as apprenticeship labour. As such, the overarching research question asks, how might new media policy approach the issue of user labour in online cultural production to protect persona rights? This question invites an answer in the form of recommendations for policymakers, but the structural constraints of policy as a top-down protective mechanism requires alternative modes of addressing persona rights issues from the bottom-up, for instance in media and policy literacy initiatives as well as in participatory technology design. These conclusions stem from the project's overview of policy research and scholarly work, but also from its analysis of four case studies that illustrate some of the activities and experiences of users in their early-20s, who are deeply engaged in the labour of UGC.

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TABLE OF CONTENTS

List of Figures		x
Introduction		1
Chapter 1	Contexts, Concepts, Methods	18
	Key Terms and Literature Review	24
	Methodology	54
Chapter 2	The Labour of Online Cultural Production: An Apprenticeship Model of Negotiated Autonomy for User-Generated Content	81
	From a Labour Theory of Value to a Value Theory of Labour	84
	An Apprenticeship Model of UGC Labour	93
	The Meaning of Skill	109
	Money (That’s What I Want)	124
	Conclusion: Negotiated Autonomy	132
Chapter 3	Politics of Gender and Generation in the Labour of User-Generated Content	136
	User-Generated Content as Civic Engagement	138
	Digital Literacy and New Media Citizenship	146
	Identity-Based Politics and Representation	155
	Conclusion: Identity Work, Appropriation and Protection	168
Chapter 4	Persona Rights: Privacy and Intellectual Property in Young People’s Online Cultural Production	170
	Persona Rights and Privacy	174
	Persona Rights and Intellectual Property	192
	Conclusion: Persona Rights and Regulation	205
Chapter 5	Persona Rights in the Terrain of New Media Policy in Canada	208
	Timeline of Key Events in New Media Policy	210
	Where Are We Now? Contract as Policy	249
	Conclusion: New Media Policy Futures	264
Chapter 6	Conclusions, Applications, Reflections	267
	Policy Solutions	270
	Literacy Solutions	287
	Design Solutions	292
	Looking Back, Moving Forward	295

References	303
Appendix A	Participant Consent Forms and Ethics Approval	331
Appendix B	Interview Questions	339
Glossary	341

List of Figures

Fig. 1. Shawn's Tumblr blog, Motivated Ambition	73
Fig. 2. Angelika's Blogspot blog, Orgasmic Fantastic	74
Fig. 3. Laura's Metro News blog, Famous People Are Weird	76
Fig. 4. Marilis's Wordpress blog, Pregnant Goldfish	77
Fig. 5. Marilis's Tumblr blog, Beer Tearz in Heaven	78
Fig. 6. Marilis's Tumblr blog, Works	78
Fig. 7. Marilis's Tumblr blog, Bookmarks	79
Fig. 8. A post on Pregnant Goldfish	103

INTRODUCTION

At the age of around 9 or 10, Shawn¹ got his first email address through his class at school, in order to send messages to overseas penpals. While he didn't yet have an internet connection at home, computer class was a place where children had access to information and images online, to be used for school projects. Later on in his early teens, Shawn discovered chat programs, like ICQ and MSN Messenger, as well as online message boards, like the forums on *Men's Health Magazine's* website. Yet these early interactions with friends and strangers online were brief, because even once he had gotten dial-up internet access at home, Shawn's time on the sole family computer was limited to one hour an evening.

Growing up in the country, in a small Quebec town of only about 500 people, meant that Shawn's family shared one computer, in his mom's office, which he and his younger brother would take turns using. Once music downloading and social network sites, like Friendster and hi5, became popular, the one-hour time limit on dial-up internet grew more and more difficult to follow. But at the same time, Shawn felt that growing up in the country sheltered him from many of the youth trends in internet activities and popular culture more generally. Other students at his high school in the neighbouring city, for example, had their own laptops and high-speed internet access at all hours of the day or night. By contrast, Shawn's single hour online had to be carefully planned, and negotiated among his family.

¹ Participants' real names are used in this thesis, as per their consent to take part in the study. See Appendix A for participant consent forms.

Yet even with these limitations, Shawn found himself developing a network of friends among his high school classmates and people he met through online message boards or MSN Messenger. Once the social network site MySpace became popular in the mid-2000s, Shawn began engaging with his network of friends on the site almost every day, working on his MySpace profile by adding information about himself, changing the look of his page through basic html coding, and showcasing photographs through slideshows embedded in his profile. For Shawn, these new modes of cultural production were amazing – even though his internet time and speed were limited – because they represented entirely new social spaces that didn't feel like physical spaces at all. Suddenly, more people than he could imagine were potentially accessible, even though he was physically located in a tiny country town. This sudden access to the outside world contributed to Shawn's fascination with big-city fashion, to which he could be exposed through fashion websites and his online networks of distant, cosmopolitan friends.

* * *

Angelika was born in Poland and lived there with her family until she was 2 years old, moving next to Germany and then to Canada. After moving around in Canada, her family eventually settled in Southern Ontario, where she experienced her first access to the internet through the home computer in 2000, at around age 14. Connecting by dial-up, Angelika remembers getting into trouble with her dad for monopolizing the family phone line, and sneaking onto the internet whenever her parents went out of the house. She was sending email forwards and chain letters among her friends, and using the messaging program ICQ to chat with other students from her high school.

Angelika describes ICQ as a kind of replacement for the telephone – it quickly became the main mode of communication among her group of friends, and also allowed her to chat with cool older students without the intimidation of face-to-face interaction. At the same time, ICQ offered the ability to create a personal profile, where Angelika and her friends would invent humorous “About Me” details, including inside jokes and silly commentary in the text box. There was no option to add images, other than a small profile image or avatar, which would also be changed frequently as part of customization even within the limited ICQ profile.

Her development of an online profile and engagement in frequent social interactions made ICQ a particularly exciting online space for Angelika. While she admits that she was not well-versed in web search or in visiting webpages, she embraced ICQ with enthusiasm. This early attitude led Angelika to an interest in certain social network sites as they came along, such as the Polish site Our Class, but she only regularly used Facebook. She liked these sites because they stressed keeping in touch with friends, rather than what she saw in MySpace as provocative photo posting. In this way, Angelika’s early use of text-based online communication carried over into her later social engagement with online platforms; although the ultimate irony is that once she began blogging, she created a photography blog.

* * *

Laura was 12 years old when she got internet access at home in Toronto, but recalls going online from her school’s library computers before then, looking up information for school projects or just for fun. She remembers searching for information on the cast of the sitcom “Friends,” for example, and visiting fan sites for other television shows or

musical artists. In terms of social interaction, all of Laura's early online communications took place through the First Class Client software, which connected to her school's intranet message boards and email system. She describes this connectivity as amazing to her at the time, since she never had to be cut off from her friends at school – even when she was stuck in a boring library session or at home on the weekend.

The school message boards were an especially formative space for Laura's teenage social interactions. Into her high school years, these message boards became a key site for major social events, such as the coming out of a classmate, and for related debates over social issues like homosexuality, as well as less positive interactions like bullying. Laura admits that her high school – affiliated with the local university – was unusual with regard to its high percentage of academically gifted students, but she recalls also engaging in more typical teenage online practices with her friends from school, like downloading Spice Girls photos to print out and hang in their rooms, or discussing favourite Disney movies from childhood. She also used the ICQ messaging program to chat with her friends, and eventually an older boyfriend. Laura's chats with her high school boyfriend constituted an especially emotional early online experience, at first during the courtship phase, then when her parents discovered what she thought were her private chat transcripts, and shortly after, once her boyfriend broke off the relationship over online chat.

To this day, Laura has maintained an aversion to chat, which extended into an aversion to social network sites as they became popular over the following years. Instead of engaging in networked social interactions, Laura's internet activities shifted toward more considered modes of online writing. Her eventual blogging was performed in a

decidedly disengaged mode, where Laura would compose blog posts in a basic text editor program, and have another person working on the blog site upload her posts into the platform's interface. Even then, she describes her involvement in creating online context as somewhat sporadic, but averaged over time, as a "steady, medium involvement."

* * *

For Marilis, it was difficult to remember a time when she didn't have internet access – her astronomer father had always been an early adopter of new technologies – and even as an elementary school student, she would use the internet to look up photos on fansites for the Spice Girls and for Quebecois children's television shows. Once she relocated to Thailand for two years beginning in 2001, when she was 13, Marilis began blogging through the free online hosting site Xanga as a way to keep in touch with her friends back in Canada. Her blog posts revolved around the everyday events at her new school in Thailand, and had a comments space where her friends back home could interact with her and also post information about their own lives. During this time, Marilis also maintained her long-distance friendships through online chat on MSN Messenger, through which she could keep up with events back home, including world news like 9/11.

She remembers also using the internet to find assorted information, such as on how to acquire and care for a baby monkey, the chemical composition of cake, and song lyrics to be printed out and stored in giant binders. Marilis describes this time as marked by a kind of amazement at the sheer volume of information that was available through the internet, which then shifted to amazement about the ease with which she could communicate through instant messaging, and later to amazement about the connections she could make through online social network sites.

For instance, once she returned to Montreal to attend high school, Marilis had begun using MySpace for the bulk of her online social interactions, frequenting the social network site mainly for its messaging feature. But she also used the site's "notes" feature to create and share entertaining quizzes with her network of friends, covering topics such as "What Princess are You?". This early engagement with MySpace eventually transitioned into the use of Facebook, which became the primary site for making social plans or just messaging people, as well as an avenue for publicizing her blogging activity. Marilis's early blog for keeping in touch with her friends back home foreshadowed her later maintenance of several blogs, some more social and others more professional, but all creative. For example, she co-authored a Japanese Manga comic blog at age 14, and later at age 19 began co-authoring a street style blog, Pregnant Goldfish. For Marilis, blogging had long been seen as a means of both communication and entertainment.

* * *

In my own family's suburban Ontario home, we got dial-up internet in 1996, when I was 16. At first, I used the family computer to conduct Yahoo! searches through Netscape Navigator to look up music acts I liked, eventually stumbling upon the Ultimate Band List repository. In conjunction with Real Player software, you could use UBL to find and play snippets of songs by artists big and small, for free. This was amazing; I spent about half a year using the internet for nothing but listening to poor quality, 30-second segments of songs. After going overseas for summer school, I began to use email to keep in touch with school friends from places like Calgary, Berkeley and Fargo, North Dakota.

By late 1997, I had discovered Angelfire, a free online interface for creating websites. Making good use of my dad's scanner, I uploaded images of all kinds – from

photographs of the family pets to scans of random household objects – and wrote sometimes earnest and sometimes fantastical narratives around them. I had about 10 different sites, revolving around various themes. One site, satirizing disgruntled U.S. Postal Service workers (based on popular news reports at the time), generated sincere interest from an academic researcher, who contacted me in earnest to talk about my experiences as a USPS employee. Although I was only in high school at the time, this experience sparked a scholarly interest in online communications that continued into the present.

Once in university, I began studying internet phenomena through various course activities in my undergraduate degree. During my first year in 1999, for instance, I conducted a survey among the students living at my university residence on internet addiction, writing about how they were simultaneously compelled to be online constantly while they also saw themselves as subverting the norms of certain online communities, such as youth social network site Bolt. This early interest in what people were actually doing online, in juxtaposition with the way that popular discourses were framing their activities, proved formative into my graduate training in communications and media studies.

* * *

What began this long trajectory of interest in online communication, and what continues to fascinate me to this day, is the way that everyday experiences of the internet intersect with public ideals around new technologies. Especially in the 1990s, incessant news and popular media coverage of the internet or “cyberspace” or the “information

superhighway” gave rise to a pervasive feeling of optimism about the future, particularly for the younger generation said to be leading the way into a new, globally connected society. Thomas Streeter (2011) characterizes this optimism as an extension of the romantic individualism that has long pervaded discourses around new technologies, as a kind of reaction against dystopian or critical attitudes that might hinder the commercialization of those technologies.

Accordingly, the kinds of cultural production that characterized both my and my participants’ early uses of the internet have now come to be understood as “user-generated content” (UGC) – an effectively corporate buzzword that frames what users do as something that can be “harnessed” to “spur innovation” as part of “a successful leveraging” of user contributions as economic properties (Trosow et al. 2011, 7, 9). This term also highlights how what was seen as a primarily public and social space of internet connectivity is now understood to be primarily commercial, in much the same way as older media such as the telegraph, telephone, radio and television, which all eventually became regulated according to the pervading social relations of capital (Mosco 2009, 122). This idea underlies what Andreas Wittel (2001) has termed “network sociality” – in contrast to the collective belongingness that characterizes authentic community, network sociality sees social relations as predicated on an exchange of proprietary information within the social relations of late capitalism, marked by the expressly commercial context of technological individualism. Network sociality thus offers an apt descriptor for contemporary online interactions and cultural production, summing up the main assumption behind this thesis’s inquiry into how online spaces might consider young

people's rights: that user-generated content platforms and attendant new media policies are guided by commercial and corporate interests as opposed to public interests.

This thesis looks at network sociality in terms of its potential threats to young people's rights online. Online cultural production platforms that host "user-generated content" (UGC) enact a commercialization of user labour, where user contributions form the backbone of the site's profit-making potential. These sites are often populated by young people, who engage in the labour of UGC according to social motivations, but also for career aspirations that involve building a self-brand as part of entering into creative industries. Online content creation thus serves as a kind of apprenticeship for culture industry careers, especially in terms of training young people for the precarious and exploitative labour conditions of cultural work. Through this apprenticeship process, young people transitioning into adult career roles constitute the labour force behind UGC platforms' production of commercial value, value that is based on the appropriation of personal and branded identities.

Young people engaged in identity work, including negotiations of age and gender (and, less researched here, class, race, ability, sexuality, etc.), comprise the labour force that creates value for commercial platforms and individual careers, but they also represent the main civic actors in online cultural production as public discourse. Contemporary concepts of citizenship often invoke networked production and sociality as kinds of publics that hold political, in addition to commercial and cultural, significance. In this context, the commercial imperatives of the social internet that tend to determine persona rights online, namely rights around privacy and intellectual property, demand re-evaluation in light of UGC as a labour practice.

The central mitigating factor in the determination of online rights structures is currently being debated in the form of emerging legislation that protects persona rights. Debates around privacy and intellectual property rights continue in Canada, where internet regulation is still very much on the table in terms of enacting legislative protections in the public interest. Yet because these debates often lag behind technological and social changes, and as such, have so far resulted in inadequate protections for persona rights in commercial UGC platforms, internet regulation should be accompanied by other strategies for bolstering people's persona rights online. So while this thesis concludes with suggestions and reflections for new media policymaking, it also ends with a projection of future research into a constellation of regulatory, literacy and design approaches to protecting the persona rights of young people engaged in the labour of online cultural production.

Following from this central imperative to re-evaluate internet regulation from the point of view of UGC as apprenticeship labour, the main research question of this thesis asks, how might new media policy approach the issue of user labour in online cultural production to protect persona rights? In order to arrive at new media policy suggestions, along with complementary strategies of digital literacy and participatory design, this thesis constructs an investigation of UGC as apprenticeship labour that implicates young people's identity formation under the banner of persona rights. These themes are explored through the discourses deployed in policy documents, juxtaposed with four case studies of young people in their early 20s, deeply engaged in the labour of UGC. This analysis, situated within the scholarly literature as well as within a history of new media policymaking in Canada, leads to some recommendations and provocations for privacy

and intellectual property regulation in view of the persona rights that bear recognition in young people's labour of online cultural production.

Some Reflections on Method

Throughout the process of planning, researching, writing and re-writing this thesis, I have struggled with how to make myself visible in what is, in the end, both a scholarly and personal text. My engagement with and interest in the participants' experiences extends from my own history with online cultural production, as it does from my relatively privileged upbringing as an ideal young subject of the romantic discourses around the internet's early popularization. As such, in this introduction to the thesis, I am also introducing myself as the bearer of a particular perspective, and thus as the writer of a particular narrative about network sociality.

Borrowing from contemporary ethnographic research traditions, reflexivity here involves what Norman Denzin (1999) describes as "mak[ing] myself visible in my text" (511). The process of writing oneself into the text should be done not solely as an exercise in avoiding omniscient narrative, but should have an express political purpose. In this study, as in similar-minded scholarly research mediated by the internet, this kind of reflexivity is intended to highlight and thus open for questioning the power imbalance between researcher and subject. So while the remainder of this text is written without much explicit commentary on my role in its construction, I hope to just mention at the outset, as a kind of disclaimer, that the interpretations of both policy and interview discourses here reflect the privilege and particularities of my position as researcher.

As someone tangibly situated in the terrain of the research – throughout the processes of selecting sites, to reading documents, to interacting with participants – my own politics have informed the narrative contained in this thesis, as well as its origin in my relationship to discourse and privilege to write. The construction of a story through writing relies on and generates context; as Matthew Williams (2007) asserts, researchers “construct the ‘reality’ of a social setting through direct and indirect experience and are influenced by the tools they use, which in turn reflects upon their writings on the objects of study. In this sense ethnographies are ‘textual constructions of reality’ that are a product in part of a story-telling institution” (8). The constructive aspects of storytelling in turn lead to the way that narrative reflects and produces the politics of this reality.

Here, my approach is informed by George Marcus’s (1995) political imperative in the context of multi-site ethnography. For Marcus, the researcher’s politics emerges from a conscious reworking of existing constructive narratives. He states that “this kind of ethnography maps a new object of study in which previous situating narratives like that of resistance and accommodation become qualified by expanding what is ethnographically ‘in the picture’ of research both as it evolves in the field and as it is eventually written up” (102). I find this way of situating political narratives to be productive in its challenge to an academic proclivity to simply designate cultural practices as resistant or hegemonic. The situation of academic writing itself informs these frames of interpretation, and I believe that a reflexive attitude to subjects’ participation in the research is necessary for opening up new interpretive and political possibilities.

Marcus’s understanding of researcher politics resonates with me more so than the battle-cry of Denzin’s contention that “this is a return to narrative as a political act, a

minimal ethnography with political teeth. It asks how power is exercised in concrete human relationships. It understands that power means empowerment, the give and take of scarce material resources. It seeks performance texts that tell stories about how humans experience moral community” (510-1). While I agree that of course questions of power are central to the political implications of social research, I tend to identify more readily with Marcus’s more ambivalent assessment of the researcher as “circumstantial activist”:

The emerging and circumstantial sense of activism that develops among ethnographers in a multi-sited space and their close personal affiliations with cultural producers (e.g. artists, filmmakers, organizers), who themselves move across various sites of activity, thus preserve for ethnographers engaged in multi-sited research an essential link with the traditional practice of participant observation, single-site ethnography in the peripatetic, translative mapping of brave new worlds. (114)

In addition to provoking new ways of writing about everyday practices as cultural production, Marcus conceives of the researcher’s position and personal relationships as crucial to inheriting the productive aspects of the ethnographic tradition. The “circumstantial” designator indicates that an adaptive approach to doing research with participants is politically preferable; in relation to this thesis, I hope to convey how the circumstantial activism that I inhabit is always conditioned by my own partial, situated and politically constitutive perspective.

What Is To Come...

The future of new media regulation is especially critical to interrogate politically, given the predominance of commercial models for online social and productive platforms. Corporate contract law that currently circumscribes users’ rights in terms of privacy and intellectual property ought to be kept in check by legislative imperatives to preserve the

rights and dignity of online identity-based activities such as the creation of UGC.

Particularly when it is framed as a kind of apprenticeship labour, UGC offers a key node for exploring the implications of new media policy for young people in a formative stage of their social, cultural and economic lives. As such, and in addition to questioning what policy initiatives might contribute to bolstering their rights online, this thesis serves as the starting point for the next stage of my research into young people's rights online, as part of designing a model for critical digital literacy to help user-producers be aware of their rights and gain some understanding of new media policy.

In order to get to that eventual outcome, the thesis begins with a trajectory through its guiding concepts, explained in Chapter 1 with the help of what my participants have said, the language of selected policy documents, and frameworks provided in theory and scholarship. The chapter outlines the thesis's four central conceptual nodes – UGC as apprenticeship labour, young people and identity/politics, persona rights and new media policy – by way of a literature review and theoretical mapping. After laying out this terrain, the chapter goes on to describe the thesis's methodology, including the way that policy documents and interview data were organized and analyzed.

The next chapter, Chapter 2, goes into further detail about UGC as labour, outlining the apprenticeship model for online cultural production. Upon framing UGC as a kind of apprenticeship labour, where the young people in my study create online content as part of striving toward creative industry careers, I interrogate how the concept of labour serves to re-frame the ways that policy discourses represent user activities. It is shown that users are engaged in a kind of negotiated autonomy in the process of

labouring and creating value for UGC platforms. So while they are engaged in the cultivation of a branded self, the participants also had to contend with the ways that online platforms as well as policy measures shaped their autonomy as cultural producers.

Chapter 3 looks more closely at young people as the key demographic group engaged in UGC apprenticeship labour, alongside popular claims around their politics in terms of civic participation and identity formation. Policy discourses tend to deploy optimistic pronouncements about young people as the future generation of “information society” citizens, in order to justify regulation that ultimately frames them in purely economic terms as consumers or workers. Regulatory approaches to online content, moreover, often express a paternalistic attitude toward young people, and especially young women and girls. The gendered ways in which policy frames young people is shown to be also tied to class politics, in the sense of how young people’s online cultural production is devalued through the regulatory privileging of commercial actors over the public interest.

Chapter 4 shifts discussions of politics and identity more specifically to the domain of new media policy, where persona rights of privacy and intellectual property guide the current debates. Current understandings of privacy and intellectual property, as indicated in policy discourses, leave room for young people’s UGC labour to be exploited in terms of privacy breaches as well as the appropriation of their online cultural production under commercial imperatives. The persona rights framework is introduced here as a way to not only highlight such threats, but to suggest how these threats might be mitigated by what both my participants and the persona rights framework propose as more considered approaches to regulating privacy and intellectual property.

In Chapter 5, these regulatory debates are situated within a brief history of new media policymaking in Canada, in order to establish the current milieu in which policy is made in this country. Since the mid 1990s, when internet policy first gained traction as a public issue, policymakers have struggled with balancing the needs of corporate players against those of Canadian citizens. Yet the current patchwork of legislation around privacy and intellectual property online has meant that, in practice, commercial law of contract on UGC platforms themselves tends to exert the most regulatory pressure on users' online cultural production. As such, these contracts are important to acknowledge as the most salient current manifestations of new media policy around persona rights of privacy and intellectual property in Canada.

The final chapter and conclusion to the thesis, Chapter 6, offers suggestions for the future of new media regulation in Canada along the lines of the persona rights framework. Rather than offering proscriptive policy recommendations, however, this conclusion puts forth a more nuanced reflection on the status of new media policy, given the commercial context of network sociality. According to the directions taken in discussions with participants, this chapter thus complements regulatory suggestions with proposals for user-centered literacy initiatives and participatory design of UGC platforms. These suggestions are situated within participants' ultimately ambivalent feelings about UGC apprenticeship labour and online cultural production, evidencing how young people are engaged in a constant struggle over their autonomy in view of romantic visions of network sociality.

The contributions of the thesis thus resonate with policy research, where the current trends toward generalizing about all young people online, or toward undervaluing

the social, cultural and economic impact of UGC could stand to be supplemented with more nuanced accounts of young people's everyday situated practices – and particularly their labour – in online cultural production. More so than policy research, however, the thesis contributes to a number of areas within critical communication studies, the field in which I situate myself. In terms of information policy studies, the persona rights framework adds a crucial co-articulation of privacy and intellectual property, two concepts which tend to be separated in legislation and public debate, but which jointly affect UGC as cultural production. To critical internet studies more broadly, the thesis adds a feminist political economy perspective that is often underrepresented in accounts of new media policy and social media platforms. The thesis's focus on labour as a central concept offers an account of apprenticeship for culture industry careers that adds to the literature on cultural economy, as well as to scholarship on labour in communication studies that tends to examine professional producers as opposed to young people within the transitional phase of apprenticeship labour. Concerning the study of youth as cultural producers, the thesis extends a line of inquiry emanating from British cultural studies' examination of domestic spaces into the network sociality of today, with a special focus on a liminal age group within the expanding category of youth: young people in their early 20s. Being accountable to these young people's individual subjectivities has been probably the greatest challenge in writing the thesis; I can only hope I have faithfully represented their thoughts and experiences in this work.

CHAPTER 1

CONTEXTS, CONCEPTS, METHODS

This thesis addresses the question of how new media policy might better represent internet users' activities and protect their rights, particularly those of young people engaged in the labour of online cultural production. As such, the locus of the thesis's inquiry can be identified as the assemblage of new media technologies based on networked information flows, or the internet. Since its mainstream adoption in developed western countries in the mid-1990s, the maturation of the World Wide Web as the user-friendly interface of networked communication has been attended by popular utopian visions of internet connectivity (Streeter 2011). Yet it has become increasingly apparent that the possibilities for the Web, and especially its more recent incarnation as "Web 2.0," are fundamentally constrained by globalized capitalism. As Andreas Wittel (2001) posits in his formulation of network sociality – where social relationships are characterized by ephemeral exchanges of data and information – as the primary mode of Web-inflected communication, the commodification of these social relationships – where they are transformed into "goods" with market value – lies at the heart of the "information society."

This thesis makes the argument that the social internet as a commercial space is basically subtended by the appropriation of user labour, in the form of what has come to be called "user-generated content" or UGC. Especially it seems for the young people aged 20 to 24 in this study who are engaged in the labour of UGC, online content creation

also inculcates them into an economy of creative labour. As a kind of apprenticeship for more formal creative industry careers, UGC creates value for both online platforms and for the users' development of a branded online identity; as Alice Marwick (2010) contends, "the branded self is an entrepreneur whose product is a neatly packaged, performed identity" (298). Identity work – which in this investigation mainly entails negotiating dimensions of age and gender (and to a lesser extent, class, race and ability) – constitutes an integral part of the value of UGC for individual careers as well as for commercial platforms, but also for the broader civic reverberations of online cultural production.

Networked production and sociality is becoming more and more central to conceptions of contemporary citizenship alongside economic agency. To this end, the commercial imperatives of the social internet that tend to determine persona rights online, namely rights around privacy and intellectual property, demand re-evaluation in light of UGC as a labour practice. Legislative protections for Canadians' persona rights are currently under debate across federal agencies, such as in Industry Canada's Digital Economy Strategy program, the Canadian Radio-television and Telecommunications Commission's New Media orders, and the Office of the Privacy Commissioner's public consultations on privacy in social media, but effective new media regulation faces a number of challenges – not the least of which is the difficulty of segmenting online space according to offline legislative jurisdiction – and thus should be accompanied by other strategies for bolstering people's persona rights online. Ultimately, this thesis seeks to enumerate recommendations for policymaking around privacy and intellectual property

in UGC environments, but also to suggest ways for young people to retain their persona rights while engaging in the UGC labour of online cultural production.

The research questions guiding this thesis follow from its central goal of reevaluating internet regulation from the point of view of UGC as apprenticeship labour. As such, the overarching research question asks, how might new media policy approach the issue of user labour in UGC to protect persona rights? This question invites an answer in the form of recommendations for policymakers, but the structural constraints of policy as a protective mechanism enforced from above through institutional channels like legislation requires alternative modes of addressing persona rights issues from the perspective of individuals' and communities' everyday practices. Such strategies for more grassroots versions of the protection of persona rights might include media and policy literacy initiatives that emphasize public understanding of rights online, as well as models for technology design that integrate the participation of people who will actually use the platforms. These conclusions, to be discussed in Chapter 6, stem from the project's overview of policy research and scholarly work, but also from its analysis of four case studies that illustrate some of the activities and experiences of users in their early-20s, who are deeply engaged in the labour of UGC.

In its attention to the everyday technological experiences and engagements, the thesis is guided by the broad perspectives of feminist political economy and cultural studies. Cultural studies offers ways of analyzing the activities of audiences – in this case, of internet users engaged in UGC – according to an understanding of subjectivity where the subject's position is simultaneously that of agent and object. In this context, and given that “subjects not considered completely ‘adult’ have served as the model of problematic

audiences” (Allor 1988, 218), cultural studies posits a conjunctural approach to the study of everyday mediated communication. By studying the multiple dimensions of audience activity, a cultural studies approach seeks to articulate the conjuncture between individual, social and institutional formations (Williams 1958). In elucidating the specificities and local contours of audiences’ affective investments in media consumption and production, gendered interpretations, practices of encoding and decoding of cultural forms and discursive negotiations of subjectivity, conjunctural analysis provides a useful counterpart to feminist political economy’s attention to commodification (Allor 1988, 228).

Feminist political economy frames the thesis’s conjunctural positioning of new media policy research in relationship to the labour of young people’s online cultural production as an arm of what Vincent Mosco (2009) has termed “immanent commodification”: their labour not only produces new commodities, it produces powerful online surveillance tools that facilitate the commodification of personal data (143). According to Mosco, Catherine McKercher and Andrew Stevens (2008), a feminist political economy approach offers crucial insights to the commodification of communication labour that is upheld by the transnational sexual division of labour in contemporary global capitalism (207). Moreover, capitalist economies produce and reproduce class categories that interact with other axes of identity to condition people’s experiences of labour. Here I rely on a framework of class proposed by J.K. Gibson-Graham (1996) that sees class as processes rather than groupings; class processes constitute the exploitation and distribution of surplus labour in multiple permutations, opening up traditional Marxian class binaries to afford “a decentered, fragmented, and

complexly structured totality in which class and other processes are unevenly developed and diverse” (58). In relation to gendered labour in particular, this means that class processes can be said to take place in all aspects of everyday life, including in the home. Mosco et al. similarly contend that the variable status of home in relation to work comprises the setting for feminist political economy’s attention to women’s everyday experiences, which will also extend to address how those experiences are conditioned by a capitalist/patriarchal social structure that tends to exclude or devalue the activities of many women and girls, especially in relation to technologically mediated modes of cultural production (McLaughlin 2009; Gill 2002).

The influence of feminist theory serves to underscore how the immanent commodification of UGC platforms involves an appropriation of gendered labour through technological means that are never politically neutral, but shaped mutually with social systems. Returning to Wittel’s (2001) conception of networked sociality, and aligning it with the constructivist approach to technology put forth in Judy Wajcman’s (2004) formulation of “technofeminism,”² the thesis sees internet technology as “a sociotechnical product – a seamless web or network combining artefacts, people, organizations, cultural meanings and knowledge” (Wajcman 2007, 293).

Technofeminism posits that technological artefacts be seen as products of a particular conjuncture, wrapped up in specific formulations of cultural work and commodification.

One of the key insights feminism brings to this conjuncture is to deconstruct the assumptions made around technologies by designers. This thesis applies such an attention

² Technofeminism, as conceptualized by Wajcman, is an approach to studying gender and technology that is neither utopian nor dystopian, but rather frames technological change as contingent and heterogeneous, and studies the complex interactions of gender and power across technological systems in order to renegotiate gender relations through technology.

to gendered technology design to the design of internet policy, which tends to reinscribe gendered, aged, classed and raced binaries to its understandings of how people use the internet for cultural production in the form of UGC. As Wajcman asserts, attention to how technology figures in these social contexts is crucial for feminists, since “we live in a technological culture, a society that is constituted by science and technology, and so the politics of technology is integral to the renegotiation of gender power relations” (2007, 295).

Given the importance of technology for political life, the significance of this thesis lies in its attempt to contribute to scholarly research on new technology practices while also proposing rights-based strategies for policymakers, technology designers and young internet users. In suggesting policy recommendations and other avenues for intervention in policymaking, I aim to push conceptions of new media policy outward into considering persona rights as a unique way of approaching privacy and intellectual property legislation. Internet regulation can thus be conceptualized more broadly and accessibly by associating new media policy with the everyday activities of young people creating content online. By attending to everyday practices, proposed amendments to new media policy research and processes made in this thesis will also include suggestions for digital literacy and participatory design strategies around persona rights protection online. New media platforms thus not only serve as sites of the thesis’s case study, but they can potentially offer new avenues for young people (and citizens in general) to understand and participate in regulatory action. Moreover, this research has the potential to expand into other spaces besides academe, such as in further research into policy initiatives for protecting persona rights. The focus on policy as the site for the thesis’s outcomes

reflects the fact that institutional shaping – including government regulation – of communications media plays an important role in determining how these media are used; in this case, I hope to address ways in which new media policy might be influenced in the interests of users' rights.

Key Terms and Literature Review

UGC as Apprenticeship Labour

User-generated content, or UGC, is a term meant to capture the diverse forms of productive Web-based activity that make up what is sometimes called “Web 2.0” (O’Reilly 2005), “the participative Web” (OECD 2007), “the writable Web” (Benkler 2006), or “social media” (Lenhart et al. 2007). These practices may range among checking in at a particular location, creating a social networking profile, posting and commenting on links, participating in forum discussions, reviewing products, blogging and microblogging (where blog posts are constrained to a specified degree, such as Twitter’s 140-character limit), uploading photos, videos or other media, and folksonomic tagging (where users collectively classify web content using searchable and cross-indexed markers or tags). While these examples vary in terms of the level of users’ engagement with content creation – for instance, editing and uploading a video to YouTube versus commenting on someone else’s uploaded video – what they have in common is that all of these forms of creation are hosted by corporately-owned websites rather than by the user-producers themselves. Indeed, UGC is somewhat of a corporate buzzword, along with Web 2.0, terms that I use in order to highlight the commercial

context in which users contribute content and personal information. Corporately-owned and operated websites provide the interface for users to easily create and share content; popular examples of such sites include Facebook, Twitter, Blogger, Tumblr, Foursquare, Flickr, YouTube, Delicious and Google+. But in addition to these UGC-based sites, a number of web platforms integrate UGC elements, such as Amazon's product reviews or reader comments on CBCNews.ca, in order to partake in the trend toward harnessing the audiences' potentially greater participation in media industries, as afforded by the internet in general (Jenkins 2006a).

The use of the term UGC as a shorthand throughout this thesis is intended to evoke the potential diversity in people's online "cultural production" – which itself is a blanket term for heterogeneous modes of creative, innovative and/or communicative production of cultural meanings (Huws 2010) – as well as to accommodate emergent iterations of Web-based production that will become popular in the near future. Indeed, one of the central challenges of studying new forms and uses of technology lies in predicting what kinds of activities will remain relevant in the ever-shifting terrain of new media. As such, I would like to point out that UGC in particular implicates a growing reliance on mobile devices and Wi-Fi for internet connectivity. Smartphone applications based on UGC include mobile versions of the sites listed above, as well as more specialized apps such as RunKeeper, which uses the phone's locative capabilities to track the user's running routes and share them with other users. This kind of functional convergence at the level of technological artefacts occurs in tandem with corporate convergence – the way that user "co-creation" gets harnessed within ever more

consolidated structures of corporate ownership (Banks & Humphreys 2008) – which forms the constitutive terrain for technological innovation as well as everyday uses.

UGC activities provide an especially interesting nodal point for thinking about convergence, since they fall somewhere in the middle on a continuum between consumption/use and production. This hybrid status has inspired the application of terms like “prosumer” (Toffler 1980), and the more recent “produser” (Bruns 2008), to people engaged in creating UGC. I am interested in this liminality, and in how people who create UGC simultaneously occupy the positions of user and producer in relation to the similarly liminal axes of their aged and gendered identities and leisure/labour. To this end, the term “ProAm” has also been applied to UGC producers as a way of capturing the multiple sense in which their activities fall in between the concepts of amateurism and professionalism (Leadbeater & Miller 2004). Yet while the recent surge in this kind of production on Web 2.0 platforms has been heralded as nothing short of revolutionary (as in *Time Magazine*’s 2006 choice for Person of the Year: “You,” illustrated by a mirror-like image of a computer screen, bordered by YouTube’s familiar video interface), such optimism has been tempered by more critical notions, like the controversial “90-9-1 rule” of participation inequality, where 90% of users never contribute, 9% of users contribute a little, and 1% account for the bulk of participatory action (Nielsen 2006). In terms of the platforms themselves, Web 2.0 sites have come under scrutiny for their application of asymmetrical capitalist business models to user production and communication networks (Coté & Pybus 2007; Scholz 2008; Gillespie 2010). Reflecting this turn toward positioning Web 2.0 platforms rather than users at the centre of UGC, *Time*’s Person of the Year for 2010 represents the flip-side of “you”: Facebook co-founder and CEO, Mark

Zuckerberg, who embodies the corporate thrust of UGC in appropriating user content as part of Facebook's massive expansion as a marketing and advertising platform.

Yet within this increasingly commercial context, UGC retains some of its initial promise of social, cultural and political value, ideals which still deserve policy consideration. For example, the fact that UGC aligns with what Lawrence Lessig (2008) has called "Read/Write Culture" implicates it in ongoing new media policy debates – for Lessig, these have to do with changing copyright and intellectual property law to unfetter the democratic potential of UGC. Another salient policy issue here is privacy, which especially in the case of youth, serves to trouble optimistic accounts of UGC as a democratizing force by highlighting how users must agree to the appropriation of their personal information in order to "participate". Described below under the rubric of "persona rights," policy debates around intellectual property and privacy play a role in the shaping of UGC, as traced back to the fundamental issue of exploitation. Here, a feminist political economy orientation proves critical for framing UGC in terms of its status as an economy where social, cultural and economic value is extracted from the work of user-producers.

In *Capital* (1867), Karl Marx posits a labour theory of value where the value of a good is based on the time needed for its production, where capitalists who own the means of production (at a fixed value) purchase workers' labour power (at variable value or wages). Because labour power functions as what Marx calls "variable capital," meaning that it "both reproduces the equivalent of its own value and produces an excess, a surplus-value," capitalists seek to appropriate that surplus value as the means of generating profit (Marx 1867, 317). On the part of the worker, however, surplus value is felt as surplus

labour, in other words, as exploitation. As Marx explains in the *Grundrisse* (1857/58), “What appears as surplus value on capital’s side appears identically on the worker’s side as surplus labour in excess of his requirements as worker, hence in excess of his immediate requirements for keeping himself alive” (Marx 1857/58, 324f). This surplus labour, upon which the capitalist depends in order to make a profit, amounts to the workers producing an excess essentially for free. This unpaid labour that produces surplus value forms the basis of Marx’s theory of the capitalist class structure.

Marx’s labour theory of value has since been taken up by neo-Marxist approaches, particularly since the late 1960s and 1970s *Operaismo* movement in Italy. This worker movement represented one of the first organized repercussions of the deindustrialization of society – seen by Daniel Bell (1973) as the “post-industrial” reorganization of western social structures in terms of technology, the economy and the occupational system. Yet while Bell’s perspective represents a rejection of Marxist understandings of capitalist exploitation, autonomist Marxists writing in the 1970s mainly out of Italy conceptualized these changes as post-Fordism or (less frequently) post-Taylorism, in the context of “Empire” or a globalized form of capitalist sovereignty (Hardt & Negri 2000). While Fordism and Taylorism describe Henry Ford’s and Frederick Taylor’s early-twentieth-century mass production efficiencies furnished by mechanization and scientific management (Braverman 1975), post-Fordism or post-Taylorism are terms used to denote current models for capitalist production in deindustrialized western contexts:

In the post-Fordist workplace, the mechanical mass-production assembly lines have been replaced with new modes of computerized labour-shedding “flexible production” or sent to cheap labour zones in Asia, Latin America, or Eastern Europe. In the field of consumption, mass markets have been increasingly broken

down into more customized and segmented “micromarkets,” while at the same time these niches are cultivated to a far greater extent on an international basis. In the area of government, the Fordist programs of social benefits have been eroded by privatization and deregulation and the creation of a state that is far more oriented towards promoting business interests and policing public order. (Kline, Dyer-Witheford & de Peuter 2003, 64).

Technology is central to this reorganization of production and labour processes, as is apparent in related concepts, such as “information capitalism” (Morris-Suzuki 1984; 1986), “cultural economy” (du Gay & Pryke 2002) and the “new economy” (Ross 2004), where the production of goods shifts to the production of information and culture. And while the existence of a demarcated break between Fordist and post-Fordist production has been subject to vigorous debate, such a break was posited by the *Operaismo* movement of 1960s and 1970s Italy as the wellspring for the “social factory” as a force of potential rupture to capitalist exploitation.

Michael Hardt and Toni Negri (2000) thus see the Italian workers’ exercise of mobility as a form of liberation; however, Paulo Virno (2004) more cautiously frames it as a transitory phase that still remains yoked to exploitation in the form of surplus labour. Virno sees the hallmark of post-Fordist labour as capital’s appropriation of what he calls the “general intellect,” those linguistic and cognitive habits or “generic faculties” available within the social arrangement of the “multitude” (41, 105). The multitude is in fact constituted by the sharing of general intellect as those basic forms of communication and socio-cultural production.

By putting the general intellect to work, post-Fordist capital has transformed labour into what Maurizio Lazzarato identifies as “immaterial labour” (1997). Immaterial labour produces the informational (i.e. cybernetics) and cultural (i.e. added value based on mass intellectuality) content of the commodity, and thus harnesses faculties of the

general intellect into a project of capital, where an “aesthetic model of production” inscribes the consumer into the product from the moment of its conception (Lazzarato 1997, 133, 143, 140). As a broad social arrangement that transcends traditional designations of work and labour, and indeed, transcends any attempted dichotomy between material and immaterial labour, Lazzarato’s concept highlights the fact that, if the whole social relation is what constitutes production, possibilities for radical autonomy spring up within “the open process of creation that is established between immaterial labour and the public and organized by communication” (145). But as Virno cautions, the potential for liberation here is circumscribed by the advance of capital into what is for Virno the essence of the social individual, where labour power is not extricable from the living body of the worker and thus Foucauldian bio-politics describes the process of labour as subjectivity (81).

The labour theory of value as seen from the perspective of immaterial labour, therefore, emphasizes social production using the faculties of the general intellect, rather than labour time, as the variable capital central to the creation of surplus value. As Lazzarato summarizes, “the ‘raw material’ of immaterial labor is subjectivity and the ‘ideological’ environment in which this subjectivity lives and reproduces” (1997, 142). Capitalist extraction of surplus value works to appropriate subjectivity as part of investing commodities with cultural and informational ideologies. Examples of this appropriation abound, especially in light of Tiziana Terranova’s influential reading of immaterial labour on the internet as “free labour” (2000; 2004). Unpaid surplus labour emanating from general intellect can be seen in Terranova’s account of the sharing of computer code within the free/libre/open-source software (FLOSS) movement, in

Andrew Herman, Rosemary Coombe and Lewis Kaye's (2006) analysis of residents of the virtual world "Second Life," in José van Dijck's (2009) description of Google users, and in Susanna Paasonen's (2010) portrayal of Netporn communities, among numerous other examples. While value in these platforms of user-generated content still rely on surplus labour time put in by unpaid workers/users, it is notable that this labour process is meant to be invisible through benefits to the user, such as free services, communication, play, and so on (Benkler 2006). For western young people in particular, spaces of free labour serve as training grounds for inculcation into culture industry immaterial labour, at the same time that they facilitate identity play and socialization. In this sense, value and labour have switched roles in the context of social Web spaces where platforms that appear more valuable to users are better able to appropriate free immaterial labour. Like immaterial labour itself, this value rests on general intellect faculties of communication, including especially online practices of socially constructing identities and subjectivities.

The production of value in post-industrial or post-Fordist society has been said to emanate from a capitalization of the general intellect, defined through Marxist and Aristotelian perspectives as "the exterior, social, collective character which belongs to intellectual activity" when it serves as the basis for the production of wealth (Virno 2004, 38). In terms of paid work, the concept of immaterial labour has been applied to a whole range of creative and media-based professions, including fashion models (Wissinger 2007), software developers (Brophy 2006), video game developers (Kline, Dyer-Witthford & de Peuter 2003; de Peuter & Dyer-Witthford 2005), various television industry professionals (Stahl 2010; Hearn 2010) and new media workers (Ross 2003; Neff, Wissinger & Zukin 2005; Gill & Pratt 2008), in addition to less traditional modes

of work such as the open-source software movement (Terranova 2004; 2006), and participation in internet platforms like MySpace (Coté & Pybus 2007) and America OnLine (Postigo 2003). Immaterial labour has thus been an extremely productive concept in this regard despite its shortcomings, which have been vigorously critiqued by David Hesmondhalgh (2010) and others to include the neglect of political questions of subjectivity within notions of liberatory autonomy (see also Hearn 2010; Hesmondhalgh 2010a; Dowling 2007; Camfield 2007). To that end, I propose the integration of a number of other perspectives with the Autonomist account: Arlie Hochschild's (1983) "emotional labour"; Dallas Smythe's (1981) "audience commodity"; and Pierre Bourdieu's (1984 [1979]) "new cultural intermediaries".

Emotional or affective labour is implicated in the concept of immaterial labour, wherein the worker is expected to perform flexible, informal acts of communication that mobilize underlying human faculties including affect (Virno 2004, 91). From a sociological perspective, Arlie Hochschild's (1983) influential writing on emotional labour describes in greater detail how self-presentation as part of cultivating one's career persona involves emotional work that resonates outside of the workplace. Emotional labour is especially important for women, Hochschild argues, because of the way that occupational segregation reflects popular stereotypes about women's "natural" skills (Hochschild 1983, 163-165). What Hochschild describes as "emotion management" has since become a key feature in conceptions of creative work (see McRobbie 1998; Ross 2004; Hesmondhalgh & Baker 2008; Gill 2007). One of the ways in which her theory has been updated in this context has been through empirical work that elucidates the multiple contours of emotional labour, both in occupational environments and in the home,

outlining how these public/private divides are in fact fluid and thus ethically problematic (Steinberg & Figart 1999). The elaboration of this ethical standpoint on emotional labour has built on Hochschild's initial formulation of the concept, where she offers a decidedly feminist perspective on the naturalization and relative invisibility of women's emotional work within a capitalistic system that organizes the "commodification of feeling" (190).

Just as feeling can be seen as an aspect of immaterial labour that gets commodified throughout the circuit of cultural production, so the audience's work and pleasure in consuming media products functions as a commodity with exchange value. This idea can be traced to Dallas Smythe's (1981) concept of the audience commodity. Smythe's political economic framework marked a shift away from the Marxist view of the culture industry as the source of ideologically-inflected texts designed to shore up hegemonic power, instead positing that media chiefly produce audiences and not texts: "audience power is produced, sold, purchased and consumed, it commands a price and is a commodity" (Smythe 1981, 256). This view places audience labour at the heart of the commodity cycle, determined by market and governance structures particularly in relation to advertiser-supported media. Despite the abstraction and consequent limitations of Smythe's theory in accounting for audience members' heterogeneous practices of textual interpretation (see Jhally & Livant 1986), the audience commodity is a useful concept for highlighting how the commodification of audience labour functions in the production and consumption of cultural texts. For instance, Eileen Meehan's (2002) more recent writing on the "commodity audience" has highlighted the gendered ways that audiences are measured through ratings systems, where ratings monopolies construct audiences and their labour as "truly *manufactured* commodities whose content depend[s]

on changing power relations within that market” (215, emphasis in original). As such, ratings reflect gendered assumptions in demography that work to segment audiences according to institutionalized sexism (Meehan 2002, 217). What is important about this for UGC is that Web 2.0 platforms are similarly based on advertising models where audiences are traded as commodities, according to gendered demographics and audience labour, in addition to the gendered constructions of meaning that take place within structures of capital and within the audience itself.

While the concept of the audience commodity or commodity audience is useful for framing the work of internet users as a kind of consumption, looking at their work as media production in the sense of professionally creating cultural texts requires some grounding in theories of cultural work. Recent cultural economy literature has drawn from Pierre Bourdieu’s (1984 [1979]) sociological account of “new cultural intermediaries” in explaining culture as a form of capital. For Bourdieu, cultural capital accrued largely through one’s class origins gets mobilized within a particular taste public (or “habitus”) as a mark of distinction. Taste thus serves to shore up class boundaries, through a naturalization of the structured divisions of habitus (56). Bourdieu outlines how part of the cycle of production that goes into producing and maintaining taste hierarchies involves those professions explicitly concerned with capitalizing from the popularization of middlebrow tastes. Occupations of popular cultural and artistic production – in such industries as radio, television, marketing, advertising, and so on – comprise what Bourdieu calls the new cultural intermediaries. Owing to their lack of legitimate institutional or artistic competence, they occupy a relatively low position in the field of intellectual production. As such, the new cultural intermediaries do their work to

popularize legitimate culture through simultaneous imitation of an artistic disposition and refusal of stodgy didacticism, “and all this must be done while living in the unease of the inherently contradictory role of a ‘presenter’ devoid of intrinsic value” (Bourdieu 326). Yet lacking intrinsic value in this case means that new cultural intermediaries enjoy a relatively less structured profession, which allows these children of the bourgeoisie to avoid the threat of downclassing through good connections rather than formal qualifications (Bourdieu 151).

While Bourdieu’s framework admittedly reflects a specific historical context (1960s France), his characterization of the new cultural intermediaries remains useful for conceptualizing culturalized working practices as part of a larger, structured field of cultural production based mainly upon class origins. This broad “culturalization” of the economy forms the basis for the organizing concept of “cultural economy” (Flew 2009), and is described by Paul du Gay (1997) in terms of how culture (language, meaning and representation) is increasingly central to understanding economic life and identities (5). He defines the culturalization thesis according to its three main postulates: 1) that the global power of the culture industries (i.e. media conglomerates) has steadily grown; 2) that an increased production of cultural goods and aestheticization of banal products corresponds with increased influence of advertising and design, in concert with the development of flexible specialization in manufacturing; and 3) that rising notions of business culture or workers’ identification with the firm serve to improve corporate functioning (du Gay 1997, 6). These points resonate with the immaterial labour thesis, while perhaps attempting to avoid its claims to worker emancipation through the general intellect. Yet like Autonomist Marxism, cultural economy perspectives contend that the

“cultural turn” in organizational thinking renders work as central to identity, with workers enacting new forms of emotional labour that help them stay afloat in precarious working situations.

Young People and Identity/Politics

Because identity production and reproduction is so central to immaterial labour and cultural work, the fact that young people are poised to apprentice for their cultural industry aspirations through UGC platforms implicates identity politics on multiple planes. As Dorothy Kidd (2009) contends, the usefulness of Autonomist Marxism here emanates from a conception of working people as subjects, where the constraints on them exerted by capital nonetheless precipitate collective projects of self-valorization manifesting as political struggles that seek to reformulate capitalist hegemony (9-10). These struggles tie into identity as a fundamental site for cultural production and also for political mobilization. Class is not the only relevant subject position in this sense, since it exists in relation to a broader process of identity negotiation through networked technologies around a number of axes, including age, gender, race, ethnicity, ability, and so on. In focusing on age and gender of these potential identity positions, this thesis invokes a popular contradiction around UGC production: that young people raised with the internet are somehow inherently adept at cultivating digital skills – defined as “the ability to locate, understand, evaluate, create and share information using digital technology” (Industry Canada 2010, 30) – while they are simultaneously positioned by adults as the most at-risk in terms of online safety (boyd 2008, 275-6). As Sonia

Livingstone (2008) notes, online risks go hand-in-hand with opportunities for self-articulation afforded by network sociality and Web-based cultural production (407).

The conflict between opportunity and risk in young people's internet use has been characterized by Henry Jenkins (2004) as the "Myth of the Columbine Generation" versus the "Myth of the Digital Generation" dichotomy. On the side of the "Columbine Generation," young people are feared as agents in sensationalized narratives around technology's nefarious effects, often in gendered ways, where young men get associated with hacking and security threats (e.g., Taylor 1999) and young women with oversexualization on social network sites (e.g. Shade 2007). The side of the "Digital Generation" asserts conversely that both young men and women use internet technology for revolutionary aims, and so celebrate "the ways that the online world has liberated children from the constraints of their own neighborhoods and the limitations of their narrow-minded parents" (Jenkins 2004; Montgomery 2009). The "Digital Generation" idea permeates concepts such as the "net generation" (Tapscott 1999), "digital natives" (Prensky 2001; 2004), and those "born digital" (Palfry & Gasser 2008). Collectively, both optimistic and pessimistic notions around the current generation of young people having some inherent affinity with computers and internet technology constitute what Keri Facer and Ruth Furlong (2010) have identified as the "cyberkid myth":

Young people, like technologies, are constructed within current popular discourse as the natural inheritors of future societies, and young people's mastery of technologies is read off as inevitable through a process of conflation of these two 'future trajectories' [...]. The cyberkid myth, then, derives both from future visions of technology-human relations and from long-standing discursive constructions of the role of children in society, generating a 'shorthand' for the relationship between children and technology. (452)

The conflation of young people with future potential in relation to technology permeates literacy initiatives as well as popular myths, but as Facer et al. (2001) contend, this future potential tends to be seen chiefly in terms of economic development. Particularly for Web 2.0 contexts, this future economic development is married to current economic exploitation, according to the imperatives of commercial online platforms.

When young people's internet-mediated communication and production practices are seen as a form of labour within this commercial online context, readings of immaterial labour as gendered become crucial for highlighting asymmetrical power relations across a public/private divide. Like women, young people constitute a labour market demographic subject to devaluation and precariousness. Melinda Mills (2005) has pointed out that in Canada, industry and government shifts according to the logic of globalization have not only resulted in flexible employment situations for women, but also for young people, complicating what she terms their "transition to adulthood": "defined by labor market entry, and transition to first partnership and parenthood" (Mills 2005, 278). So while their current online cultural production forms the basis for economic exploitation, the future careers toward which they are working will build on the terms of that exploitation in the form of uncertain working conditions and the commodification of their immaterial and emotional labour. Leopoldina Fortunati (2007) thus aligns the immaterial labour thesis with a history of women's unequal working conditions stemming from the devaluation of work done in the domestic sphere (144). In acknowledging women's domestic work as part of emotional and immaterial labour, one can also make the link to forms of youth labour that have been similarly devalued for their situation in traditionally more private milieus such as the home. Particularly when it

comes to cultural production online, forms of UGC that have been categorized as leisure activities can thus be seen to involve legitimate labour, especially as they contribute to the growth of commercial online platforms.

Framing young people's UGC creation as apprenticeship labour specifically also emphasizes the significance of larger economic and political structures on everyday internet activities. My use of the term apprenticeship thus follows from an anthropological understanding of the term to signify a process of acquiring the implicit knowledge related to a particular craft "through long-term observation and experience," as "the means of imparting specialized knowledge to a new generation of practitioners. It is the rite of passage that transforms novices into experts" (Coy 1989, xi).

Apprenticeship's emphasis on the training of a new generation implicates age as a key axis around which orbit a number of social factors that shape how UGC functions as labour. One of these has to do with what has been identified as a current crisis for western "post-adolescence," seen by Meg Maguire, Stephen Ball and Sheila Macrae (2001) as a distinct life stage marked by a delayed entry into paid employment and an ambivalent relation to familial dependency. Gary Pollock (2008) has characterized this transitional period as "an uncomfortable grey area between what could be described as dependent youth and adult independence" (467). The discomfort provoked by the apparent protraction of young people's transition into adulthood has been characterized as unique to the current social and economic climate. For example, in a *New York Times Magazine* article published in August 2010 titled, "What is it about 20-somethings?", author Robin Marantz Henig reflects on the current generation of youth in their twenties, for whom "getting to what we would generally call adulthood is happening later than ever" (n.p.).

From “boomerang kids” to young people who never get married or have children, the article tracks popular and scholarly conceptions of 20-somethings as experiencing a qualitatively new life phase of “emerging adulthood” along less traditional paths than their forebears. Henig takes pains to situate this “changing timetable of adulthood,” which has been framed largely through psychological discourses, within a socio-economic context where emerging adulthood hinges on class background. Yet this potentially useful contextualization is brushed aside by the article’s conclusion, in order to posit that if emerging adulthood is a true life stage, then perhaps resources need to be provided for youth to take a “temporary moratorium from social responsibilities” in order for them to experiment with different life options. While Henig ultimately concludes on an ambivalent note about the “longer road to adulthood,” this ambivalence and the article’s tone as a whole is indicative of the uncertain position of young people as contemporary citizens. Even entertaining the notion that 20-somethings should be excused from social responsibility indicates the sentiment that youth are not ready to participate, and if they do become civically engaged, it can be chalked up to a brief period of “adventures, experiments, travels, relationships” that “we” don’t know whether to allow or cut off (Henig 2010).

This psychologized portrayal of 20-somethings as needing more time for identity experimentation might conversely be seen as a symptom of structural economic constraints on the youth labour force. Consider Mills’s (2005) summary of the Canadian labour market as one where employment uncertainty brought on by globalization policies has resulted in “turbulence at a formative life course phase where individuals must make long-term binding decisions,” producing “uncertainty and postponement, having

ramifications for the entire life course and thus demographic trends in general” (278). This kind of explanation for the “boomerang kids” phenomenon has received popular coverage in Canadian News Magazine *Maclean's*, in its December 6, 2010 cover story titled, “Generation Screwed: Lower Incomes. Worse Jobs. Higher Taxes. Bleaker Futures. What boomers are leaving their children.” In the article, author Jonathon Gatehouse enumerates the grievances at the heart of the current social unrest of young people in the UK, with the conclusion that Canada might soon see similar generational clashes due to common globalized government policies around education, welfare and pension that have led to age-related economic inequalities.

Tracing young people’s economic obstacles to successive neoliberal policies over the last few decades, the *Maclean's* story takes a different perspective on the current generation of 20-somethings than the psychological profile put forth in the *New York Times Magazine*. Yet what both of these articles have in common is a sense that something is wrong with young people’s economic prospects and transition to adulthood; I suggest that this notion might be usefully articulated in relation to accounts of young people’s UGC activities as a kind of apprenticeship, where commodifying one’s own identity online is seen as more promising than traditional occupational pathways. Consider for instance the following excerpt from a recent *Globe and Mail* article about the job situation for Canadian youth:

For some, like Nicole Abi-Najem, a sense of quiet desperation is taking root. The 24-year-old has been searching for work since May. A graduate of Ryerson University’s radio and television program, she just finished a five-month internship at the *Late Show with David Letterman in New York*. She’s built her brand online, embraced social media and applied for 50 jobs. She’s bright, articulate, fluent in English and Arabic and speaks conversational French. But no luck. (Grant 2011)

The fact that young people seeking creative industry careers are practically required to cultivate their own personal brand through online platforms has become a dominant cultural narrative (Marwick 2010). Alison Hearn (2008) frames this kind of mediated and commodified identity as a “branded self”: “Self-branding involves the self-conscious construction of a meta-narrative and meta-image of self through the use of cultural meanings and images drawn from the narrative and visual codes of the mainstream culture industries” (198). In enacting their branded selves, young producers of UGC channel their immaterial labour of cultural production through commercial online platforms, which serve to train them for culture industry careers where their negotiation of identity contributes to self-exploitation. This explicit process of putting one’s identity to work overlays a politics to what has been characterized as western young people’s growing culture of narcissism (Lasch 1979; Douglas 2006; Twenge & Campbell 2009).

As Lazzarato (1996) describes:

Precariousness, hyperexploitation, mobility, and hierarchy are the most obvious characteristics of metropolitan immaterial labor. Behind the label of the independent ‘self-employed’ worker, what we actually find is an intellectual proletarian, but who is recognized as such only by the employers who exploit him or her. (137)

In this way, the process of constructing identity online as a branded self is bound up in exploitative work practices: young people must constantly manage “lives that are characterised by processes of speeding up, intensification and contingency,” where “working in new media involves multiple practices of *managing the self in conditions of radical uncertainty*” (Gill 2011, 249, emphasis in original). While young people’s desire to enter into new media careers may be prompted by both the social pressure to be online and the cultural capital gained from self-branding as individuation, their UGC activities

also represent a kind of exploited labour. In seeing UGC production as apprenticeship for young people within an uncertain transitional life stage, this thesis highlights how identity formation in online cultural production is wrapped up with exploitation: first by commercial Web 2.0 platforms, and ultimately by the demands of creative industry careers.

Persona Rights: Privacy and Intellectual Property

When talking to young people about their current online production activities, I have found that the future conditions of their labour in more formalized creative jobs – which for my participants included fashion journalism, professional photography and public relations in the music industry – are less pressing concerns than the constraints on their current online content creation activities. The project’s consequent limitation to current UGC production means that interrogating young people’s activities from the standpoint of new media policy should focus on internet regulation around issues that impinge on UGC, where the two central issues are privacy and intellectual property. Following from the premise that identity work is constitutive of young people’s labour of online cultural production, protective regulatory orientations toward UGC should address the question of citizen rights as related to the integrity of personal identity online.

This thesis groups these rights under the heading of “persona rights,” understood by legal scholar William McGeeveran (2009) to encapsulate the claims for privacy and intellectual property in online expressions of selfhood. In addition to the perhaps more common understandings of how online social platforms capitalize on private personal information and users’ intellectual property, persona rights law sees social networks as

built on the premise of endorsement. When Facebook founder Mark Zuckerberg says, “I think as humans we fundamentally parse the world through the people and relationships we have around us,” the site’s COO Sheryl Sandberg articulates this claim in terms of the endorsement logic that underlies social network sites’ profitability: “What marketers have always been looking for is trying to get you to sell things to your friends, [...] and that’s what you do on Facebook” (both quoted in Grossman 2010). McGeveran proposes that similar to celebrity endorsement, user endorsement – comprised of both their private personal and network information and their work in creating site content – be subject to “two related but distinct legal claims: the tort of appropriation and the right of publicity, respectively” (1149). These laws highlight the ways that social online platforms potentially encroach on rights pertaining to personal dignity and commercial value, articulated together as persona rights of privacy and intellectual property.

My understanding of persona rights – a legal designation that emerges from a decidedly liberal and individualist tradition in western law – invokes a tension between liberal and critical understandings of rights online. In translating McGeveran’s concept into the critical context of feminist political economy, I acknowledge that this tension is often difficult to resolve philosophically and morally. However, the term “persona rights” serves the key heuristic function of co-articulating debates around privacy and intellectual property. This co-articulation in turn offers new ways of intervening into debates around these two concepts, where privacy and intellectual property have tended to be thought about as separate interests.

In life online, as in life in the “real world,” protection of individual privacy can be seen as a fundamental human right that allows people to maintain some claim on their

personal identity. The earliest articulation of this right can be traced to the classic definition of privacy as “the right to be let alone,” furnished by American legal scholars Samuel Warren and Louis Brandeis (1890). Privacy is also enshrined in Article 12 of *The Universal Declaration of Human Rights*, which states that “no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks” (United Nations 1948). While the context for such an understanding of privacy changes in online settings, the essential concept of protection from interference remains. As the House of Commons Standing Committee on Human Rights and the Status of Persons With Disabilities (1997) frames it, privacy is crucial for constituting subjectivity:

Canadians view privacy as far more than the right to be left alone, or to control who knows what about us. It is an essential part of the consensus that enables us not only to define what we do in our own space, but also to determine how we interact with others—either with trust, openness and a sense of freedom, or with distrust, fear and a sense of insecurity. (6)

The importance of privacy to both the individual and to public society makes the control over personal information a matter of human rights. What is particular about privacy online, however, is that the architecture of the internet often confounds ways of protecting personal information. The TCP/IP protocol subtending the internet enables the exchange of data through the Transmission Control Protocol (TCP) – subdivided into packets identified by Internet Protocol (IP) addresses – between two machines, as determined by routers along the way. The TCP/IP system itself only provides traces of IP addresses, but newer additions to this mechanism, such as web browsers’ cookies that can track online behaviour and packet filtering technology that can examine the content of

information packets being transferred, enable the encryption of more detailed information: “In each of these cases, a layer of code complements the TCP/IP protocol, to give network administrators something that TCP/IP alone would not – namely, knowledge about ‘what’ is carried within packets” (Lessig 2006, 56). These and newer additional layers of code over TCP/IP will likely become even more prevalent over time, resulting in increased structural control over communication that includes the collection and application of more and more user information. As Leysia Palen and Paul Dourish (2003) see it, protecting such information constitutes a continual process of privacy management in a dynamic digital environment, where rules and boundaries need to be negotiated and re-negotiated on an ongoing basis (131). They identify these rules and boundaries as coalescing around notions of selective disclosure, representation as self-concept or identity, and the persistence of online information over time – three areas where the internet’s structure often prevents individual control.

This is where a role for regulation emerges, since state controls offer ways of protecting citizen privacy that are more structurally powerful than individual efforts. According to Colin Bennett and Martin French (2003), state-centered privacy regulation rests on the assumption that “the organisations that are responsible for privacy invasion can be observed, resisted and regulated because they are subject to the laws of discrete and bounded liberal democratic states” (2). This assumption, which forms part of what Bennett and Charles Raab (2003) have identified as the “privacy paradigm,” highlights one of the main complications of internet regulation: the effective absence of state borders online. Because lines of state jurisdiction are difficult to discern, Bennett and French argue that privacy regulation must be thought of as a global issue (10). But at the

same time, the global scale of privacy protection online must be attuned to locally-situated iterations of privacy “moments.” Andrew Clement et al. (2004) add to the disclosure of information online those moments of sitting in front of the computer and interacting with it as important experiences of individual privacy management. Considering privacy as a quotidian process is as important for understating privacy regulation as is an attention to statewide and global policymaking.

The other key aspect of persona rights examined in the thesis is intellectual property, which describes legal protections over creative works that include trademarks, patents, industrial designs and, the form most pertinent to UGC, copyright. For most of the internet’s time as a popular communications medium, copyright has been at the center of new media policy debates, reflecting the growing ubiquity of digital technologies that create instant and multiple copies. These technologies have also changed people’s everyday practices of interacting with creative works – blurring the distinctions between gaining access to a work, using/reading a work, and copying a work (Vaidhyathan 2001, p. 152). Moreover, while copyright law as a sub-section of intellectual property law has been the main focus of the legislative challenges of new media technologies, as Siva Vaidhyathan (2001) argues, “The distinctions among the different types of ‘intellectual property’ have also eroded, if not collapsed. [...] Now software can carry legal protections that emanate from copyright, patent, trademark, trade secret, and contract law” (153). In this way, the phrase “intellectual property” has come to define debates about creativity and ownership in the context of digital technologies and ICTs: “Intellectual property is the legal form of the information age. Like most property regimes, our intellectual property regime will be contentious in its distributional,

ideological and efficiency terms. It will have effects on market power, economic concentration and social structure” (Boyle 1997, 88). In regulating intellectual property online, policymakers must seek a balance between recognizing ownership over creative works and allowing them to circulate throughout the culture.

Similar to privacy regulation, intellectual property regulation is subject to the complications of delineating state jurisdiction online. The most widely publicized examples of such conflicts come from copyright cases, in which the incongruous copyright laws of different nations have resulted in transnational legal dilemmas, as in the recent case between the Swedish file-sharing site the Pirate Bay and the U.S. government (Lewen 2008).³ Legal scholar Lawrence Lessig (2006) notes that copyright has become the most salient aspect of intellectual property regulation online, stemming from the disparities between intellectual property rights enshrined in the U.S. Constitution and contemporary digital technologies that function through making automatic copies. The proliferation of copies has resulted in new freedoms in audience consumption, which in turn have provoked the private sector to push for legislation that more tightly controls their intellectual property. As Yochai Benkler (2006) argues, increased regulation of copyright in the U.S. constitutes “a concerted effort to shape the institutional ecology in order to help proprietary models of information production at the expense of burdening nonmarket, nonproprietary production” (380). While edging more closely to the U.S. model, Canadian law allows for a bit more leeway with intellectual property, enabling the

³ Within the Swedish court system, legal disputes over the Pirate Bay’s provision of magnet links to bittorrent files – files that enable peer-to-peer sharing of often-copyrighted music, film, video, books, etc. – have been ongoing since 2007. The particular case examined by Ulric Lewen (2008), where Swedish police raided the Pirate Bay’s offices and took down its servers in May 2006 – later revealed to be prompted by trade sanction threats from the U.S. government in partnership with the Motion Picture Association of America – is exemplary of how the U.S. approach to copyright particularly favours copyright owners over end-users (189).

combination of nonrivalry – copies are not a finite resource – and the “on the shoulders of giants” effect – the ability to build on previous works – to contribute to economic development through less centralized control (Benker 2006, 38).

Despite the differences between U.S. and Canadian approaches to intellectual property regulation online, the moral issues behind intellectual property regulation remain the same. Laura Murray and Sam Trosow (2007) identify these moral issues as part of owner’s rights, where works are seen as the intellectual property of their creators and not of corporations. Owner’s rights are both moral and economic, however, with economic rights as those that are subject to corporate control, market exchange, and by extension, market-based regulation (Murray & Trosow 2007, 53). But moral rights can be seen as also in need of regulatory protection from the perspective of an ethical framework for intellectual property. Kenneth Himma (2008) lays out two main ethical issues regarding intellectual property: whether authors have a morally significant interest in controlling what happens to their creations; and whether is it morally permissible for the state to protect the interests of creators (14). Moral rights thus include concepts like integrity (allowing authors to prevent certain distortions of their works), attribution (where the author gets credit for his or her authorship role), and association (enabling the author to control context in which his or her work gets used, reproduced or exhibited) – all of which could be applied to young people creating UGC, and yet no regulation exists to protect these moral rights (Murray & Trosow, 2007, 53-63). At the crux of these issues lays the relationship of the individual to the state, a state that operates within a field of global internet policy. Online cultural production offers new forms of transnational distribution for creative works, which demand new forms of policy that balance owner’s

rights against a “free flow” of information. Regulation of intellectual property on the internet, like regulation of privacy, requires an understanding of situated online practices in order to strike this balance.

New Media Policy

In the Canadian context, public debates around privacy and intellectual property as part of user-producers’ persona rights fall under the category of new media policy. New media policy constitutes the legislative decisions made, most often by federal governments, to regulate networked communications. As defined in 1999 by the main federal regulatory body, the Canadian Radio-Television and Telecommunications Commission (CRTC):

The development of digital technologies has led to the emergence of new media which can combine elements such as text, graphics, data, fixed images, audio, full motion video and animation and deliver them to exhibition devices such as personal computers (PCs) or television sets. The distinguishing features of new media are its use of digitization, interactivity and interconnected networks. (5)

Most often, new media policy centres around internet governance (Mueller 2002; DeNardis 2010) – and I use the terms policy, regulation and governance interchangeably – but it also includes elements of telecommunications policy and broadcasting policy, which have been the traditional domains of the CRTC since the 1970s. As an arm of the federal government, the CRTC is run by a group of 19 commissioners who solicit input on regulatory decisions from both the private and public sectors, and then create reports and policies that translate into legislation in conjunction with Parliament. In relation to new media, the CRTC has consistently held consultations on issues such as convergence, content, access, competition and broadcast definitions (Shade 2008a, 110-111; see also

Barney 2005, 24-67). The CRTC's continued involvement in new media policy debates indicates that there is still a need for the federal regulator to find new policy directions in between the reception model of broadcasting and the sender's model of telecommunication (Raboy 1996, 70). New media present new challenges in terms of regulating both the content and structures of internet communication, including protections for privacy and intellectual property.

While such new media policy decisions tend to be made at the national level by pre-established regulatory bodies, the nebulous borders of the internet require that national governments contend with global internet governance movements. Dov Bram Abramson and Marc Raboy (1999) argue that talking about national new media policy necessarily involves an eye outward: "it is no longer possible to conduct coherent research or make sensible intervention without integrating th[e] global process into the core of one's agenda" (789). Yet, as Raboy (2007) later admits, global media policy is not only difficult to define, it presents a need to re-negotiate national contexts in light of the internet's global reach (343). He also points out that transnational media industries exert as much, if not more, influence over emerging trends in new media as policy does – which indicates the need for governments to agree on and implement an instrument of global governance for communication (345). Such an instrument would also need to fit into the particular policy frameworks of different countries: "it is far easier to adapt the Internet to a legal culture than to adapt a legal culture to the Internet. Each regulator therefore has to consider the country's framework and regulate the Internet to its own perceived needs and benefit" (Ang 1997, 9).

In order to balance the need for regulation that is at once global and state-specific, what has tended to happen in policy development is a turn toward neoliberalism, with its pretension of bypassing state specificities altogether in favour of a free market approach. Victor Pickard (2007) defines neoliberalism as “a contemporary stage of capitalism most aptly defined by four indicators: the privatization, deregulation, liberalization, and globalization of markets” (121). While these four properties would seem to represent a free market approach that is not controlled by government, government regulation is in fact crucial to enable the unrestricted functioning of market competition; deregulation in this context really means “re-regulation” (McChesney 2007, 142). As such, and despite what is often interpreted as industry’s deep-seated mistrust of government regulation – apparent in varying degrees across different nations – capitalist approaches rely on state-sanctioned policies that facilitate the growth of global markets.

Neoliberalism’s contemporary prevalence in western communications regulation can be traced through decades of government policymaking. Jan van Cuilenburg and Denis McQuail (2003) tie neoliberal approaches to what they call the current search for a “new communications policy paradigm,” guided by “the idea that a large and dynamic market, with open frontiers, should, within a clear and agreed framework, be able to provide for the current and expanding communication needs of society” (199). This third phase in communications policy is said to follow Phase I, emerging communications industry policy up to World War I, and Phase II, public service media policy from the post-war period to the 1980s and early 1990s. For van Cuilenburg and McQuail, the key turning point that instigated the current need for a new policy paradigm is media convergence:

Technological convergence means, for instance, that the boundaries between information technologies and communication networks are technologically blurring: computer and telecommunications are converging to telematics; personal computers and television become more similar; and formerly separated networks become more and more interconnected to render the same kind of services. Multimedia, integrating text, audio and video, is also an example of technological convergence. Along with technological convergence, we currently see economic convergence in the communication and media sector, that is the merging of the branches of computing, communications and content (publishing). It is because of technological and economic convergence that the idea of ‘communications policy’ was born and took a clear shape in the late 20th century (197).

Because media convergence thus represents a transnational re-organization of communications practices, Canadian telecommunications policy development since the 1990s has tended to follow international paradigms.

But even earlier in its regulatory history, as Leslie Regan Shade (2004) outlines, Canada had engaged with international policy developments. Canada’s *Instant World* report, issued by the now-defunct Department of Communication in 1970, evidences the country’s investment in contemporaneous debates around the New World Information and Communication Order (NWICO) and the MacBride Commission (Shade 2004, 83). And in fact, the *Instant World* report foreshadows some of the contemporary policy issues that have, as van Cuilenburg and McQuail contend, come about alongside more recent media convergence. With this history in mind, it is impossible to discuss the Canadian context without some acknowledgement of global policy debates. As Abramson and Raboy (1999) put it, cross-national comparison is a basic part of new media policy analysis: “whereas comparative work once involved holding up spatially discontinuous events or characteristics to a common measuring stick, it now involves intersection and commonality, tracing multiple repercussions to single events” (789). International development of new media policy that addresses online spaces of UGC,

particularly in regard to young internet users who are deemed in need of “protection,” is indeed a contentious area for communications regulation, and it holds ongoing significance. The drafting of global legislation around privacy and intellectual property in the near future will have to take into account such complications posed by the protection of users’ rights in light of exploitative transnational business models that integrate UGC.

Methodology

The methodology employed in the thesis combines in-depth interviews with young people engaged in creating UGC with the examination of texts, including policy research documents, scholarly literature and cultural theory. Following from the methodological imperative described by Marc Raboy, Serge Proulx and Peter Dahlgren (2003), where the authors designed a model for mapping the goals of media policy onto the social demand of media audiences, this approach is focused “both on understanding individual practices, as well as on the social structures that are cross-cut by these practices” (324). Discourse analysis of policy documents, situated in light of scholarly research and interpreted through theoretical paradigms, is meant to furnish the larger picture of the way that “social demand [is] expressed by various actors with respect to a particular component of media policy” (Raboy, Proulx & Dahlgren 2003, 324). This examination of the institutional iterations of new media policy debates is set in dialogue with the more local, individualized discourse of how user-producers talk about their own practices. As Raboy, Proulx and Dahlgren emphasize, “real experience rarely fits neatly with policy goals,” and thus it is particularly important to “confront the imputed intentions of policy with lived experience in light of new user practices” (327, 325).

In order to square these two levels of analysis – the micro, individual user experiences, and the macro, new media policymaking – the project relies on methodological hybridity or “bricolage” (Kincheloe 2001). Textual analysis is combined with analysis of participant interviews, both interpreted through a matrix of theoretical lenses. The findings from the analyses of texts and interviews are, moreover, contextualized within scholarly literature, as well as within a brief history of the development of new media policy debates in Canada. The aim of this combination of methods is to address the central research question, “how might new media policy approach the issue of user labour in UGC to protect persona rights?”, by re-theorizing labour in UGC from the perspective of young user-producers. Placing the discourses of these young people in dialogue with policy discourses is intended to highlight the fissures between individual understandings of UGC labour and regulatory imperatives. These fissures represent possible inroads to amending the terms of new media policy debates in order to take into account the mandate of protecting citizen rights online, particularly those persona rights threatened by the current commercial exploitation of UGC.

While incorporating a bricolage of methods, the thesis employs an approach to textual analysis based loosely on critical discourse analysis, in order to make sense of the materials under examination. Critical discourse analysis is useful here for constructing a conceptual bridge between micro processes of communication and macro social structures (van Dijk 2001, 354). The central tenets of critical discourse analysis, summarized by Norman Fairclough and Ruth Wodak (1997), include the assumptions that discourse does ideological work, constitutes society and culture, and is a form of social action (272-275). When applied to policy analysis, this method highlights the

political-economic characteristics of the current policymaking climate, where the language of policy might be seen as reproducing an asymmetrical power relationship between corporate actors and the wider public (Graham & Luke 2010). For Fairclough and Wodak, this understanding of discourse entreats critical discourse analysis as a method to be both interpretative and explanatory in addressing social issues, while enacting a critical orientation toward the reproduction of hierarchical power relations through discourse.

Particularly in the context of government communications and federal policy documents, an attention to the asymmetrical power relations upheld through discursive production and reproduction is crucial to the thesis' goals. As Sonia Livingstone and Peter Lunt (2007) contend, policy discourse in particular deserves the attention of cultural critics, since:

[...] key questions arise regarding media and communications market developments, contents and services available to the public, mechanisms for representing the range and nature of public interests at stake, and, crucially, the regulatory underpinning for the information and communication requirements of a democratic society. (52)

While the detailed analysis of language is central to this method, critical discourse analysis also involves a consideration of the context of language production. In relation to political discourse, Fairclough (1998) notes how it is doubly determined, first within the specific sphere of state politics and second within a broader field in which political discourse represents one of many discourses that shape social relations (147). Similarly, the language of these specific policy documents is analyzed from the perspective of different contextual orders, including the order within each document, across documents, relating to their mode of production, and as situated among contemporary policy debates.

On a more micro level, the lessons of critical discourse analysis are also instructive for analyzing the modes of telling in a series of participant interviews, conducted with young people who are engaged in online content creation. Quotations and conversations with the four central participants are thus presented throughout the thesis on two registers: at face-value, I consider the content of what they say in terms of its relation to identified themes under discussion; but also, at level of discursive production, I consider what they say and how it is uttered as symptomatic of certain visions of user-generated content and internet technology more generally (Sandvig 2002). Indeed, the participants' testimonies often align with the perspectives of the policy documents as common iterations of popular ideas around young people and web-based cultural production. These synergistic moments between micro and macro discourses tend to be outnumbered by more uneasy alignments between the participants' experiences and policy representations. These moments of fissure, juxtaposition and contradiction form the basis for the bulk of the thesis's attempt to place these two discursive registers in dialogue with each other.

Macro: Policy Documents

The main set of documents analyzed here were selected based on their relevance to Canadian new media policy and young people's user-generated content. Unfortunately, there is a dearth of policy research that articulates these two concerns together in the same document – in fact, I could not locate any such sources during the research phase of this thesis project. Some more recent reports from the Office of the Privacy Commissioner have begun to address UGC in relation to privacy, but this area remains

underrepresented in the policy literature, presumably because UGC has so far not been widely recognized as an economic driver by more traditional policy approaches to content creation. Moreover, the uneven development and implementation of internet policy in Canada over the last fifteen years might be seen as a factor in the lack of comprehensive policy articulations of regulatory concerns related to UGC. This lurching history does evidence broad trends, however, mainly toward bolstering neoliberal ties between government and industry. Internet privacy and intellectual property have functioned as touchstone issues during this period, which has led the country to its current attempts to grapple with the especially challenging situation of UGC as falling somewhere in between online production and consumption activities. Neoliberal approaches would tend toward protecting the interests of industry over those of consumers or citizens, but what happens when these users also act as producers? How does considering UGC production as a specific form of labour implicate policy debates around privacy and intellectual property, in other words, debates around the protection of persona rights?

Throughout the thesis, these debates are located within recent policy documents from government and research organizations: the CRTC's *Perspectives on Canadian Broadcasting in New Media: A Compilation of Research and Stakeholder Views* (2008), and *Navigating Convergence: Charting Canadian Communications Change and Regulatory Implications* (2010); Ofcom's *Social Networking: A Quantitative and Qualitative Research Report into Attitudes, Behaviours and Use* (2008); the OECD's *Participative Web and User-Created Content: Web 2.0, Wikis and Social Networking* (2007); and The Pew Internet & American Life Project's *Teens and Social Media* (2007).

These texts have been selected on the basis of their relevance to the persona rights issues of privacy and intellectual property in Web 2.0 environments, especially in terms of young user groups. In addition to in-depth analysis of the two most recent reports on new media from the CRTC, I also include some of the Canadian research on privacy from the Office of the Privacy Commissioner of Canada (OPC) and the Public Interest Advocacy Centre (PIAC). The other three reports were chosen as representations of research and policy from outside of Canada. The Ofcom report evidences how the UK's federal regulator has done more than Canada's to specifically address the growing ubiquity of social network sites. The OECD report likewise addresses a gap in the Canadian perspective on UGC more generally as an economic trend. By contrast, the Pew report was chosen for its focus on the social trends for young people engaged in online cultural production – another significant gap in the CRTC's research. The selection of reports from different western nations, along with one from an international organization, speaks to the growing need for more global dialogue between different states' regulatory bodies in designing policy that keeps pace with transnational technological innovation.

The language of this selection of policy documents is examined for the way it articulates conceptions of users and UGC that not only serve a proscriptive function for the making of legislation, but also the discursive function of reproducing and legitimating certain visions. These visions work to shape the uses of technology, whether those uses are social, political, educational, commercial, and so forth (Sandvig 2002, 7). As this set of five documents from the CRTC, the OECD, Ofcom and the Pew Internet & American Life Project show, the social image of UGC technologies and platforms often belies how their essential value is expressed as economic. In line with the neoliberal rhetoric that

pervades policy debates in Canada, these documents tend to focus on the economic impact of UGC in terms of regulating new media markets and infrastructures. What is often missing from these portrayals are the impacts of regulation on people and social groups, not to mention on civic engagement, which comprises a crucial public aspect of new communications technologies and practices. Especially with regard to younger internet users, the new forms of civic engagement afforded by digital technology – including the way that UGC production impacts young people’s attitudes and behaviours with respect to public institutions, policies, programs, environments and/or decision-making processes (Leung 2009, 1331) – have been said to “giv[e] young people the tools they need to engage with public life” (Wells 2010). While user content is thus often heralded as a revolutionary turn in media production, policy seems to lag behind on decisions that would ensure communication rights to users themselves, as can be seen in the documents examined.

As the primary Canadian media regulator, the CRTC has been involved in a continuous review of its position on new media since its initial new media exemption order in 1999 (CRTC 1999). In May 2008, the Commission released its updated position on new media in the *Perspectives* report, which integrates findings from the 2006 *Future Environment Facing the Canadian Broadcasting System* report and subsequent 2007 New Media Project Initiative’s series of public hearings and submissions. The goal of *Perspectives* was to update stakeholder views in order to determine whether changes to the new media landscape necessitated an amendment of the Broadcasting Act to include online sources of content. Ultimately, the Commission found that the new media exemption order should be upheld, despite the conclusion two years prior in the Future

Environment report that “public policy action would need to be taken within the next three to seven years if it were to have the desired effect” (CRTC 2008, 9). The *Perspectives* report frames Canada’s new media broadcasting environment as “one of change, challenges and opportunities,” best served by maintaining the current exemption on regulation that has, according to the Commission, resulted in “experimentation with new business models, content types, and distribution mechanisms to tap into Canadians’ adoption of Internet protocol (IP) technology and devices” (CRTC 2008, 3, 5). This assertion presents a typical characterization of new media as a space of primarily economic and technological innovation, without addressing the cultural aspects of new media that are in fact part of the CRTC’s mandate.

The official mandate of the CRTC’s broadcasting division states that, “programming in the Canadian broadcasting system should reflect Canadian creativity and talent, our bilingual nature, our multicultural diversity and the special place of aboriginal peoples in our society” (CRTC 2010a). And while these objectives appear superficially lofty in light of the *Perspectives* report’s neoliberal conclusions, perhaps the problem of regulating new media in the public interest stems from the attempt to frame internet content as “broadcasting” in the traditional sender-receiver model in the first place (Raboy 1996). More recently, the Commission has taken a different approach to this framing in its 2010 study, *Navigating Convergence*. By representing internet regulation from the perspective of new technology rather than from that of traditional broadcasting, *Navigating Convergence* sees the current regulatory framework as one in need of adjustment; the report outlines “high-level structural changes and regulatory considerations” through “discussion and consideration of a coherent approach to

regulation that iteratively evolves a framework that reflects new realities” (CRTC 2010, 1). While *Navigating Convergence* thus departs from the agenda of *Perspectives*, when taken together, these two documents illustrate not only the new media policy environment in Canada, but the structural challenges faced by its primary regulator.

Another federal regulator experiencing similar challenges to its position in a new media landscape, the UK’s Ofcom, has indeed undergone significant restructuring over the past decade. In developing a common approach to the regulation of broadcasting, spectrum and telecommunications, Ofcom was formed in 2003 as a “superregulator,” consolidating five legacy regulators under the UK’s Communications Act (Livingstone & Lunt 2007). As Livingstone and Lunt (2007) point out, one of the most significant aspects of newly consolidated Ofcom is the way its mission statement addresses constituents as hybrid “citizen-consumers” (see also Livingstone, Lunt & Miller 2007; 2007a). While citizen-consumer terminology reflects Ofcom’s attempt to balance out economic concerns with regulation in the public interest, in practice, the semantic conflation of citizen and consumer means that consumer interest eclipses the more difficult-to-define citizen interest. This dynamic can be seen as characteristic of media regulation in a neoliberal political climate, and as such, Ofcom’s 2008 report on social network sites (SNS) offers a key example of what might occur when the CRTC eventually addresses new media as part of its jurisdiction. Ofcom’s *Social Networking* is also interesting for the way it attempts to separate SNS activities from other kinds of online production as part of its delineation of the policy field.

In both the cases of the CRTC and Ofcom, federal regulators’ reports have been put forth as proposals for defining the purview of internet regulation, before even

attempting to suggest the roles that state-centered governance organizations might have to play in shaping new forms of media production online, such as user-generated content. While federal regulators have thus tended to tread carefully on new media policy issues, presumably as a result of their complicated investment in both economic and social agendas, the OECD has been compiling policy research and proposing new governance frameworks for not only new media in general, but user-generated content specifically. The OECD's *Participative Web* report, released in 2007, came out of the 2006 iteration of the organization's annual Information Technology Outlook and the international conference on The Future Digital Economy: Digital Content Creation, Distribution and Access, held by the OECD and the government of Italy in January 2006. These events resulted in what the report describes as a "sudden awareness of the growth and potential impacts of user-created content," spurring on the production of the *Participative Web* document (OECD 2007, 7). The report was presented to the Working Party on the Information Economy in December 2006 and eventually declassified by the Committee for Information, Computer and Communications Policy in March 2007 (OECD 2007, 2). Later, it was used as a discussion paper in a series of follow-up debates among industry as well as the public, including the OECD-Canada forum in Ottawa on October 3, 2007. Such a confluence of institutional channels reflects the OECD's status as an international economic research organization that prepares statistics and reports for its 30 mostly developed-world member countries. The *Participative Web* report is thus interesting for its more global (though not totally inclusive) scope, which addresses state-specific regulation while noting the overall trends in UGC that impact transnational economies.

Balancing out the mainly economic development perspective of the OECD report is the more socially-minded research paper, *Teens and Social Media*, prepared by Amanda Lenhart et al. (2007) as part of the Pew Internet & American Life Project. As a division of the Pew Research Centre, and supported by The Pew Charitable Trusts – an independent, nonprofit beneficiary of charitable funds established between 1948 and 1979 by the children of Sun Oil Company founder Joseph N. Pew – the Internet & American Life Project’s mandate is to produce reports that “explore the impact of the internet on children, families, communities, the work place, schools, health care, and civic/political life” for the purpose of informing public policy (Lenhart et al. 2007, vii). *Teens and Social Media* is just one of the 15 to 20 reports on internet life that Pew releases every year, with most of the studies about youth online helmed by Senior Research Specialist Lenhart. In conjunction with the services of the Princeton Survey Research Associates, Lenhart et al. present data from a series of quantitative and qualitative surveys, intended to demonstrate the key trends in young people’s involvement in social networking sites. Unlike Ofcom’s assessment of social networking as distinct from UGC, the Pew study is more in line with the OECD report in that it positions social networking as one of many content-creation activities. Yet unlike the economic focus of the OECD, the Pew study avoids explicit interpretation of teens’ activities as tools of economic, or indeed social, development. Also interesting about this report is its position within public policy discourse – it is not affiliated with actual government legislation, but instead offers an example of kind of research currently underway in the U.S. with the financial support of liberal foundations. The Pew Internet & American Life project is thus particular to the U.S. context, and it provides a

counterpoint to the government-funded research examined from Canada and the UK. Domestically, it also fills a gap in the U.S. Federal Communications Commission's research reports, which do not explicitly address user-generated content except as a byline in recent broadband studies (e.g., UGC was most recently mentioned in a note pertaining to copyright threats in the February 2011 report, *Preserving the Open Internet, Broadband Industry Practices*). While not affiliated with such regulatory research, the Pew study nonetheless offers a significant window into American attitudes and practices around new media that might furnish future policy decisions in the U.S. and abroad.

Rather than just presenting these documents for their substantive content, which is useful in itself, the thesis aims to also consider how policy research reports function discursively. That is to say, an attention to the language of policy documents provides a critical perspective on the production and circulation of specific ideas around internet technology and its users, ideas which form the basis not only for policymakers' decisions, but for broader public understandings of new media. As Christian Sandvig (2002) puts it, policy works in this way to legitimate certain "visions" for networked computing (199). The visions that accompany new technologies like the internet, Sandvig argues, often include proclamations "that it will be democratic, privilege the small, and liberate the individual" (4). Consequently, policy goals tend to involve words like freedom, political participation, economic opportunity and class equality, language that represents a vestige of political rhetoric in general, as well as a nod to technological utopianism (Sandvig 2002, 222). Similar rhetoric has in fact been used more recently to describe user-generated content, which begs for an examination into how the language of policy documents both legitimates and undermines specific visions.

Tied to the notion of visions expressed in policy discourse is the previously discussed concept of the public interest. The technological utopianism that Sandvig identifies in central visions around the internet tends to be framed in terms of public benefit, often in order to mask the overwhelming economic imperatives that anchor concepts like “innovation” and “opportunity.” Van Cuilenberg and McQuail (2003) see this linguistic move as a result of the difficulty in defining the public interest, especially in light of an erosion of older values such as social responsibility requirements, public service and altruism (200). These values or visions have been replaced with economic and consumerist framings of the public interest, typically under the rhetoric of “choice.” Individual choice consolidates several key policy visions through its appeal to personal agency, participation and equality, while bolstering the neoliberal logic of economic development. Thus the public interest becomes a matter of what is essentially consumer choice, as tied into utopian visions that make up much of the policy literature.

The implementation of choice as an orienting policy vision has been studied by Sonia Livingstone and Peter Lunt (with Laura Miller) in a series of papers, all published in 2007, on Ofcom’s “citizen-consumer” rhetoric. These articles serve as models for the thesis, in that an attention to the language of individual policy documents is presented here as situated within broader policy movements. It is within the system of policy debates, decisions and activism that visions get articulated and circulated. By looking at the ways that policy language reproduces structures of social power, I borrow from critical discourse analysis as a way of rendering power relations in policymaking in higher resolution. But as Norman Fairclough (1998) maintains, “an adequate discourse analysis of communicative events as forms of social practice [...] does need to locate

them within fields of social practice and in relation to the social and cultural forces and processes which shape and transform those fields” (143). In this context, it is important to note how policymakers work as part of a sociotechnical system – a system that shapes and is shaped by prevailing symbolic visions of the technology and its users (Sandvig 2002, 59, 199; Wajcman 2007).

As such, this group of documents is intended to address Canadian regulation of new media and regulatory issues around young people’s UGC through a composite reading across different kinds of policy research texts. Broadly adapting an approach to textual analysis inspired by critical discourse analysis, as formulated mainly in the work of Norman Fairclough (1995), the documents were read and coded according to a list of discursive properties having to do with vocabulary, grammar, cohesion and text structure (Locke 2004, 46-51). The software program TAMSAnalyzer – which enables the researcher to tag passages with embedded code names through a text analysis mark-up system (TAMS) – proved helpful in the coding and organization of relevant passages. Rather than content analysis software that uses search algorithms to compile relevant terms in the text, the TAMSAnalyzer rests on the researcher’s own interpretation of textual operations. As a more flexible program, it enabled the consolidation of similar passages within thematically-organized code reports, as determined through the application of a coding framework adapted from critical discourse analysis.

The findings were organized and interpreted according to a central narrative that arose out of the texts: policy issues of privacy and intellectual property tend to be framed in terms of a neoliberal imperative to bolster economic development of the internet and its infrastructure, while framing people’s activities – especially younger people’s – in

terms of “risk.” In paying particular attention to those passages that resonate with the case of young people’s gendered labours of UGC, the analysis is guided by a series of orienting questions, including: how do the documents articulate the concerns of new media regulation, including those around privacy and intellectual property?; how are economic and infrastructural development framed as central to the regulatory agenda?; and how does policy discourse construct a picture of young people’s content-creating activities online? These concerns are always situated within the documents’ contexts of production, and within the broader field of internet policy developments.

Micro: Participant Interviews

The same themes identified in the policy documents also informed the interviews and discussion I had with a group of young people engaged in doing cultural production on the web. The in-depth interviews conducted with four individuals – Shawn, Angelika, Laura and Marilis⁴ – comprise case studies of some of the typical ways that young people create content online as part of broader personal and professional ways of developing their identities. In the context of Montreal as a city particularly known for its cultivation of artistic and creative scenes – due to a combination of factors including a high youth population, provincial government subsidies for artists and a low cost of living – these four young people’s engagement with UGC tended to stem from their individual creative ambitions. As such, issues around the labour of user-generated content online, especially in terms of becoming creative professionals, cultivating media skills and literacies, making money, and communicating with others, tended to be the most salient topics of

⁴ As per the participants’ consent agreements (Appendix A), they are referred to by their real names throughout the thesis.

our discussions. I also asked them about policy issues, topics that provoked ambivalent responses and on-the-spot reflection. Within our talks about policy in terms of privacy and intellectual property, privacy stood out as the key concern in their online content creation, and especially in their use of social network sites. The big picture painted by this set of case studies seems to show that UGC serves specific functions for this group of young people who are navigating an equally specific time in their lives between postsecondary studies and their quest for meaningful work in the creative industries. In this way, UGC is just one facet of an entire ecology of creative and communicative uses of new media, which is something that the narrowly neoliberal policy imperatives need to consider in taking a more holistic approach to internet regulation in the interest of people as well as economies.

In order to furnish the project's analysis of a series of case study interviews, the first step was to seek ethics clearance through Concordia University's Office of Research, Research Ethics and Compliance division. As per the ethics agreement and the consent forms read and signed by participants (Appendix A), their involvement in the study was on a non-anonymous basis, where I have permission to use their actual names and images of their blog posts. The set of four main participants were recruited between September 2009 and January 2010, each in specific ways, as detailed below. Their participation in the study consisted of a series of three or four discrete interview sessions, conducted as informal discussions, as well as a follow-up session one year after our last interview. I recorded each session using the Voice Memos application on my iPhone, and reimbursed participants for their time by buying them breakfast, snacks, coffee and/or overpriced coffee beverages. While I came to each session with a printed sheet of interview

questions (see Appendix B) that I would both leave out on the table and ask participants directly, organized in three sets – introductory questions, questions about past internet use, and questions about policy and politics – participants were encouraged to talk about whatever topics interested or preoccupied them, as well as to ask me questions if they had any. Over time, the sessions grew more familiar and branched out in unexpected ways that ultimately enriched the interview process and findings. Another advantage of holding these sessions over the span of a few months was that we could visit and revisit certain issues, arriving at more nuanced reflection on their involvement in creating online content.

Once the main case study interviews were completed by the Summer of 2010, I transcribed the mp3 audio files into Rich Text Format document files, which were then uploaded into the program TAMSanalyzer. Similar to the way I used this software package to parse out the central themes and modes of expression in the policy documents, here it was effective in allowing me to code for the main topics that came up time and again in the interviews. Once these were organized into separate document files by theme, I used them to furnish content-based and discursive analysis. Yet while these themes are presented throughout the thesis according to discrete topics under discussion, participants expressed several themes together, interconnected in the way that everyday practices typically contain a number of simultaneous motivations and outcomes involved in struggles for negotiating autonomy (de Certeau 1984). Particularly when attempting to isolate a technologically-based practice such as the creation of UGC, it is important to keep in mind that such activities thus exist within an entire “communicative ecology” of everyday practices (Slater & Tacchi 2004).

Below, I outline brief introductions to each participant, describing how they came to be involved in the study. All of them lived in Montreal, although Laura has since moved to New York City to pursue a degree in Fashion Studies at Parsons, The New School of Design. At the time of our interviews, she was working at a television post-production company in downtown Montreal. The other participant who was employed full-time, Marilis, worked freelance in different capacities at a number of employers, including local entertainment magazines, festivals and record labels. Both Angelika and Shawn were full-time students at Concordia University at the time of the interviews, Shawn in Journalism and Angelika in Photography (Fine Arts) and Communication. Shawn was also working as a fashion model part-time, and took a leave from his studies in the Winter term of 2010 to pursue modeling, and fashion work in general, in London, UK. What all the participants had in common was their commitment to developing careers in creative industries, Shawn and Laura in fashion journalism, Marilis in public relations for emerging musical artists, and Angelika in photography.

Shawn (22) was my first participant; he emailed me after I had visited a number of undergraduate classes in the Communication Studies Department in September 2009 to describe my project and recruit participants. The previous academic year, Shawn had been a student in an undergraduate course for which I was the TA, so he already knew who I was and a little bit about my research interests. Since we already had a rapport, Shawn was an ideal first participant because he was happy to help test out some of the interview design, including re-working the wording of specific questions and experimenting with a contextual style of interview (Shade 2005). After trying out this contextual interview – where Shawn used my laptop to show how he would update his

blog, while narrating what he was doing – in our final meeting of the first stage of interviews in January 2010, we both agreed that the method was interesting but somewhat redundant and awkward in practice. Including the contextual interview, Shawn and I met at different coffee shops around Montreal a total of four times between September 2009 and January 2010. We met once more for a follow-up interview one year later, in April 2011.

Shawn began writing a Tumblr blog in Summer 2009, and continues to maintain it under the title, *Motivated Ambition*. Tumblr is a free hosting site that allows users to easily post text, photos and other media through its template interface. Shawn also makes use of Tumblr's iPhone application, which allows bloggers to publish updates directly from the mobile device. Shawn's blog works mainly as a kind of scrapbook of fashion and modeling images, where he includes some photo captions, quotes or personal commentary from time to time. In our interviews, he described wanting to write more original content for the blog in the form of reportage and editorial pieces, which he has done about once or twice a month.

motivated//ambition



FUTURE THINKING
twitter.com/shawndezan

ASK
 ARCHIVE
 RSS
 SEARCH

Designed by
[Jon Rothenberg](#)
 for [Tumblr](#).

Alla always looks good in red (at Y-3)

[Notes](#)

Fig. 1. Shawn's Tumblr blog, Motivated Ambition

Angelika (23) was recruited in the same manner as Shawn, through my visit to an undergraduate course. Unlike the other participants, I met with Angelika in my office on campus, which was more convenient for her schedule. As a full-time student majoring in Photography, she was taking courses in the Communication Studies Department to fulfill the requirements for a minor in Visual Culture Studies. In our discussions, we often talked about her classes and more generally about her academic interests in Marxist and feminist theories of media. Angelika and I met three times between October 2009 and February 2010. We spoke on the telephone once more for a follow-up interview one year later, in May 2011.

On her blog, hosted for free on Blogspot, Angelika mainly posts images with some accompanying text under the title *Orgasmic Fantastic*. Because she often posts

images with explicit content, such as scans of old *Playboy* and *Penthouse* magazines, her blog is protected by Blogger's front page that asks visitors to confirm that they consent to being over the age of majority. Yet most of the images on Angelika's blog are of everyday objects and settings, or portraits of herself and her friends and family. As a photography student, she describes the blog as a repository for experiments or side projects of her image-making practice.

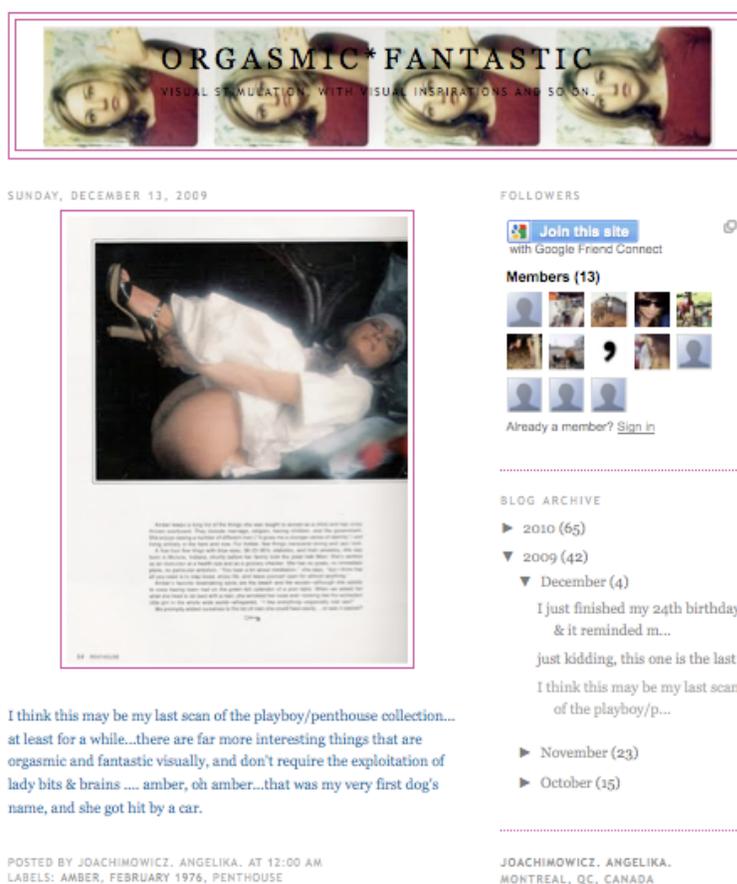


Fig. 2. Angelika's Blogspot blog, Orgasmic Fantastic

Laura (25), my third participant, contacted me through Facebook after a mutual friend had posted a note seeking participants on my behalf. I first met her in October 2009 and we had four interview sessions in total between then and March 2010. We always met at around 10 am at the same coffee shop near her place of work, in downtown Montreal.

Before working full-time, Laura had completed her undergraduate degree at McGill University in Cultural Studies. She was applying for graduate programs during the period of our meetings, and now attends Parsons in New York City in pursuit of a Master's degree in Costume History. We spoke over Skype once more for a follow-up interview one year later, in May 2011.

During the time she spent in Montreal, Laura served as an occasional contributor to *Midnight Poutine*, an online magazine about cultural events in Montreal. She felt more connected to her own blog, however, *Famous People Are Weird*, which was hosted at MetroNews's Toronto-based website as part of the online arm of the free daily newspaper circulated in major Canadian cities. She began blogging there in Fall 2008, when she was approached by a friend who worked for the organization to be a celebrity gossip blogger for the website. Laura was asked to write out her thoughts on irreverent celebrity news into word processing documents, which were then sent to the site administrators for posting to the site. Laura never herself engaged in the technical aspects of posting her writing to the blog; instead her work consisted of finding stories and commenting on them. She has not kept up a consistent posting schedule, and her most recent entry dates back to February 2010.

Famous People Are Weird RSS

Susan Sarandon: Yesterday, Today, Tomorrow

by: Laura Snelgrove September 21, 2009 5:57 PM comments: (1)

I don't understand how a lady can be so awesome. Not, like, ladies are less awesome than men. It's not opposite day. I just mean I don't know how one single lady can keep making me fall deeper and deeper in love with each new thing I hear about her.

Of all of Hollywood's fabulous gals over 50, Susan Sarandon is the one that all my friends, male and female, gay and straight, say they would most like to get with. Nearly universally (I have one friend with just the most terrible taste), people in their twenties in 2009 are gaga for Sarandon. She's classy as hell, sassy as Mo'Nique, has a rack that won't quit, probably talks all salty, and was in *Stepmom*, which everyone my age saw and kind of liked even though they definitely pretend that neither is true (hello! That's how we all actually know who Jena Malone is! Everyone tries to pretend it's because of *Donnie Darko* but no one's fooling anyone!). I'm not saying *Stepmom*'s, like, the best movie. I'm just saying that you probably saw it and you probably don't consider it one of the major regrets of your life, and please don't lie to me because I always tell you the truth and it just makes me so mad when you don't show me the same respect.

Anyway, I digress. The point is that Sarandon can do no wrong, she is amazing. And now it turns out she's part of a ping-pong society, and has been for years. Obviously. She's out at an opening party for a new ping-pong club, and she's talking about how she doesn't want to be in the private celebrity ping-pong area. Picture it. Picture the VIP ping-pong room. R. Kelly's there wearing a huge white fur and he's dripping in diamonds. J.Lo's there with her two babies, who are both wearing white furs and some diamonds. There's champagne everywhere and everyone's laughing about the regular people playing ping-pong in the regular ping-pong area. Oh, but who's playing? The Pinkett Smiths. Jada is winning and, wiping sweat from her brow,



Laura Snelgrove writes about Dakota Fanning, and sometimes other celebrities too. She says that this photo of her was an attempt "to capture my exact reaction to the news that Nicolas Cage was mistaken for a homeless man."

Recent Posts

CHARLIE SHEEN SHOULDN'T BE A PERSON
R. KELLY LIVEBLOG ALIVE AND WELL!!
Sing it, sister!
Some Days are Juan Days
Susan Sarandon: Yesterday, Today, Tomorrow
"Moobs" is Growing On Me

Fig. 3. Laura's Metro News blog, Famous People Are Weird

Marilis (21) was the final participant recruited, in January 2010. Shawn mentioned her in an interview, and noted that she would be an ideal participant for the study since she was a very active and prominent Montreal blogger, and fit within the age bracket of 18-25. I was already aware of one of her blogs, *Pregnant Goldfish*, which is an internationally popular street style blog. After initially contacting her through the email address stated on that blog, Marilis and I met three times between January and July 2010 in different coffee shops and diners around town. We met once more for a follow-up interview one year later, in April 2011.

At the time of our interviews, Marilis maintained four blogs, three of which were hosted by the free blogging platform Tumblr, and *Pregnant Goldfish* running on the WordPress blogging engine. As her first blog, begun in 2007, *Pregnant Goldfish* is a collaborative effort between Marilis and two friends, Alison and Dane, who take photos of various stylish people on the street and at night clubs and cultural events in Montreal, and sometimes in other cities like Toronto and Berlin. She sees this blog, along with her *Works* blog as more professional pursuits, with *Pregnant Goldfish* circulating among the

street style blog community internationally, and Works as a kind of portfolio and calling card for her cultural production activities. Her Tumblr blog Bookmarks, by contrast, is something Marilis does primarily for herself, to keep track of useful online resources, such as images, videos and links. Finally, Beer Tearz in Heaven functions as her “silly” blog, featuring a compendium of stories from party nights, amusing text message conversations, posts from Facebook, and photographs of her social activities.



Fig. 4. Marilis’s Wordpress blog, Pregnant Goldfish

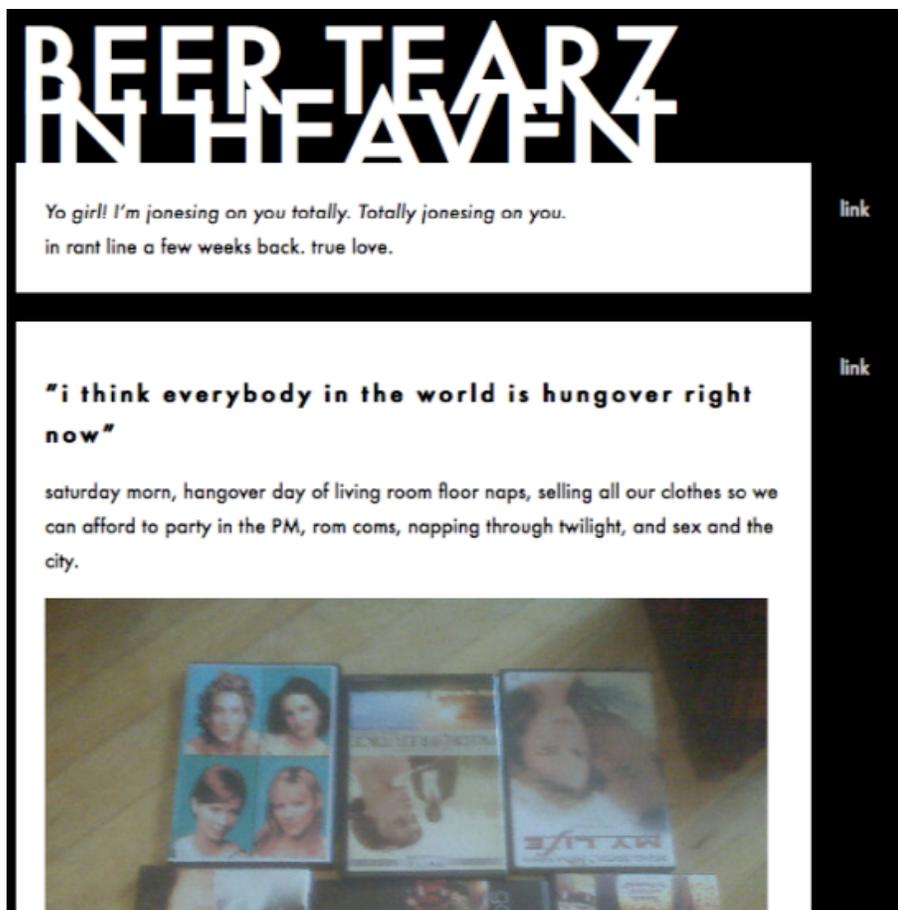


Fig. 5. Marilis's Tumblr blog, Beer Tearz in Heaven

works

a freelance friend-to-all, currently living and daydreaming in montreal. contact her at marlis [dot] cardinal [at] gmail [dot] com



- []
- HOME
- RANDOM
- ARCHIVE
- RSS

Fig. 6. Marilis's Tumblr blog, Works

bookmarks

[RSS](#)

TUE AUG 2ND



[yvyny!](#)

[Archive](#)

[TOPS](#) - Turn Your Love Around

It's so hard to quantify what makes bands sound 'fresh' but this song feels like standing in a the Niagara Falls of fresh. That certain something that first magnetized me to Twin Sister is in this Montreal band's single in droves - catchy and clear but not candy-sweet - in fact, lead singer Jane Penny even has a comparable vocal style to Andrea Estella. But its the orchestration and arrangement on this song make it sound like a once-dusty trail after a summer rain.

Look for more from [Arbutus Records](#) soon.



[Comments \(View\)](#)

Fig. 7. Marilis's Tumblr blog, Bookmarks

In addition to their blogging practices, all of the participants were relatively avid Facebook users. They saw Facebook and other social platforms like Twitter as potential companions to their online cultural production, but also and primarily as communicative platforms. Yet while Facebook activity was generally seen as less “productive” than blogging, the participants expressed a sense that even communicating with friends on

social network sites was not practiced without some form of career-direction. Shawn probably summed up this shift from his younger self's leisure-based online activities to current labour-based perspective:

... comparing my use from my first years on the internet to like, now, um, I find now I have more purpose. It's like, oh, I'm going to have a blog to boost my credibility and practice writing and like, you know, online management of a site and the image of a site. Hopefully it will lead me towards some kind of career. And then it was just kind of like free for all, I'd do whatever. And uh, yeah now I just feel like it's more... goal-oriented, and connected to my offline life, whereas before it was just kind of whatever, it was more of an escapist kind of thing. (October 24, 2009)

I think this quote reflects the notion of a transitional life stage (Pollock 2008), in which internet use and labour functions as a kind of apprenticeship for these participants. As young people embarking on a projected future in creative industry professions – professions subject to “precariousness, hyperexploitation, mobility, and hierarchy,” as Lazzarato contends (1996, 137) – it is important to listen to their articulations of online cultural production in light of current policy debates around persona rights, in order to influence future regulation centered on user-producers. The idea put forth throughout this thesis is that listening to the actual people involved in the labour that builds online platforms will lead to stronger protections for their persona rights, in turn strengthening the ethical foundations of a more democratic space of cultural production – one that is not totally consumed by the dominant commercial iteration of network sociality.

CHAPTER 2

THE LABOUR OF ONLINE CULTURAL PRODUCTION: AN APPRENTICESHIP MODEL OF NEGOTIATED AUTONOMY FOR USER-GENERATED CONTENT

In this chapter, I set up a political-economic framework for analyzing young people's production of user-generated content as labour that, in this case, is particularly gendered and aged. In terms of gender, the different kinds of skills implicated in UGC as well as the history of domestic unpaid labour both impinge on the current practices and attitudes of user-creators. The participants in my study also represent a specific age group in which processes of free labour (Terranova 2004) coincide with labour channeled specifically toward a "cultural economy" (du Gay & Pryke 2002), "creative class" (Florida 2002) or "creative industries" (Hartley 2005) career. In this way, the 20-somethings I have spoken with operate within an apprenticeship-type model of UGC, where current participation is seen as a non-remunerated training ground, driven by the promise of notoriety that begets autonomous future employment. This move toward professionalization through UGC tends to be based on the cultivation of a particular "branded self" (Hearn 2008; 2010), where identity formation gets shaped by the exigencies of an imagined future profession in what Mark Banks (2010) has termed a "negotiated autonomy": a constant process of tactical movement between precarious and liberatory subject positions in digital cultural production (see also Huws 2010). This process is what young people are apprenticing into through UGC production, where negotiated autonomy serves as the hallmark of new media working conditions; as Rosalind Gill (2007) finds in her ethnographic research,

new media workers draw on an ideology of liberation that “poses the freedom and autonomy of working for oneself against the banality of office-based, hierarchically organized and traditional employment,” despite the actual lived precariousness of free and freelance labour (14).

To trace the way that theories and ethnographies of labour contribute toward an understanding of young people’s diverse content creation activities online, I construct a theoretical matrix that combines accounts of amateur labour with professional work. While this hybridity between amateur and professional, consumer/user and producer has been underscored through the creation of various neologisms to describe such actors, including ProAm (Leadbeater & Miller 2004), prosumer (Toffler 1980), and produser (Bruns 2006), I see it as less of a fixed concept and more contingent upon a transitional life stage. In their early 20s, the participants represent “post-adolescence,” marked by a delayed entry into paid employment,⁵ along with an ambivalent attitude toward familial dependency (Maguire, Ball & Macrae 2001). As such, I frame their engagement with UGC as a kind of apprenticeship founded on processes of identity construction, which includes the construction of multiple identities: new media worker (promoter, journalist, creative professional), writer, photographer, friend, citizen, consumer, and the list goes on. The simultaneous production and reproduction of these various identity positions on Web platforms for UGC also implicates labour that is less autonomous or controlled by the user-creators. Websites that host UGC themselves of course depend on user participation to co-construct their value as new media platforms, operating in capitalist terms of commercializing surplus value (Fuchs 2010; Sarikakis 2010; Scholz 2008;

⁵ In Canada, rising youth unemployment rates reflect this sociological trend, where 15.3% of 15-to-24-year-olds in the labour force were unemployed in 2009, up from 11.3% in 1989 (Statistics Canada 2010; Cohen 1991).

Petersen 2008; Bonsu & Darmody 2008; Coté & Pybus 2007). But also important here are the policy initiatives concerned with promoting Canadian economic development through supporting new media production. The interviews with participants have been placed in dialogue with these policy imperatives as ways of revealing the discursive construction of certain privileged identities in the labour of UGC.

As a scaffolding for arranging the interviews and policy documents into such a dialogue, this chapter is organized according to concepts that invoke a composite theoretical matrix. The theoretical matrix necessary to capture the labour of both users and creators that takes place simultaneously with these user-creators implicates a number of strands of labour theory pertaining to new media. First and most prevalent of these is the growing body of literature on new media labour that takes off from the Marxist Autonomist notion of “immaterial labour” (Lazzarato 1996). But, as outlined in the previous chapter, this theory has a number of drawbacks, and so the framework used below also invokes at turns the concepts of “audience commodity” (Smythe 1981), “new cultural intermediaries” (Bourdieu 1984 [1979]) and “emotional labour” (Hochschild 1983).

This theoretical matrix helps to integrate the diverse processes and motivations of young people engaged in UGC into an account of how their free online labour contributes to an overall attempt at professionalization through identity construction, as it relies on the commercial infrastructures of the social web. While the participants and the theories implicated in this account come from a western context and thus reflect the more privileged side of immaterial labour, it is important to keep in mind that the entire sphere of western cultural production exists within an overwhelmingly neoliberal political-

economic organization of global industry. The subject positions of new media labour available to young people in developed countries are thus contingent upon the decidedly less autonomous modes of labour in developing countries where labour is outsourced, and also the low-status exploitation of marginalized (often immigrant) workers in new media industries domestically, engaged in labour ranging from hardware manufacture to data entry work to the service occupations that support high-tech centres (Pellow & Park 2002; McLaughlin & Johnson 2007; Freeman 2000; Eubanks 2011). Moreover, to follow through with the trajectory from technological innovation to obsolescence, it is important to acknowledge that technological innovation begets attendant technological waste, which also forms the basis for extremely low-status developing world economies (Miller 2004). While the following analysis does not explicitly deal with this broader context, I wish to emphasize the relativity of the claims around labour made herein.

From a Labour Theory of Value to a Value Theory of Labour

As a backdrop for the labour involved in UGC and its implication in an apprenticeship model, I suggest a reversal of the terms of Marx's labour theory of value – where the value of a good or service is predicated on the variable cost of labour involved in its production – to a “value theory of labour.” As outlined in the previous chapter, a value theory of labour for UGC production highlights how the entire labour process now happens within a commercial internet that trades not only on free user labour but user identities. Given such a value theory of labour where the exploitation of immaterial labour rests on the value of Web platforms to worker-users for their identity formation, it is interesting to turn to the discourses of value that circulate in the policy documents.

When discussing the multiplicity of young people's motivations and identities that are wrapped up in creating online content, the main question for policymakers is what to do about the UGC itself? In other words, what is the status of UGC under a broadcasting-telecommunications regulatory paradigm that is oriented around economic development? Especially for younger users, who are both often leading content-creation trends and will bear the impact of new policies in years to come, the valuations of their UGC are crucial. By value here, the policy documents tend to focus on basic economic value, but they also point toward the social and personal benefits of user content. The documents evidence a concurrent trend, however, toward devaluing certain kinds of UGC in the interests of supporting entrenched corporate models of profit-making, effectively supporting more institutionalized manifestations of surplus immaterial labour. Issues of exploitation tend to be avoided in regulatory frameworks, where value is often conceptualized as a product rather than as a determinant of user labour, with the corollary that low-skilled or low-investment in UGC renders it less valuable in a market economy. Some of the debates over value in this context recall more traditional popular conceptions of artistic or creative labour, with the associated imperative to distinguish professional from amateur content creation online.

In defining what constitutes young people's online content creation in the first place, the Pew study, *Teens and Social Media* (Lenhart et al. 2007), offers an inclusive list of activities on which they have surveyed their respondents. Pew's survey includes questions on whether respondents do any of the following:

[...] create or work on a blog; create or work on a personal webpage; create or work on a webpage for school, a friend or an organization; share original content such as artwork, photos, stories or videos online; or remix content found online into a new creation. (Lenhart et al. 2007, 2)

While it does clarify some of the specific types of UGC that the Pew study examined, this definition remains vague about the meanings of key transitive verbs such as “create,” “work on,” “share” and “remix,” as well as what counts as “original content” or a “new creation.” In attempting to qualify these kinds of terms, the OECD report, *Participative Web and User-Created Content: Web 2.0, Wikis and Social Networking* (2007) outlines how UGC “comprises various forms of media and creative works (written, audio, visual, and combined) created by Internet and technology users,” with the ability for users to recommend and rate content (OECD 2007, 8). The report goes on to cite “sources such as Wikipedia,” which refer to UGC as ““*on-line content that is produced by users [i.e. non-media professionals (i.e. ‘ordinary people’)] as opposed to traditional media producers such as broadcasters and production companies [...]*” (OECD 2007, 8, emphasis in original). While looking to a user-generated platform (Wikipedia) for its definition of UGC seems appropriate, the OECD interestingly qualifies the identity of users as “non-media professionals (*i.e. ‘ordinary people’*).” The distinction of user content from professional content is one of the more problematic aspects of defining, and indeed valuating, online cultural production.

The designation of users as non-professional seems to be a widely accepted convention in policy discourse, and it often determines the ways that these documents frame the cultural value of UGC. The CRTC’s *Perspectives on Canadian Broadcasting in New Media: A Compilation of Research and Stakeholder Views* (2008) report, for instance, lays out three positions – professional, user generated, semiprofessional – as representing “a variety of business models” for the production of online content (CRTC 2008, 47, sec. 129). Even though it is distinguished from professional content production,

UGC's meaning still gets articulated in terms of business. For instance, the OECD report describes the "rise of amateurs" and "democratisation of media production" as resulting in "new opportunities for how information, knowledge and culture is made and exchanged, potentially at lower cost" (OECD 2007, 35). While words like "rise," "democratisation," "information, knowledge and culture" imply a kind of universal public benefit of UGC, the ultimate concerns of the policy documents, as has been shown above, tends to boil down to economics. In this way, the potential social and cultural value of UGC always already feeds into market value, reflecting the entrenchment of the general intellect into post-Fordist capitalism through a taken-for-granted association of UGC with wider practices of immaterial labour.

As the Pew study contends, "content creators are not devoting their lives exclusively to virtual participation. They are just as likely as other teens to engage in most offline activities and more likely to have jobs" (Lenhart et al. 2007, 15). So engaging in content creation enables users to be productive both online and, importantly, offline, within existing economic paradigms. The "value" of the content itself becomes framed in much the same way as Ofcom's citizen-consumer rhetoric (Livingstone & Lunt 2007); for example: "Users may derive a higher value from this content consumption as the content may be more personalised as users have a greater control over this on-demand content" (OECD 2007, 35). Despite the grammatical awkwardness of this statement, it serves the rhetorical function of positing amateur production's so-called democratic potential (and "increased user autonomy, participation and communication") as a kind of consumer choice.

Paradoxically, while the reports thus seem to want to promote the economic potential of UGC through overly celebratory claims around participatory culture, they also simultaneously devalue user production, at times to the point of vilification. For example, the CRTC seems reticent to claim new media as a major source of broadcasting revenue, noting that “such exhibition [on new media broadcasting platforms] typically generates minimal additional revenue to traditional broadcast distribution” (CRTC 2008, 57, sec. 178). While this assessment was subsequently revised in the CRTC’s 2010 *Navigating Convergence* report to admit the emergence of “a fast-growing Internet advertising segment” (3), it nonetheless shows a reluctance to value internet content through the lens of broadcasting business models. Similarly, the OECD report seems to undermine its claims for the democratization of media production through UGC by admitting that it “is only starting to move mainstream with currently only a limited number of young, male early adopters and highly ICT-skilled persons using the Internet in this way” (OECD 2007, 13). In addition to reifying a gendered stereotype about technological skill, this statement would seem to diminish the report’s mandate to promote UGC as a social and economic benefit to cultural production.

These kinds of devaluations that focus on the market worth and popularity of UGC are accompanied by a concurrent stream of argumentation that takes up the distinction between amateur and professional content. At the same time that UGC is celebrated for its amateur status, it is also vilified as a threat to the professional content industry. The OECD report outlines a number of media types in which “low-cost” user content now competes with professional sources of content, including photography, video and “citizen journalism” (OECD 2007, 33). More specific to the Canadian context, the

CRTC expresses concern about amateur online content that falls outside its regulatory jurisdiction:

[...] over time the content made available by unregulated [“non-professional”] sources and from outside of Canada may have the effect of depriving the regulated broadcasters of some of the advertising and subscription revenues [...], including Canadian exhibition and expenditure rates. These obligations may become increasingly onerous if the advertising and subscription revenues decrease substantially; in the mid- to long-term, these obligations may become a major competitive disadvantage for traditional broadcasters. Any regulatory approaches adopted over the mid-term must be sensitive to the potential for exacerbating competitive inequities, depriving Canadians of choice or creating incentives to operate outside the regulated system. (CRTC 2010, 42, sec. 194)

In addition to the threat it poses to professional content creators’ revenue, UGC is framed here as a potential threat to the Canadian regulatory model. Wording like “depriving,” “onerous” and “major competitive disadvantage” lends a negative tone to what has been elsewhere celebrated as the rise of amateur content. Here, user activities are devalued through their deviance from the established order of broadcasting regulation. What this account misses, however, is the free labour dynamic whereby the “competitive inequities” garnered through capitalizing on cheap sources of content such as UGC rest on the entrenched practice of appropriating surplus labour.

This evasion of the free labour model in the policy documents is also apparent in their tendency to devalue the creativity involved in making certain kinds of content, for example social network site (SNS) profiles. Ofcom’s report, *Social Networking: A Quantitative and Qualitative Research Report into Attitudes, Behaviours and Use* (2008), takes great pains to distinguish SNS activities from “actual” content creation by noting that, while SNS is “part of the wider Web 2.0 context,” the present study only addresses its “social and communications aspects”: “We have deliberately not included either online networks dedicated to business networking, or user-generated content (UGC) sites

(as the latter's primary focus is on content creation and sharing rather than the development of online social networks)" (Ofcom 2008, 12, 1). Throughout the report, SNS activity is framed as an easy and essentially uncreative mode of interpersonal communication, rather than as the creation of online content. For instance, the "basic" system of SNS "simply involves filling in the gaps or using drop-down boxes," contrasting earlier versions of user blogs and webpages that "involved a relatively sophisticated knowledge of computer programming" (Ofcom 2008, 11). For Ofcom, the value of SNS lies in its utility for functional communication, as well as the ways that users derive "emotional rewards" from social networking as a "fun and engaging leisure activity" (34). The report thus works to elide the free labour that goes into SNS profile creation, even while admitting that users often go to great effort in customizing their profiles (34). Value here becomes couched in terms of the utility and pleasure in developing personal communication networks, divorced from the labour practices implicated in creating content.

One of the problems with Ofcom's devaluing of social network site activity as a kind of UGC is the fact that SNSs tend to be the most popular type of web spaces for young people. As the Pew study notes, this popularity extends to creativity online, with SNS said to be "hubs of teen content-creating activity" (Lenhart et al. 2007, 5). The OECD report concurs that SNSs often bring together different modes of content creation, allowing users "to connect to friends and colleagues, to send mails and instant messages, to blog, to meet new people and to post personal profiles with information about them. Profiles can include photos, video, images, audio, and blogs" (OECD 2007, 19). Moreover, as the Pew study contends, "the very act of creating a profile on a social

network site constitutes content creation – and 55% of online teens have such profiles”

(3). Why then does the Ofcom report tend to devalue SNS activities as uncreative? Part of the reason might stem from the growing trends toward the exploitation of user creations by both hosting sites and professional sources of content. Especially on SNS platforms, users’ intellectual property rights are minimal to nonexistent – as will be discussed further in Chapters 4 and 5 – according to contract law that tends to support the Ofcom policy document’s stance that user creations are somehow less valuable when they exist on an SNS. Through this legal and discursive framework that jettisons any acknowledgement of free immaterial labour, private interests are able to implement exploitative business models more freely through UGC platforms that are promoted solely as functional networks for interpersonal communication.

The young people I interviewed about their UGC practices indeed acknowledged that online spaces for socializing and self-expression were implicated in a broader commercial cycle of value upheld by the advertising model. As Marilis expressed, while targeted marketing strategies on Facebook and in Google’s Gmail ads “really freak me out,” they are at this point taken as a given in online environments: “well I just don’t like the idea of being tracked, but it’s kind of inevitable” (July 2, 2010). The participants’ sense of the inevitability of online tracking shows how the commercial internet has become the accepted vision of network technology, to the point where, as Laura claimed, the relinquishment of control over marketing uses of personal information and original content is “the agreement a person makes with the internet when they go be on it” (March 15, 2010). Stemming from the long-quotidian practices of television audiences who watch commercials, sponsorships and product placements as the condition of enjoying

entertainment programming, internet users are accustomed to advertising models as the basis for online platforms of networked sociality.

In this sense, the users of sites like Facebook and Google form an “audience commodity” (Smythe 1981) or “commodity audience” (Meehan 1986; 2002), where the exploitation of their participation as consumers accompanies the capitalization of their free surplus labour as producers. But the internet-era online commodity audience represents a qualitative change from TV watchers, given the much more sophisticated and networked methods for collecting data on user groups and individual members (Barnes 2006; Chung & Grimes 2006; boyd & Ellison 2008). The replacement of ratings tabulations with data mining has meant that extremely sophisticated audience profiles can be built up in the service of micro-targeting advertisements, and moreover, user data online – collected in ever multiplying mechanisms, including adware, spyware, cookies, ISP statistics, etc. – becomes a commodity in its own right. This micro-segmentation of the commodity audience reflects what Tiziana Terranova (2004) explains in Deleuzian rhetoric as the way that broadcasting has given way to narrowcasting has given way to pointcasting – targeting “dividuals,” or sub-individual units (34). The logic of free labour and user data as commodities in UGC-based websites thus turns the labour theory of value on its head: online spaces that hold the most value for users depend on the exploitation of not only their labour, but their personal information and socially-constructed identities at their most fragmented and microdissected levels.

An Apprenticeship Model of UGC Labour

To further complicate the way that the labour theory of value changes in the context of UGC production online, many younger content creators see their labour as a form of apprenticeship. In this context, the term “apprenticeship” is used in an anthropological sense to describe the practical training of young people for a specific mode of craft production. This training, which involves the two simultaneous processes of socialization – learning the skills, values and norms of the profession – and social control – determining the worker’s place in the occupational hierarchy, happens online in an informal and self-directed way (Graves 1989, 52). Instead of formal programs for apprenticeship, the participants search out and indeed construct their own “masters” out of the pool of UGC success stories, as a way of entering into creative professions in the context of high youth unemployment during the transitional phase or “floundering period” leading into adulthood (Hamilton 1990, 20). While this kind of apprenticeship is thus implicit and not bound by labour contracts, it can still be seen as a form of “civil servitude” (Stahl forthcoming, 109); free labour in the apprenticeship process creates value for commercial web platforms through violations of privacy and intellectual property rights. Through their marketing agendas, web platforms leech individual control over persona rights and alienate people from their work and identities; UGC as an extension of the persona gets consolidated in commodity form and exchanged on the marketplace without the individual’s control or even knowledge. Moreover, other kinds of contracts – those pertaining to persona rights online, as will be discussed in Chapters 4 and 5 – do in fact delimit the rights of young people engaged in UGC apprenticeship labour, marginalizing and devaluing their work of cultural production in a way that

resembles the degradation of young apprentices in early modern Europe (Darnton 1991, 100, 106).

Using the term apprenticeship to describe how this study's participants envision their investment in creating online content is meant to highlight the way that age in particular serves as a pivotal axis along which their labour's value gets determined. At the same time, it underscores how they are learning not only the practices of online cultural production, but the attendant norms of free and immaterial labour, such as precarity and self-exploitation (Neilson & Rossiter 2005). In this way, the concept of UGC apprenticeship used here is guided by Michael Coy's (1989) anthropological definition of apprenticeship:

Apprenticeship is the means of imparting specialized knowledge to a new generation of practitioners. It is the rite of passage that transforms novices into experts. It is a means of learning things that cannot be easily communicated by conventional means. Apprenticeship is employed where there is implicit knowledge to be acquired through long-term observation and experience. This knowledge relates not only to the physical skills associated with a craft, but also to the means of structuring economic and social relationships between oneself and other practitioners, between oneself and one's clients. (xi-xii)

In the case of UGC apprenticeship, apprentices acquire knowledge through reading, watching and conversing with other young people who have been successful in deploying their online self-brand toward lucrative ends. Laura discussed this in relation to her celebrity gossip blog, where she tried to emulate the writing style and promotional strategies of her favourite blogger, 28-year-old Michael K of Dlisted, who she read religiously in an effort to cultivate a similar style. For young people hoping to develop a creative industry career, engaging in an informal apprenticeship through online content creation offers a means of honing both their professional abilities in writing, image

production, web design and networking, along with their internalization of the ideologies, roles and social relations that underpin new media work.

Young people's apprenticeship investment in the commercial platforms of UGC adds another layer to what I've been calling the value theory of labour, in that the value of web platforms extends beyond their present use for socializing and self-expression, as has been asserted about young people's motivations for using these technologies,⁶ into their professional futures – futures imagined as those of “new cultural intermediaries” (Bourdieu 1984 [1979]). While these positions are identified by Bourdieu to originate in the 1960s, their purchase has grown with the expansion of post-industrialism to the point where intermediaries – especially entrepreneurial ones – have become objects of economic policy, such as in the UK-based reports *The Independents: Britain's New Cultural Entrepreneurs* (1999) and *Surfing the Long Wave: Knowledge Entrepreneurship in Britain* (2001), both by Charles Leadbeater and Kate Oakley. Creative workers as cultural intermediaries have also been famously designated by Richard Florida's (2002) concept of the “creative class,” characterized as the driving force of the contemporary information-led global economy, at the core of which are those workers “whose economic function is to create new ideas, new technology and/or new creative content” (8). The value that gets derived from creative work is thus not only economic but relational within creative class categories; as Bourdieu formulates, value emerges from the struggles of position-taking within a particular field of cultural production (1993 [1986], 30).

⁶ Indeed, Ofcom's report defines the whole of Web 2.0 as “enabling self-expression, communication and user interaction online” (2008, 12)

While a Bourdieuan approach to new cultural intermediaries as a class concept elides some historical contingencies, including gender, age and race dynamics (Nixon & du Gay 2002; McRobbie 1998), it is useful for pointing out how creative industry careers disavow their romantic pretenses to artistry or artistic autonomy. Here, the free labour thesis of Terranova intersects with other applications of a broadly Autonomist Marxist framework in more traditional, that is, remunerated forms of post-Fordist labour. In this body of work, creative jobs are shown to offer workers moments of micro-level agency, while they are simultaneously constrained by precarious working conditions and exploitation of their affective investments in the work (McRobbie 1998; Gill 2002; Kline et al. 2003; Ross 2004; Gill & Pratt 2008; Stahl 2010). Because the working conditions of creative jobs – including long hours, low pay, few benefits and constant uncertainty – are difficult to sustain over time, these jobs require a steady stream of younger workers who are “less likely to have ‘binding commitments’ [and] supposedly more ‘mobile’ life situations” (de Peuter & Dyer-Witford 2005). As Gina Neff, Elizabeth Wissinger and Sharon Zukin (2005) have pointed out, creative careers attract these young workers, and normalize the personal risk associated with flexible labour, mainly through public perceptions of creative work as “cool.” As part of this cool labour force, new media workers are supposedly having fun while exercising autonomy over their work, rebelling against staid corporate norms according to the “no-collar” ethos and a kind of “enforced youthfulness” (Ross 2004; McRobbie 2002). In other words, the cultural capital gained from having an association to creative industries not only outweighs precarious working conditions, it in fact promotes the naturalization of precarity and risk through the positive, as in playful and youthful, self-images of these workers.

Accordingly, the young people I interviewed all expressed a desire to enter into creative professions. They saw UGC platforms as a bridge between personal expression and communication and their aspirations for a career in creative industries. Part of cultivating such a career involves building up a portfolio of work that garners some notoriety through an online presence. As Shawn explained: “I started my blog because I figured I’m a journalism student who wants to be, who wants to work at a fashion magazine, so therefore I need credibility. And now, the best, and easiest, way to get any kind of credibility is through a blog” (September 25, 2009). Building “credibility” through a blog is framed here as a requisite for working at a fashion magazine, positioning UGC as something of a stepping stone toward a more traditional creative career. In this way, he drew a distinction between his own blogging and a blog about manners written by a friend’s mom:

I think for her, it’s more of a hobby, because you know, she’s like, retired and like a mom, and she doesn’t have a job because she’s retired and she stays home and it just gives her something to do. Whereas like mine I’m kind of aiming to [...] make this credibility so I can move on from there and like write for other things. (September 25, 2009)

Because Shawn saw himself at the opposite end of a career path from the friend’s mom, he framed his blogging as apprenticing for a career, while hers was demoted to an amateurish hobby. For Shawn, the value of UGC thus worked as a function of its role in learning a trade for future employment, making it further contingent on age. The designation of user-generated content as “Pro-Am,” a hybrid between professional and amateur (Leadbeater & Miller 2004), can thus work in slippery ways according to the influence of identity categories – in this case age.

Also touching on the Pro-Am category as a wellspring of “innovation” (one of Leadbeater and Miller’s most oft-used words), attempts at building a legitimate career through UGC rest on the status of user-generated content as something creative in the sense of “original.” For instance, part of Shawn’s attempt to build credibility as a journalist pushes him to go beyond reposting images or stories from other sources to contribute something unique and self-made:

[...] last time we were talking about original content, and then I actually... it was Montreal Fashion Week, so I, I finished class at Loyola [Campus] at like 7 that night, and then there was a [Denis Gagnon] show at like 8 and a show at 9, and I made it all the way to Old Montreal, and I took notes and like photos and stuff, and then I had a story online by midnight. (October 24, 2009)

Elaborating on this story of his original content creation, Shawn explained that “instead of just like, posting photos and stuff,” he aimed to be contributing original Fashion Week stories, and what’s more, publishing them on his blog immediately as opposed to the next day when many other outlets would have also covered the Denis Gagnon show:

I was the first person to have a story online on that show, because it was at 9 and then at midnight there was already something. And it was of good length, like 400-500 words, and with photos that I took with my iPhone that turned out pretty well. I had to lie and get – well I had a media pass, and they weren’t letting people in unless you had a ticket, and then I lied my way in, and then I sat in the front row, and this girl kept telling me, “you can’t sit there, you’ve got to move if you don’t have a ticket,” and I was like, “I’m not moving.” And then the show started. Because if I sat anywhere but the front row, I wouldn’t have been able to get photos, because with the iPhone it’s kind of shitty. (October 24, 2009)

Using what we subsequently joked about as “guerilla journalism” tactics, Shawn was able to get what he felt was original coverage of the show, featuring a longer word count and his own iPhone photos. Moreover, after the initial public fashion show, Shawn used his modeling contacts to sneak into the backstage area, taking additional close-up photographs of the clothing and models. His sense of accomplishment was apparent in

that he mentioned this event at the very beginning of our interview, in how he structured the telling in narrative form, and from the animated way that he recounted the story, using words like “exciting” and “fun.”

In attempting to gauge what kinds of content were deemed original in this sense, I asked each participant point-blank about what kinds of content they saw as legitimately “original.” Most of their responses invoked the concept of freedom of expression in explaining that original content was something genuine or authentic. For instance, when I asked whether posting links to Facebook could count as original, Marilis offered this reflection:

Yeah, I guess so. I guess if you’re creating something that people can read and have access to, then that counts to creating, and it’s something that comes from you. Well I guess if you post links to like an already-written blog, then that’s not necessarily original content. But you know, writing your own blog post or writing your feelings about a show that you went to, or I don’t know, what’s something else that people write? Um, I guess I don’t ever really write any, but I read on recently that was a friend talking about what he was nostalgic about and thought that was cute. But interesting, because it was also something that you could relate to, but it was still original cause it came from him writing it, you know, and people added to it and I thought that was neat. (January 21, 2010)

Marilis’s claim here is that original content has to do with ownership and genuine emotion, as expressed primarily through writing in a space where readers might be able to share their responses in an active form of reception. Interestingly, she sees UGC’s potential originality as stemming not only from a creator (“something that comes from you”), but from a reception context (“something that people can read and have access to”). In this way, and contrary to Ofcom’s claims about SNS, original content can be found even on highly structured platforms like Facebook, since they enable writing to be shared and commented upon.

The interview question about defining originality in different kinds of UGC worked to reveal some implicit assumptions about authentic expression. Putting the matter simply, Laura offered the definition of her own original creative content as “being able to just write what I want” (October 27, 2009). But as Angelika pointed out, different writing contexts and online interfaces mitigate that expressive freedom:

I think with the blog, there’s more space to move around with what you want to show, and there’s nothing like: this is how you have to show anything specifically. Whereas in Facebook you have to link something in a specific way, it shows up in a specific way, so I guess that makes it less original... but, whatever your ideas are aren’t necessarily not original I guess. So, I think with Facebook, it’s just more structured and that’s what you’re doing and you’re using exactly what they have to do what you wanna do, but with a blog you’re kinda creating your own little Facebook almost. (October 19, 2009)

Making the distinction between the ideas (which “aren’t necessarily not original”) and the context (Facebook versus a blog), Angelika reiterates a similar definition of original content put forth by both Laura and Marilis: it is content that stems from one’s own unique ideas. While a blog may give the author more control over how content is presented (“creating your own little Facebook”), both structured and semi-structured contexts work to contain original content in the form of ideas manifested as writing.

All of the participants saw writing as key to communicating original ideas and thus contributing original content in the form of UGC. But originality was also often more explicitly tied to a professional identity, as in Shawn’s take on the originality of manipulating MySpace layouts using html code:

I don’t think, like MySpace html is that creative, or original because everyone was doing it, and you know. It could be creative I guess in a certain, I mean, depending what you did with it. Like one of my friends, she’s a makeup artist, well, she designs shoes and she’s a makeup artist, and she does all of this crazy shit, so she’d have pictures of like, the FX makeup she did, and like posting it, so it was like the template of her page. So in that sense, I could see how, you know it’s original the way she did. It was like an online portfolio on her page, but for

me it was just like random pictures and like, shit like that. So I mean, I can see how it could, but mine wasn't. (October 24, 2009)

In seeing his friend's MySpace page as an "online portfolio," Shawn described how she aligned her social media persona with her professional work as a way of legitimizing the originality of her profile. In contrast, Shawn called his own content "random pictures and like, shit like that." What he saw as his own original contribution was the more journalistic content of his blog that he put together on his own, such as his coverage of the Denis Gagnon fashion show. In this way, originality becomes a property not just of some authentic personal expression, but of that expression mobilized toward constructing a professional identity online.

Though all the participants discussed their career aspirations in relation to their current content production, there was some variability in the framing of authenticity in this context. For instance, and in contrast to Laura and Shawn, Angelika was adamant that her blogging did not serve as a direct route to professional development. Her blogging was seen as "more for fun and just to get information out there, and just, put myself out there – not really for a professional thing" (October 19, 2009). At the same time, though, Angelika conceded that while putting herself "out there" on the blog was just "for fun," her online presence also had implications for future professionalization. Rather than aiming for a career in photo-journalism or commercial photography, Angelika described her career ambitions thusly: "I want to do visual culture" (October 19, 2009). She noted that in this context, she could probably use her blog as a kind of calling card. And, when we revisited this issue in a later interview session, Angelika said that even if she weren't to show anyone the blog, it fulfilled the important function of being a place to maintain her creative production:

[...] it's helping me just feel like I'm doing something where I'm constantly, just even if it's like just writing something stupid or doing the *Playboy* thing [posting scans of old *Playboy* magazines], I'm doing something creative, kind of. (February 5, 2010)

Similarly, while Marilis had worked as a journalist, her career aspirations had less to do with writing and more to do with planning and promoting cultural events. For her, blogging also served as an indirect route to cultivating a more professional persona; one of her blogs is an online portfolio of the events she has been involved in putting together. Yet as Marilis describes it, “event planning” probably doesn’t even encompass all of the kinds of productions she would like to do:

I guess at this point I have a lot of trouble focusing on one thing, I really like the idea of doing a bunch of different things. So if I could do [blogging for a magazine] while continuing to like plan events and occasionally do styling and artistic direction and editing and that kind of thing, then... (January 21, 2010)

Reflecting her diverse interests in cultural production both online and offline, Marilis was working on a web-based television show that would feature local artists, and that would allow her to be involved in various aspects of production:

I'm really excited for that, because it will kind of touch on a lot of different things that I do right? So it will be like, I do like the Director of Photography, like we shot the promos and I directed them. And I also get to feature musical acts that I like, like we have people in the city that I really admire, and also help with writing the dialogue, well not dialogue but intros, and it will also be like organizing an event, cause it will be taped in front of a live studio audience, and we'll make it into like a show at the same time. (January 21, 2010)

The expertise and connections that enabled Marilis to take part in such a production in the first place came from blogging, primarily the street style blog *Pregnant Goldfish*. As part of putting together *Pregnant Goldfish*, Marilis worked with a team, going around the city to different events, meeting people – mostly stylish young people and musical artists

– to take their photographs, and presenting them on the blog with brief, whimsical written descriptions.

Yellow

March 24, 2008 in fashion week, L'Oreal Fashion Week, Ladies, lady, Photos by Marilis, street style, Streetstyle



Good morning sunshine, I like lemon and I like the sunlight. You're just precious, like a little daisy, but aren't you cold? It's cold this morning, close that jacket so you won't get pneumonia ok? Did you like the Biddell show? Oh yeah? I guess you're right... Ok, have a nice day!

Fig. 8. A post on Pregnant Goldfish

In this way, Marilis's blogging had led to her current career goals – event planning, promotion and production activities – if in less direct ways than Shawn's fashion show coverage or Laura's celebrity gossip blog.

For each participant then, UGC did serve as a kind of stepping stone, although the ways that it did so varied according to context. While they both saw blogging as a link to journalism for example, Shawn's investment in his blog as a way to develop journalistic credibility ("to make this credibility so I can move on from there and like, write for other things") differed from Laura's sense that blog writing mainly benefitted her cultivation of a unique journalistic voice. Outside of the journalism ideal for UGC, Angelika used her blog as a space for creative exploration that was for the most part personal, and where sharing her work was framed laterally as a way to inform and possibly inspire other people in her position. She wasn't too concerned about her blog's role in leading to some kind of career, but saw how she could possibly refer employers to her work posted there – a nonchalant attitude similarly expressed by Marilis. Yet Marilis's assertions of a carefree approach to blogging, particularly on *Beer Tearz in Heaven*, belied the fact that her blogs were crucial for enabling her to become extremely well-connected in Montreal's cultural scene. These connections, as well as the skills she developed through putting the blogs together and publicizing them, were acknowledged as prerequisites for her career in cultural production that spanned offline and online contexts.

The participants' faith in UGC as a place where they could cultivate a "do-it-yourself" kind of apprenticeship situation both accords with the policy documents' framing of UGC as a primarily economic phenomenon, but also challenges the narrow ways in which economic logic is applied to user content. While there are some

contradictions to this perspective, the dominant view of UGC from the viewpoint of policy frameworks has to do with its implication in market economies. Yet focusing on the value of UGC as a product often obscures the process of how users create and distribute cultural works, and how their labour is exploited in commercial Web 2.0 environments. The policy documents give some indication of these dimensions to UGC production, but probably not enough. Throughout the documents, as they are located within the broader debates around internet regulation, UGC gets described through a neoliberal framework that prioritizes economic value.

To integrate the production process into its definition of user content, the OECD report points to UGC apprenticeship by yoking together value and labour in describing its “original Internet value chain for user-created content”:

The content is provided on originally non-commercial terms by its creators, the latter potentially seeking recognition, fame or later financial reward. While UCC may rarely be a perfect substitute for traditional media content, it seems to create value for its viewers; as evidenced by the time spent by users downloading and watching (i.e. potentially high consumer surplus as content is generally available for free). Although the content itself may have been free, UCC creates strong demand for various commercial products such as devices, software and Internet access to create and consume the content. [...] users create content for or on UCC platforms while using devices (e.g. digital cameras, microphones), software (video editing tools), the UCC platforms themselves and an Internet access provider to create and post content. As opposed to the traditional media publishing chain and its selectivity as to what content shall be published, here all users with access are able to create and publish their content widely. (OECD 2007, 22)

This excerpt represents an especially dense passage in terms of its synthesis of UGC as product (“value for its viewers,” “consumer surplus,” “strong demand”) and process (users “provide,” “create,” “post” and “publish” content). In particular, the use of these transitive verbs to express the work of users conveys the intentionality behind content creation, where motivations such as “recognition, fame or later financial reward” drive

users to engage in UGC. While focusing on the economic flows that emanate from these creations, this section at least hints at the process of production that goes into creating content in the first place.

Likewise, the other policy documents examined here only cursorily mention the work that users perform in creating UGC. These tend to be indicated through the use of verbs such as create, share and remix, often with particular emphasis on user-producers' development of skills, knowledge and identity in ways that are marked by their age and gender. This broad approach to skills development links up with the production and circulation of knowledge and critical thinking through UGC labour; it also implicates identity construction, especially for young users who are developing their online skills. Despite its devaluing of SNS activity as legitimate content creation, even the Ofcom report acknowledges the work of identity performance by users:

The value of social networking sites is clear, both as an entertainment tool but also as a way of creating and giving oneself identity. Importantly the identities and profiles presented are generally constrained by social expectations. However, teenagers will continue also to practice [...] 'boundary performance' risk taking activities to push normative boundaries, something that is often publicly performed rather than secret, as part of the process of identity construction. (Ofcom 2008, 60).

This excerpt shows that, while it does not see SNS activities as "content creation," Ofcom nonetheless views identity performance as a kind of work. The public performance of identity on SNS sites, as well as through other means of online content creation, in fact produces value – both for users' self-conceptions and for the hosting sites – through a kind of labour.

But while creating value through labour can take on technical (skills), intellectual (knowledge) and emotional (social identity) dimensions, the policy documents tend to

stay in line with their chiefly economic preoccupations by following the path of money. The only references to UGC in the CRTC's reports, as noted above, conceptualize it as a business model. Perhaps it is fair for the policy documents to focus on monetization when considering labour as a process that comprises part of the "value chain" for UGC. Yet this tendency evokes the vexing problem of delimiting amateur from professional content, since the distinction of UGC as amateur tends to be equated with users' non-remuneration.

Interestingly, despite the apparent need for clarification on this point, only the OECD report goes on at any length about the definitional complications posed by the remuneration of UGC labour. The report describes a wide variety of business models that compensate users for their labour, often stemming from advertising revenues. But in order for such models to be successful, users often relinquish the bulk of their compensation to hosting sites: "Viable sustainable business models are only likely to work with a large enough user base to attract enough advertisers and actions by users generating revenue flows for the site" (OECD 2007, 26). This dynamic, where a critical mass of users perform the labour that upholds the substantial profit-making capacity of the hosting sites, is probably the most common prototype for UGC labour economies. What is deceiving here is that, since user-producers themselves rely on the hosting sites' infrastructure, their labour gets downplayed despite its centrality to the sites' profitability. As the OECD report contends, "A distinction must be made between models that garner revenue for the creators themselves and models which entail revenue sharing between creator and host" (30). The rationale behind making such a distinction might be found in a passage quoted above, where the OECD report suggests that the treatment of user-

producers “in the face of many applicable legislations may be in question as they evolve from being consumers to actual producers/commercial entities (e.g. in the area of consumer protection, intellectual property rights and taxation)” (43). Essentially, what this implies is that if users are profiting from their labour independently of a hosting site, they should be treated as commercial entities, and yet if a commercial hosting site is profiting from their labour, they should remain “amateurs” – where amateur labour is open to exploitation by profitable hosting sites.

When asking the question of where labour and apprenticeship fits into these policy documents, it is important to remember that popular ideas of UGC that get reproduced and legitimated through such texts typically do not approach users’ activities from the standpoint of its process of production. As such, extracting portrayals of labour in documents like the OECD report is necessarily a second-order analysis, where discussions of UGC as product only secondarily imply the work that has gone into its creation. In a discursive form of commodity fetishism, the OECD report ultimately serves to give prominence to user creations as somehow exempt from chiefly economic motivations, but ripe for economic exploitation. Statements like, “User-created content is already an important economic phenomenon despite its originally non-commercial context” reinforce perceptions of UGC as something other than labour, but whose value is mainly economic (OECD 2007, 5). Celebratory claims around UGC as a cultural commons outside of the commercial market context work to set up discussions of business models that can derive private profit from users’ “decentralised creativity” (5). And yet calling user creativity decentralized misses the fundamental labour, performed by actual people with professional aspirations, that underpins these value chains.

The policy documents examined here thus hint at some of the contours of user labour online, mainly those having to do with market economics, but often fall short of acknowledging how entrenched capitalist forms of commercialization shape the production of content and exploit users' surplus labour. For the purposes of policy research, more nuanced study of how the complex circulation of market value that implicates free labour, the commodity audience, immaterial creative industry work and identity formation needs to be situated among particular user groups. The participants in this study, for example, represent an apprenticeship model as articulated with an age group (early 20-somethings) in a relatively privileged western context. While this group is probably over-represented in the policy documents as well, that fact should be highlighted as a way of acknowledging the contingency of these accounts of UGC. The apprenticeship model, while not explicitly mentioned in these documents, actually lays at the heart of their valuations of UGC as a driver of economic development. This fact becomes clear through discussions of skills development and media literacy in western policy documents.

The Meaning of Skill

Part of creating a professional identity through apprenticeship on UGC platforms like blogs and social network sites requires the acquisition and promotion of specialized, and thus marketable, skills. These skills include technical proficiencies with the hardware and software of computing, and especially internet-based coding languages, aesthetic and design skills for the visual elements of a web presence, strong writing abilities and a unique voice, as well as other less measurable abilities such as networking and social

skills. Many of the skills associated with UGC are also part of the increasingly mandated internet literacy paradigms implemented in K-12 education (Media Awareness Network 2010). The link between building UGC-related skills and more formal educational contexts came up quite often in the interviews, but also, participants noted that many of their cultural production abilities have come from independent learning through simply trying things out on their blogs. Regardless of the context for skills acquisition, the four main participants of the study did not feel particularly technically savvy, despite popular perceptions of young people in their generation as “digital natives” (Prensky 2001; Palfrey & Gasser 2008). The skills they reported developing had more to do with an integration of internet technology into their overall communicative ecology (Slater & Tacchi 2004), rather than as a specialized technological artefact. But the various abilities they honed through using this medium were crucial in working toward a professional career based on their labours of cultural production.

Of these skills, probably the one most touted in popular conceptions of digital natives are technical skills having to do with coding and programming, even if these are simplified code modules. As Mark Prensky, the author who coined the term “digital natives,” claims: “pretty much every Digital Native can program to some extent” (2004, 11). Yet as has been pointed out in much of the literature on UGC, most users never engage with the technology at the level of code; indeed, UGC platforms are designed for ease-of-use in order to attract large numbers of users whose coding abilities are non-essential (Gillespie 2010). To say that the participants developed no specialized technical skills through creating UGC would not be entirely accurate, however, since more than just a baseline level of computer literacy was said to be necessary in most of our

interviews. As Angelika noted, creating online content requires knowing how to use computers “in the most efficient way” so that a task wouldn’t take up “three hours rather than one.” But the level of technical proficiency varied among participants, with Laura probably the least technically inclined:

T: Oh yeah, so you haven’t learned any coding through doing blogs?

L: No.

T: Ok, so you write as if you were writing into a word processor kind of thing.

L: Yeah, I write it in like, Notepad, and like copy it into like... I don’t even open Word! [laughs] I just copy and paste into this like, whatever thing he’s [her friend at Metro News] set up. Totally. Like “click three things” that I get wrong half the time, and like hope it works out! I don’t know anything. [...] I’ll give you the content and that’s so the end of it for me so far. (October 27, 2009)

In contrast to Laura, and although she didn’t present herself as confident in coding, Marilis had a fair amount of experience on the more technical side of content creation. She attributes this to her early blogging for the online community for independent musical artists, Indyish.com:

What I learned a lot from was uh, when I started writing for Indyish.com [...], I worked with them on like event production and finding writers for that kind of thing, but I also was writing a lot on it. I started just as a blogger and I learned a lot through, cause they’re the ones who host the site, and they’re the ones who do the layout and you know, like they’re the ones who just do basically everything from the ground up for that website. [...]. I learned a lot about like html. (January 21, 2010)

Writing for Indyish.com led Marilis to learn some basic html code and more generally about how their site was put together, while Laura’s blogging for Metro News was the opposite experience of staying out of the technical side of online content, working with the most basic text program available.

In between these two ends of the coding spectrum, Shawn and Angelika had some technical experience, but did not claim to be entirely proficient in coding; instead, they relied on the templates provided by the sites that host their blogs, Tumblr and Blogspot. For example, in our contextual interview, Shawn walked me through the process of updating his blog on the laptop and on his iPhone, where he used the Tumblr app interface:

Ok, so I go to my Tumblr app that I downloaded. Do you want to like write down the steps? ... I go, I click on my Tumblr app and then I have a selection of, you know, like text, photo, quote, link, chat or audio to post. So in this case, I'll post a photo. And then, I'm gonna choose an existing photo, cause it's already on my phone. Or I can take a new photo. [...] Now it's like the whole credit thing, it's like I write the clothing, so I have, I know who the models are, so I write... Uh, what's her name? Gabby. [...] So, clothing: Denis, models, and then photo by me. And then I post it, so it sends the, you know, information to the satellite, or you know, however that works. I'm not too technical myself. (January 9, 2010)

Without doing any actual coding, Shawn was proficient enough in the Tumblr interface to be able to update his blog fairly quickly from either the iPhone or computer. Similarly, Angelika described her experience with Blogspot as more about becoming familiar with the site's capabilities than with any coding languages:

I didn't use any html, but I think you just learn how to understand how something works, because you go on blogs and you go like, "wow, how do people do this? It looks so difficult...", and then you do it yourself and you're like, "oh, it's not that hard, it's just time-consuming." You learn how to upload and organize and also just basic things, like templates and colours, really make a difference. So you have to consider things like that, or you have to consider that it's not going to look like someone else's who has Blogspot too or ... skills like that I guess like just basic computer skills... (October 19, 2009)

Both Angelika and Shawn presented their blogging skills as "basic" or "not too technical," highlighting one of the key distinctions made between professional and user-generated online cultural production. As Susanna Paasonen (2010) points out, it is assumed that more professional producers will have some proficiency in the technical

aspects of content creation, while “the amateur supposedly operates simple versions of technical equipment, and even these with some degree of difficulty” (6). The participants’ varied technical competencies revealed that technical expertise was not essential for creating UGC. Rather, composing the content itself is seen as the main site of cultural production, while the blog’s appearance and functionality are secondary, to be dealt with mostly by someone more technically inclined or by the interface of a hosting site. This is not to say that the layout and aesthetics of the blog were not important (as in Shawn’s contention that he wanted his blog “to have the same aesthetic; I want to be posting from within the same kind of vision all the time”), but that the participants saw their primary skills as having to do with creating original content.

The main way that that Shawn and Laura saw themselves developing a creative career was through producing original journalistic writing in online settings. The work of blogging was thus often framed as the implementation of writing skills, such as developing a voice and understanding one’s audience. As already mentioned, Shawn noted that developing credibility as a journalist had to do with consistently posting his own content, but he also understood that his writing should implement the “conventions and vocabulary” of fashion journalism. Likewise, Laura’s distinction between writing for her own celebrity gossip blog and intermittently for culture bogs such as *Midnight Poutine* revealed how the different levels of professionalism required different writing styles:

Even though my own isn’t like a Blogspot or whatever – like it isn’t as private, personal stuff – it’s still me writing with my own voice and only sharing what I want to share, whereas writing for *Midnight Poutine* it’s like, it’s totally journalism as opposed to blogging. (October 27, 2009)

Laura went on to say that her own expertise lay in writing over and above any other online production skills; and as such, she described a future project with a friend who would take care of all the technical aspects of a website featuring interviews with and stories about musical artists:

She mostly wanted me to be part of it because I've done a lot of interviews and because her English isn't like totally perfect, um, so if it was like French person then she would do it and I would sit there and smile, but you know, if it was an English person then I would get to do the bulk of the interviewing and then the editing of it and stuff. [...] She knows what she's doing [on the technical side], she must have taken a course? [laughs] I don't know, her blog has always been nice-looking. So yeah, so she would do everything, she'd do everything! I would just be there to speak English [laughs] yeah. And like, write up the interviews later, I would do the transcribing for most of it. (December 8, 2009)

Again, technical expertise is framed here as something for someone else to take care of— Laura seemed to have little interest in contributing anything but journalism: interviewing and writing. The fact that her friend's blog had always been nice-looking was enough reassurance that Laura didn't have to get involved in any aspects of putting together the site beyond her English skills.

At the same time that writing was privileged as a key blogging skill, it was also associated with other kinds of content creation abilities. Even Shawn, who sees his blog as fashion journalism, acknowledged the visual competencies required alongside writing skills:

I want to keep my blog going in the same like direction, you know what I mean? I go on tangents... I want it to have the same aesthetic, I want to be posting from within the same kind of vision all the time, and I don't know. I hope my Photoshop skills will increase, even if it's just to assemble like, images from a show, or like whatever. I also hope my writing... I'll become more apt to writing stuff like that, but I guess the more I read about stuff like that, the better I'll get at writing about stuff like that, you know what I mean? (September 25, 2009)

Proficiency in imaging software like Adobe Photoshop gets mentioned here before the importance of developing a certain writing style. In this way, Shawn's comments relate nicely to Angelika's articulation of image and text presentation as all part of the same skill set of creating a coherent online presence, directed toward a specific audience:

A: [...] you have to be selective too within what you want to show, because if you just show everything, I don't think you're going to get as many people interested in what you're showing, if it's just, like, random things that don't really connect in any way or whatever... so you have to kind of, for me anyways, you have to be selective and kind of have like, not an ulterior motive, but kind of know what you want with this and see what people... I don't know if that makes sense...

T: That makes sense, to kind of target an audience..

A: Yeah, in a way... target an audience and kind of not just... and also when you're putting stuff, you have to be very aware of how offensive it's going to be, how it's going to be received, if people are going to suddenly hate you for posting this one thing or whatever... you have to be very aware, socially aware, of things like that too, so... yeah. (October 19, 2009)

Identifying a target audience, a skill derived from journalistic and other kinds of writing, applies here to both text and images. Angelika's concern over readers taking offense at something she has posted stems from her practice of posting advertisements from older issues of *Playboy* and *Penthouse* magazines, which feature blatant and explicit sexual content and stereotypes. She also had to negotiate her own moral approach to copyright in her re-appropriation of such professional images. In this way, it is not only her "original" content that must be carefully selected from, but the "derivative" work she chooses to include on her blog. The process of selection and organization here implicates both writing and more visual modes of cultural production.

In an even broader sense, Marilis's blogging offers examples of how journalism skills – including composition, targeting an audience and effective writing – can be applied not only to content creation in terms of text and images, but also events. When I

asked her what kinds of skills she learned from her early blogging for Indyish.com, Marilis answered by integrating all of the different kinds of tasks involved – networking, coding, photography and online writing – and how they led her to her more recent applications of UGC activities toward planning cultural events:

M: I definitely developed writing by having, well basically how it started was that I had bought this new camera like 4 years ago, probably almost 5 years ago, and I wanted to use it, I was really eager, I was like 17, I was like, “I just want to use this camera a lot!” And then I found this website that was looking for interns and bloggers and stuff, so I was like, “ok, send me to shows, I’ll take photos,” and the editor was like, “well you should start writing a couple words to go along with your photos.” So then eventually, I started really liking doing that, and like literally was just like, hated my writing style and was just so self-conscious of my writing. And then eventually I just started realizing that I really liked it, and just like, would make more of a point of writing stuff than putting up photos. And it just like, her forcing me to do that really made me develop my writing abilities, for sure, and my photos. Like I got better eventually [laughs]. Um, but also, I learned a lot about like html, like we were using Wordpress through them, because they use a similar kind of thing to Wordpress. [...] I feel like blogging is a lot about, like, process, about like – and especially with Indyish, like her, she encouraged me a lot to talk about like you know, you kinda write longer online too I feel like, than in articles... there’s more space, yeah. And there’s not like that number of words, so you can be like, “well, on my way to the show, I had these feelings and blah, blah, blah.” Um, and so...

T: But by “process,” you mean like...?

M: I just mean like, online it’s encouraged more just for people to talk about like every step of whatever they do. You know like musicians, like a lot of artists have websites with blogs on them, where they’re like, “this is what’s going on in our tour, like blah, blah, blah,” and just like, a lot of people have access to that and then...

T: Kind of like, it’s a behind-the-scenes kind of thing? So it’s not just the finished product.

M: Sort of, yeah, you get the, you get to have more of a relationship with people that, well that you don’t know otherwise, you know? So I think that’s neat.
(January 21, 2010)

Her linking of the diverse skill set employed in blogging with the particularities of online reception contexts, mainly in her discussion of process and feedback, shows how Marilis

has come to understand blogging as a kind of cultural production that intersects with different aspects of journalism, but also with its own unique possibilities and constraints. The expectation to be sharing process, or in other words “being able to talk about [...] feelings,” makes writing online a more “personal” enterprise, to use Laura’s wording (March 15, 2010). This sense that blogging skills are thus somehow more intimate or at least come from experience rather than education reinforces the notion that professionalization through UGC involves identity work in addition to traditional creative abilities such as writing.

Because the production of a certain kind of online identity happens in tandem with the development of journalistic and other skills, creating UGC as a stepping stone between education and employment gets complicated by its assumption of autodidactic media literacy learning – the importance and challenges of this informal learning has indeed been noted by education scholars (e.g. Bull et al. 2008). The participants seemed to position UGC liminally in relation to formal learning contexts and experimentation, as well as in terms of their everyday lives and a future career. Angelika expressed this liminality most clearly in her discussions of manipulating photographs for her blog, which she sometimes did at school, using the equipment of the Digital Arts department:

T: And then with your photographs, did you resize them, or did you change the resolution, and all that kind of thing?

A: Um, I put them all as jpegs, so when I was doing my, whatever I had to do – scanning, because I scan negatives and stuff – then I would always have to save them as a jpeg so it was just easier to put it on, rather than go through all the... ‘cause my computer at home is not as... it’s a laptop and the one at school is a Mac, a huge computer, so it runs faster... and if I did it all at home it would take forever to resize these huge things.

T: So are the photos, are they digital photos that you take?

A: They're analog, like film, but then I scan the film onto the computer, and then you adjust it that way.

T: Oh, that's cool! So there's like a special machine to scan the negatives?

A: Yeah, you put it, like you sandwich it, and then it puts it in, it scans it, you have to balance it, and do what you want. And then you put it into Photoshop, and then you do other things and yeah.

T: Oh, I didn't know about that. So that's like, in the photography department... this is downtown?

A: The EV building.

T: Ok, so it's like with Arts stuff.

A: Yeah, it's um, I think it's on the 4th and 3rd floor... there's engineering in that building and I think digital arts, like the whole like digital and imaging and all that stuff they have in that building, but yeah... and like cybernetic-arts and stuff like that. (October 19, 2009)

Angelika's photography practice required special knowledge and equipment that she had access to through her program in university. Formal learning thus enabled her to create UGC, which she saw as distinct from school or professional projects. To Angelika, the blog was a place to experiment creatively, and yet in order to do this independent experimentation, she relied on her formal training. In the same way, Shawn and Laura both channeled the writing and journalistic skills they gained through their university education in creating online content; for instance, Shawn's journalism program would have trained him in all the aspects of producing a story. Similarly, Marilis's training in fashion design clearly related to her early interest in street style blogging, which she described as allowing her to "sort of do research on it in a way, like found out about it [fashion] by photographing strangers and seeing why they were wearing what they were wearing and stuff like that" (July 2, 2010). For all of the participants, education,

especially post-secondary, seemed to be integral to their orientations toward the production of content online.

Yet while formal learning contexts were crucial in developing the abilities that go into creating UGC, informal and more social contexts were clearly important as well. For example, for Laura, all of her invitations to blog at existing websites were attained through friends not in university. And most obviously, Marilis's entire blogging enterprise hinges on her prominence in Montreal's youthful arts and music scene. In relation to her street style blog, *Pregnant Goldfish*, Marilis noted that it began with two friends as a "just for fun" project related to their mutual interest in fashion, but it quickly became more professional, requiring social and cultural skills that she developed *ad hoc*:

M: Sometimes the photos are really great quality and beautiful, and sometimes they're like kind of blurry and there's smoke in them, but they've got character so it's just kind of whatever we want it to be and we kind of like, just really do it for fun, so.

T: So that one's more like, just a fun thing?

M: Yeah, but it's also the one that like kind of forces us to be more professional, 'cause we sometimes will submit, well often we submit to magazines as well. Like, every month we submit to the Korean street style magazine. It's based out of Korea and it's all street style and it's free, like just 2 to 4 pages of street style photos per city, like there's Amsterdam and Sao Paolo and...

T: And it's like printed, not an online thing?

M: It's also, they have a website, but they only post a couple of photos online. But um yeah, so like that one, we've collaborated with like Nylon on a couple of photos, and a lot of Asian, like two Hong Kong magazines, one Chinese one, um now in Japan. Like a lot of Asia, and *Glamour* magazine [laughs]. Yeah, well we do, I guess maybe I secretly take photos for Do's and Don'ts too, um but uh, yeah that's about it.

T: That's funny. Well there's like local things, like *Worn* fashion journal, and they have street style on the back.

M: Yeah, we've written, like Dane who does the Pregnant Goldfish with me, um we met Sarah-Marie, who's the editor of *Worn*. I introduced them because she was a judge on a fashion show that I organized and Dane, who does street style with me, is a designer. And he was one of the designers in the show, and um, *Worn* went on to do a shoe auction a little while ago, where she got a bunch of designers to make, like re-make Keds shoes basically. And Dane did a pair, and then we went to Toronto for it and it was really cool. Um, so it's kind of like, that blog has kind of opened the doors and like, we've met a couple people through it for sure.

T: Yeah that's like a network-y thing.

M: Yeah, like Sarah-Marie from *Worn* for example, or like I worked at *Nightlife* as well, and I met them through them finding out about our website.

T: Oh, so you kind of got your job through that?

M: Sort of yeah. Um, they wrote an article on us, like a while ago, like probably in the first six months that we started the blog. And then that's how I met the editor and we got along really well so we worked, I did another article for them that was about the top street style photos that the magazine had had, that we commented on and that kind of thing. And then, um, I just went on to write a couple more things for them and stuff. (January 21, 2010)

What began as a "just for fun" blog with friends turned out to be a professional development exercise. Through Pregnant Goldfish, Marilis obtained a job at *Nightlife Magazine*, where she still works on a freelance basis not only writing, but doing artistic direction and styling for photo shoots. It was her notoriety in the local scene (and resultant cultural capital) as well as her blogging experience and networking skills that contributed to Marilis's branching out into many other aspects of cultural production, both online and offline.

This example illustrates how notions of skills or literacies in UGC are not always, nor often, necessarily technical skills having to do with the technological hardware and software required to access the web. In this way literacy in cultural production online is not so different from offline literacy, in that skills gained in more formal educational

contexts, such as writing, image-making and composition, are key in creating UGC. At the same time, however, literacy in cultural production online is not just about developing skills through formal education; rather, the social and cultural sensibilities, connections and capital that go into online content creation are just as important. For most of the participants, an awareness of both the formal and informal skills involved in creating UGC proved to be relevant not only to their personal creative development, but to professionalization with a view toward making a viable living off of cultural production.

The apprenticeship structure of immaterial labour in UGC thus relies on general intellect capacities, those everyday communicative abilities engendered in social contexts (Virno 2004), in addition to more formalized skills. In this sense, the policy impetus toward promoting “digital media literacy” and “ICT skills” reflects a relatively narrow conception of what skills are “needed” by younger generations, and moreover, it reifies ideas around young people as inherently technologically savvy. For instance, the Pew study claims that online teens “share their personal creations online; 39% say they share content such as artwork, photos, stories, or videos [...] that they personally created” (Lenhart et al. 2007, 12). “With all of the tools teens have at their disposal to post and share content,” the report continues, “many have also become adept at editing and remixing digital content. Applications that allow users to edit images, music, and video are becoming increasingly sophisticated” (12). Greater familiarity with this variety of online modes of creativity are in turn said to “improve ICT skills, especially in younger generations who will need these advanced skills later” (OECD 2007, 38). While this

statement recalls the digital natives myth about young people,⁷ it also taps into a large body of policy work on media literacy, including that of prominent media studies scholar Henry Jenkins (2006), who argues that through engaging in “participatory culture, young people are acquiring skills that will serve them well in the future” (9). As the OECD similarly puts it, media literacy skills developed through UGC are broad:

[...] the actual process of creating content and viewing it, may create specialised or creative skills such as video editing and shooting, acting, interesting writing (e.g. novels, poems). Engagement with blogs, citizen journalism, critical videos related to public events or politics and the confrontation with various opinions may arouse a critical mind and interest in debate and specific topics. (OECD 2007, 38)

Especially in online contexts marked by user production, the media literacy concept situates the technical capabilities gleaned from hands-on production within a critical orientation to mediated environments. But that “critical mind” remains a vague concept in the literature, and never implicates a critical orientation to the media production industry itself. Indeed, the aim of these policies can be said to stem from primarily economic goals of training a post-Fordist labour force as a central supply for western urban labour markets.

It would seem that literacy policies that promote the economic value of UGC in terms of training future workers are thus in line with the apprenticeship model in which the participants seem to position themselves. But I think such a one-to-one correspondence between literacy and career misses some of the more liminal aspects of UGC production as articulated in the interviews. For example, a main motivation for

⁷ The digital natives myth – that asserts younger people’s early naturalization into digital culture – arises here in statements like: “For the creation of UCC, basic and sometimes more advanced ICT skills are needed. Younger generations will automatically have these required ICT skills” (OECD 2007, 41).

creating content cited by all the participants was some variation on the pleasure and play of self-expression: as Marilis explained about her Beer Tearz blog,

it's all stuff that like... it's for fun. One morning I was really hungover and like my status was 'I'm running on warm coffee and beer tearz in heaven'... and I thought it was hilarious. And then just thought that I do really stupid stuff when I drink, and think maybe a couple of people would find it funny, so I started writing that [laughs]. (March 1, 2010)

Statements like this one assume a context for experimentation with UGC that is expressly non-institutional and not mandated from above. Moreover, in empirical studies of new media workers, the consensus seems to be that employees are expected to pick up new skills from outside of the work context, on their own time (Gill 2002).

But even though new media skills learning has pushed beyond institutional parameters, this has not really resulted in a reframing of “skill” more generally. For instance, one of the problems with skills discourse is the way that certain skills are privileged along gendered lines (Fortunati 2007). Indeed, the primordial context for apprenticeship is the family homestead, where children learn the gendered roles of domestic production (Goody 1989, 236). Recalling the devaluation of women’s unpaid domestic labour that involved skills like cooking, cleaning and caretaking, certain forms of online content creation, particularly on SNS as shown by the policy documents, are devalued and reflect a kind of “de-skilled” labour. This fact becomes more obvious when looking at monetary compensation for immaterial labour, the assumed result of UGC apprenticeship. As Ursula Huws (2003) advises, while notions of skill in new media professions trade on apparent transparency, they are always socially constructed (119). In digital literacy policies, the technical skills of media production tend to be valorized above less tangible qualities, such as networking and cultural capital. But as the

participants have demonstrated, these capacities are just as, if not more, crucial for the development of a professional creative identity online.

Money (That's What I Want)

As they work toward cultivating their careers in cultural production, the participants have all considered the possibility of making money off of their online content, but with ambivalent conclusions about the prospect. Part of this ambivalence relates to romantic notions of artistic production – the image of the starving but authentic artist – as reformulated for a social web context predicated on the early internet's sharing culture. Richard Barbrook (1998) has characterized this culture as an internet gift economy, where “money-commodity relations play a secondary role [...] In the absence of states or markets to mediate social bonds, network communities are instead formed through the mutual obligations created by gifts of time and ideas” (n.p.). And even though, since the initial publication of this article, Barbrook has acknowledged the commercialization of such spaces, he maintains that the gift economy remains the dominant model of exchange online, and has even grown in the form of mass sharing on platforms such as blogs (2005). In similarly trying to uphold the concept of the gift economy within commercial online spaces, Adam Arvidsson (2008) frames the question of sharing on commercial platforms as an “ethical economy,” where user production is motivated by “socially recognized self-realization” rather than monetary reward (332). According to such portrayals of Web 2.0 sharing, the original “hacker ethic” of networked technologies, where innovation happened as an effect of exploration and play (Kline et al. 2003), remains vital to contemporary popular technological practices, even if most young people

– like the participants in my study – might not be engaged in open-source coding or tinkering.

Yet just as the rebellious hacker ethic developed within institutional structures at the Massachusetts Institute of Technology and the Advanced Research Projects Agency of the U.S. government, the ethical economies of user-generated content are contained within the commercial imperative of Web 2.0. As Terranova's (2004) free labour thesis emphasizes, cultural work is always already inscribed within capitalism:

Rather than capital 'incorporating' from the outside the authentic fruits of the collective imagination, it seems more reasonable to think of cultural flows as originating within a field which is always and already capitalism. Incorporation is not about capital descending on authentic culture, but a more immanent process of channeling of collective labour (even as cultural labour) into monetary flows and its structuration within capitalist business practices. (80)

Along these lines, Web 2.0 sites can be seen to use their status as "platforms" in ways that attract both users seeking apparently free modes of communication and marketers and producers of mainstream studio content seeking commodity audiences (Gillespie 2010, 359). What this means for the apprenticeship model of UGC labour is that users with dreams of cool, creative careers learn to labour for free in a new media environment where marketing and commodification are naturalized as immanent to the system. While they may be motivated by some future remuneration for their present labour, the development of this very motivation feeds what Andrew Ross (2004) has termed "sacrificial labour" in new media work, where workers learn to accept non-monetary rewards, including the reward of being overworked as something of a badge of honour (142-143). In this sense, Web 2.0 platforms serve as sacrificial labour training grounds, where the trajectory from users to "producers" to producers disguises the progressive

naturalization of creative work as precarious, low paying and exploitative (with exploitation emanating from the self as well as from the corporate owners).

Nonetheless, the participants in my study do want these creative industry jobs, even though they seem aware of their downsides. For example, they all acknowledged that they would be making little money in such pursuits, at least for the first few years, which meant that they found other ways of justifying the choice to do creative work. Some of the participants even expressed the idea that the refusal to make money indicates a purer creative imperative, an idea that Bourdieu explains as “economic disinterestedness.” According to Bourdieu, disinterestedness becomes a hallmark of artistic and cultural production – what he calls the “economic world reversed” – where autonomous modes of cultural production seem to operate on principles that oppose the profit motive (1984 [1979], 39). Reflecting this notion, Marilis described working on the fashion show of a friend she met in her fashion design program, but who dropped out because of his unconventional aesthetics:

M: Right now I’m working on producing a fashion show for my friend Dane who does the blog with me. Um I do Fashion Pop in Montreal, which is a fashion showcase and he won the first one I did, and I really, really like respect his work, and um, he decided to quit school to just work on a collection, cause he felt like it would be a better investment of his time and money, which is true. [...] Um, but it’s really great, we’ve got um, there’s like this new PR agency, they’re friends of ours that are just starting this production company. And they’re really talented, it’s Melissa Matos from Powerhouse, and just like good people who are gonna help us with the show, and are really excited about his stuff basically, and wanted to be behind it and help him out. So it’s like a really positive project, because none of us is getting paid out of it, but we’re just kind of like....

T: It’s a “labour of love”?

M: Yeah, we support him so much that we just want to make sure that he does a great job. (March 1, 2010)

Characterizing this work – cultural production with friends who are all in the position of starting their own creative ventures – as positive “because none of us is getting paid” captures the disinterestedness ideal described by Bourdieu. Not getting paid for cultural production functions as an appeal to “authentic” or “autonomous” creativity. This ideal was compounded by the kind of fashion show she was putting on for her friend Dane – who could not show in more conventional settings, since his work is, as Marilis described, “really kind of, it’s not like, it’s just, I don’t know how to explain it, it’s not wearable really,” and too “artsy” for showing at the official Montreal Fashion Week.

But while Marilis’s story, along with Angelika’s general refusal to connect her blog to a professional development imperative, offer examples of disinterestedness, making money came up as main concern across the interviews. Shawn, for example, was pointed about the active steps his blog enabled him to take toward becoming a paid fashion journalist:

T: Do you see getting paid for blogging?

S: I mean, eventually yes, if I start... if my plan goes as projected, and I like start writing for other like fashion websites or whatever, I’d hope to get paid. But I’m also really interested in like, getting enough traffic on my website that people want to advertise.

T: Yeah. And then making money off your own site.

S: Exactly, but I mean, I don’t know how long that’ll necessarily take. And I don’t even know how that works, if I’m supposed to pitch it to advertisers, like “advertise on my site!” [...] I guess traffic will have to come before I make any money off of it, but it would be nice.

T: Um hm! Do you think that uh, contributors to fashion blogs – like the ones that you read, for example – get paid? I’m just asking because I don’t know.

S: No, nobody gets paid in fashion.

T: That’s what I was thinking. There’s a million interns and low-level people...

S: Exactly. There's enough people that want to get into the industry that you could intern for your whole life. You know, it's like... and if you won't do it for free, somebody else will. [...] it's really hard to find a paying, unless you're really good. I guess in that sense, if you're really good, then you'll start being sent to places. And it's weird, just recently, I find fashion bloggers are kind of, like, it's like a takeover almost. (September 25, 2009)

Getting paid seemed to be top-of-mind for Shawn in his optimistic and ambitious approach both to his own blog and to future writing for fashion blogs and print publications. And in addition to blogging, Shawn left for London just after our fourth interview session to take a semester's leave from school in order to pursue this fashion career. While in London, he did some modeling, worked as an assistant to a designer, and blogged for a Canadian modeling website, ModelResource.ca. In those blog posts, he outlines the peculiarities of model markets in London and Montreal, the excitement of London Fashion Week and tips for other models. The aim of guest blogging on the Model Resource site, as well as posting on his own blog, was expressly presented as attaining a paying career in an industry where Shawn himself acknowledges the difficulty of that ("nobody gets paid in fashion"). Despite his recognition of the slim likelihood of getting paid as a fashion blogger, Shawn cited examples of small-town Canadian bloggers who had "made it" in the industry. His examples reflected popular notions of gaining notoriety and thus monetary compensation from UGC, an essential element of the myths about the supposed democratization of media production where good ideas – even from small producers – get rewarded with fame and fortune.

The idea that UGC could not only lead to a professional identity, but to one that would be both notorious and richly compensated, seemed to fascinate the participants (see also Marwick 2010). Both Shawn and Marilis shared earnest stories about people

they knew who had made noteworthy fashion careers through blogging – Marilis’s friend Dario, for example, began a street style blog in an unstylish little town in Ontario by staging a “street clash” competition among bloggers in bigger, more stylish international cities. Through that blog, he eventually got to be the editor for *Stil* in Berlin, a popular Berlin-based street style blog, as well as a fashion journalist for different Fashion Weeks, including Milan and Toronto. Marilis recounted Dario’s rise to fashion blogging prominence twice during our interview sessions, indicating the salience of the notion of blogging fame that would lead eventually to a dream career and commensurate remuneration. Laura reiterated this notion in an extreme, and effectively satirical form:

L: May as well make the goal to have a blog where I can write my opinions [laughs], as a career goal. [...] Just try to find a rich person who likes my opinions...

T: Yeah, a patron! Patronage model, maybe they’ll bring that back for online content.

L: Exactly! [laughs] Totally! It’s like, “I find this blogger really funny, I want them to write just for me and my friends, we’ll read it on our yacht.” (October 27, 2009)

What made this conversation humorous was precisely the absurdity of Laura’s far-fetched plan to secure a wealthy blog patron. I think her understanding of how unlikely it is to get paid for blogging was in fact shared by the other participants, although they seemed more sincere in their hope for future compensation.

While making money was thus a theme that came up again and again in the interviews, the participants expressed a complicated set of attitudes toward UGC as a kind of paid labour. Cultivating a professional creative job, maintaining some disinterestedness to support authentic creativity and hoping for near-instant notoriety all mingled together as aspects of UGC labour. Participants painted an overarching picture

of blogging as a step toward professionalization through the development of various skills that would eventually (hopefully) lead to making a living; however, within these discussions about labour, they also maintained that the social context of cultural production online was intrinsic to cultivating not only a professional identity, but a social and personal identity. Their notion of creativity as a kind of labour meant that production was not only applicable toward making money, but toward making friends and making the self. Laura probably summarized this idea best when she claimed “huge emotional fulfillment and creative expression [...] from being able to just write what I want” (October 27, 2009).

While the issue of money came up in our interviews at turns as a dangling carrot and an unnecessary luxury, the participants seemed to agree that their cultural production involved a definite experience of personal fulfillment from emotional labour. This suggests that, as Suzan Lewis (2003) has argued, perhaps instead of leisure as the new work, post-industrial work is the new leisure:

[...] the changing nature of work and the apparent ‘free choice’ made by many people to spend increasing lengths of time in employment related activities, beyond the time for which they are remunerated and obligated, together with the apparent enjoyment of much knowledge work, contribute to a situation in which work is becoming indistinguishable from leisure. (345)

From this opposite vantage point, perhaps free labour looks more like “productive leisure” (Arvidsson 2008), but in either case, the UGC activities described by the participants fit somewhere in between commercial and affective or emotional motivations. In other words, users act as a commodity audience where their labour and data get traded to the benefit of commercial platforms, in complicity, because in addition to “the physical benefits of communicating with others and expressing oneself, site users

describe emotional benefits, including feeling part of a group and getting attention” (Ofcom 2008, 37).

Noting the emotional components of free labour in UGC invokes Arlie Hochschild’s (1983) landmark study of flight attendants’ emotional labour, where what she calls the “transmutation of an emotional system” results in “what it is that we do privately, often unconsciously, to feelings that nowadays often fall under the sway of large organizations, social engineering, and the profit motive” (19). A similar dynamic happens with UGC when identity construction, with all its pleasures of experimentation and play, gets mitigated by commercial contexts and professional aspirations. Here I think it is also useful to point to the fact that remuneration of emotional labour has long been a pivotal issue with regard to women’s unpaid domestic work, a kind of “shadow labour” of hidden affective work that can be said to have since traversed the private/public boundary to become integrated into post-Fordist production in both life and work (Weeks 2007). The gendered emotional demands of new media labour tend to get effaced through the privileging of new media work that does make money – for example in the spectacular profiles of young internet billionaires like Mark Zuckerberg (Facebook), or Larry Page and Sergey Brin (Google) – reflecting particularly masculinist ideas around highly visible technological labour. Moreover, these stories highlight how success means explicitly commercial success on a huge scale, which has come about in part due to the exploitation of users’ free labour. This larger commercial context is important not only in terms of popular myths about new media labour, but also in light of new media policy that privileges corporate structures of cultural production that are in line with existing models for taxation and market-based regulation. What the policy

documents tend to miss are the more everyday examples of cultural production online that implicate identity formation, and thus deserve some protection from commercial exploitation – regardless of whether or not they are compensated monetarily.

Conclusion: Negotiated Autonomy

Though a discussion of the participant interviews alongside policy documents, this chapter has presented some new provocations around the notion of free immaterial labour in Web 2.0 environments. Terranova's free labour theory, prescient for its time, remains extremely useful for teasing out the different kinds of labour involved in online cultural production, especially once it is paired with older theories of the commodity audience, new cultural intermediaries and emotional labour. Users' sense of the value of cultural production tends to be located within labour structures that are both apparent – as in the emotional and creative work that goes into the production of UGC – and hidden – as in the way that free labour as well as personal information are exploited through commercial imperatives. In this way, Web 2.0 as a training ground for online cultural production offers users an apprenticeship model where they get inculcated in the naturalized structures of risk and precarious labour. The skills they learn through this apprenticeship, while valorized in new media policy, often extend beyond technologically fetishistic literacy imperatives to include older forms of cultural production such as writing, and less institutionalized social skills like networking. Throughout the accumulation of such skills in UGC apprenticeship labour, the future promise of remuneration remains a touchstone for competing desires to be compensated for labour time while also upholding some notion of unpaid, autonomous creativity. This autonomy

also implicates the labour of identity formation that remains crucial for young people in their online cultural production.

When UGC labour is framed as a kind of apprenticeship, it serves to highlight how assimilation into creative industry jobs requires young people's cultivation of a particular kind of creative identity – one that naturalizes the risk associated with precarious and low paying employment. What this kind of identity formation also accomplishes is the development of the self as a kind of brand or “commodity sign”: “Here we see the self as a commodity for sale in the labour market, which must generate its own rhetorically persuasive packaging, its own promotional skin, within the confines of the dominant corporate imaginary” (Hearn 2008, 201). This branded self is a necessary construct for negotiating the precarity of creative industry careers, which raises the question of the limits of any normative conception of autonomy in this context. David Hesmondhalgh (2010) notes that any designation of cultural work as autonomous or self-realizing might be critiqued from a broadly poststructuralist contention of the social construction of identity, and indeed from a Marxist perspective on how a sense of personal autonomy is the necessary condition of the worker's own self-exploitation (233, 240, 242). Here identity can be seen as an expressly political construct in that, as Hesmondhalgh asserts, framing autonomy and self-realization as normative concepts happens within understandings of justice in cultural work – work performed by mostly white, middle class, educated people according to larger structures of privilege (2008, 246-247). Identity work in the context of both a future creative career and a present free immaterial labour investment thus intersects with political iterations of identity as it simultaneously raises the issues of justice and personal rights on UGC platforms.

Even broader than the particular case of UGC labour as apprenticeship, however, the issue of rights extends to all individuals participating in networked communication. If networked life is a condition of contemporary citizenship (Castells 1996), or even if it is less hyperbolically a space of “networked publics” (boyd 2008), the status of citizens online remains at least partially defined by their offline constitutional rights. In this context, identity work encapsulates not only professionalization, self branding and exploration/play, but citizenship and its attendant rights structures within what Banks (2010) has termed a process of “negotiated autonomy,” as opposed to the radical autonomy envisioned by Autonomist Marxists:

The concern here is less with usurping capitalism and more with seeking opportunities for meaningful self-expression within its limits; more prosaically, it is concerned with subsistence, survival and “making the best” of the conditions under which one is employed as a cultural worker. This is not to disclaim the importance of the “disinterested” political or aesthetic motive, but rather to recognise its compromised and negotiated character in the context of a capitalist system that most people have come to accept (either willingly or unwillingly) as a relatively enduring (even immutable) feature of working life. Yet, here, autonomy can play a more multipart (and liberating) role than that conventionally ascribed by orthodox critics, acting as a resource for underpinning a variety of practices and courses of action. (262)

What is useful about the concept of negotiated autonomy in relation to rights is the space it opens up for the negotiation of regulatory protections around fundamental online rights. Such rights are indeed tied to identity in critical ways, for example, the class identity of free labourers has been posited as a potential departure point for envisioning resistance to capitalist exploitation (Terranova 2004). But class is not the only salient identity politic here; multiple asymmetries of power are implicated in the negotiation of rights-based discourses. The following chapter focuses on those having to do with gender and age, to add to the class-based considerations of labour that pervade the literature. Yet again,

power relationships in this case are contingent on the relatively privileged North American context – negotiated autonomy means something quite different in less affluent and less mobile arrangements of labour globally.

CHAPTER 3

POLITICS OF GENDER AND GENERATION IN THE LABOUR OF USER-GENERATED CONTENT

In framing the work of creating user-generated content as a kind of labour, I have posited that it represents a special case of apprenticeship that takes place between the free labour of a commodity audience and the creative industries work of new cultural intermediaries. This in-between stage of apprenticeship is contingent on the position of this study's participants in terms of their location within a relatively privileged group of internet users, and in particular, on their age and life stage. In their early 20s, these participants are preoccupied with the development of professional identities, just as they are still within the throes of identity formation more generally (Maguire, Ball & Macrae 2001). As this identity work takes place through both offline and online social milieus, it implicates processes of immaterial, especially emotional, labour in the management of a socially constructed "branded self" (Hearn 2008). Age is obviously a key variable in this negotiation of identity within modes of immaterial labour, as indicated in the literature on "digital natives" and the "born digital" generation (Prensky 2001; 2004; Palfry & Gasser 2008). Along with age, I include gender here as another central axis along which technologically mediated apprenticeship gets shaped by identity dimensions in popular understandings, policy discourse and participant interviews.

In focusing on age and gender in the context of UGC as labour, this chapter examines three thematic areas where these identity positions form the basis for a negotiated autonomy of cultural production. The first concerns the spectrum of young

people's online modes of production as representing various degrees of civic participation, which has tended to define the digital natives paradox of internet-era youth as both politically apathetic and as newly engaged citizens (e.g. Montgomery et al. 2004). Civic engagement through cultural production online is often tied to the second public dimension of age and gender on the internet, namely, policies for digital literacy. The thrust behind such policies tends to revolve around ideas of "digital citizenship" (Mossberger et al. 2008),⁸ while also implicating more explicitly economic imperatives behind teaching young people how to be proficient with new media technologies. As such, the third area examined here relates to the labour of UGC as an economic construct that often conflicts with identity-based politics, where contentious popular stereotypes around gender and age tend to shape new media policy discourse, as well as the ways participants see their own online activities.

This chapter focuses on how identity work in UGC implicates politics in three senses: participation as civic engagement; digital literacy for future citizenship; and aged, gendered and classed identities in policy representations. The tension here between policy discourses and participant interviews arose in participants' tendencies to be critical of popular and regulatory proclamations around the social benefits of UGC. Celebratory notions of UGC as "democratizing" come up time and again in policy documents, typically as a means of legitimating underlying economic motivations for their regulatory approach to Web 2.0 platforms. The superficiality of such proclamations for UGC also become clearer when examining how users get characterized in policy documents according to reified notions of age, gender and class. The participants' critical stances on

⁸ See <http://www.digitalcitizenship.net>: In the U.S., many K-12 schools now have a 'digital literacy' policy for use of the internet.

UGC as somehow democratizing were in fact matched by more variable senses of these generational divides, gender politics and socioeconomic factors in the use of new media technologies. Such identity-based discourses are important to highlight not only because, as argued in the previous chapter, online cultural production involves a commercialization of the labour of identity formation, but also because policymakers have a responsibility to protect users' rights, as implicated in the negotiation of identity in a commercial sphere.

User-Generated Content as Civic Engagement

In cultural studies and media studies scholarship, debates about youth socialization practices have been situated within a more explicitly cultural and social framework, contrasting Robin Marantz Henig's (2010) often condescending psychological portrayal of 20-somethings in the *New York Times Magazine*. Many of these studies have in fact aimed to validate young people's media-based activities by framing what were popularly seen as consumption practices forms of (gendered) cultural and subcultural production (McRobbie & Garber 1975; Hebdige 1979; Jenkins 1992; Kearney 2006), approaches that have been extended to internet activities (Negroponte 1995; Jenkins 2006a; boyd 2007; Bruns 2008). Yet while many scholars have sought to recuperate youths' online activities as productive, taking the next step in the argument toward seeing young people's online production as civic engagement in a mediated public sphere has been contentious (Livingstone 2007; Kann et al. 2007; boyd 2007; Manovich 2009). To this end, the relatively privileged 20-somethings described in Henig's article might be positioned in relation to a North American media system marked by a "narcissism

epidemic” (Twenge & Campbell 2009), which implicates an inward turn away from global politics; as Susan J. Douglas (2006) contends, “new communications technologies have not created a global village but have, ironically, led to a fusion of ethnocentrism and narcissism, best cast as a ‘turn within’” (621). The “soft determinism” of networked technologies means that the multiple articulations between technology and society – including the popular affiliation between young people and UGC – result in the unintended consequences that Douglas calls the “irony of technology” (2006, 625). Douglas relates the triumph of youth demographics not to increased civic participation through new media, but to its opposite: a turn away from international political debate (as part of a wider crisis in journalism), toward narcissistic and ethnocentric programming, especially in programs targeted toward a youthful demographic. Reiterating this assessment for Canada’s new media environment, the CRTC has noted that “youth value the internet for entertainment far more than other age demographics [...] potentially at the direct expense of traditional media consumption” (2008, 25-6). So while young people may be producing online content, this does not necessarily translate into civic engagement – at least as civic engagement is typically defined⁹ – and nor does it preclude using the internet mainly for the consumption of established programming formats, including Douglas’s prime example of the “turn within,” reality television.

⁹ As Montgomery, Gottlieb-Robles and Larson (2004) point out, youth participation in civic life seems exceptionally disengaged when gauged by traditional measurements such as voter registration and trust in government. Yet when the definition of civic engagement is expanded to include a variety of public issues beyond institutionalized politics, “young people’s engagement with their communities, their nation, and the world is revealed to be a more intricate checkerboard of involvement and disconnect, caring and indifference, ignorance and savvy” (4). A similar point is made in the Media Awareness Network’s recent report on youth and online civic engagement, where considering youth below voting age also serves to broaden what counts as civic engagement to include “consumer activism, online petitions, organized protests, production of online content, and volunteer work” (2011, 8).

While the “turn within” hypothesis risks excessive pessimism about youth civic engagement, it is useful to keep in mind in light of the overly positive claims made around the internet and “participatory culture” in general – especially as they relate to 20-somethings as a transitional age category. As an oft-cited milestone event for getting young people to participate in electoral politics, for example, Barack Obama’s 2008 U.S. Presidential campaign appealed to younger voters through its integration of social media, and thus, as the *New York Times* headline claims, “changed politics”: “by using interactive Web 2.0 tools, Mr. Obama’s campaign changed the way politicians organize supporters, advertise to voters, defend against attacks and communicate with constituents” (Cain Miller 2008). In this and other cases of political uses of social media, Facebook’s groups are often mentioned as a popular way for users to commune around certain issues or causes. Group pages can be set up by anyone and joined freely, functioning as a platform for communicating information as well as gathering people together in a variety of “networked publics” (boyd 2010).

Such a positioning of online social networking as a tool for civic engagement misses the often highly cynical attitude of many young people who use the sites. In fact, during our interviews, Angelika made a point to critique the notion that Facebook held much potential for political action, although she assented that the site did contribute to increased awareness of current events like the Prime Minister Harper’s move to prorogue Parliament in early 2010:

A: ...the proroguing Parliament ... yeah that’s all over Facebook and you’re joining and people are talking, and that totally made me – ‘cause I saw it on the news and I was like, ok, ‘cause it was just random that I was even watching it, and then all these people were posting things – kind of have an actual opinion about it, whereas normally I’d be like, “I don’t know what that is.” [...] it makes you like, understand it better cause it’s from a person on the same level as you I guess.

T: Do you think Facebook ‘groups’, like, have the potential to actually do something about, for example, the proroguing parliament thing?

A: I don’t know, that’s what I always wonder [...] I have no idea how that works. Because I know like, do they actually pay attention to Facebook, you know? Like they, like there’s always groups like, oh if this many people join this, they’re not gonna do this, or they’re gonna start charging us for Facebook and stuff like that. And then like, is anyone actually looking at this? Like, I don’t know... or is it just some stupid group, so I don’t know. Like, I would hope, but that’s, they probably don’t look at it. It’s probably like, oh you’re getting your anger out so now we can do what we want. And that’s the problem: people are releasing their concerns in other ways, so then they don’t actually do anything, but they feel better about it because they’re talking about it. I think there’s a term in communications for that, where you talk about it and you think about it, so you feel like you’ve done something but you haven’t actually done anything. So I think that’s part of that. (February 5, 2010)

Angelika’s ultimately cynical assessment of Facebook’s groups as political assemblages offers an indication of how young people have been negotiating the ambivalent discourses around their political engagement versus apathy. She notes that much “participation” on SNS consists of “I feel better because I joined this group and talked about it, so I’m done,” reflecting the turn within narcissism that Douglas sees as pervading western popular media, or what has elsewhere been termed “slacktivism” (Gladwell 2010). But at the same time, she has not completely disavowed Facebook’s potential for at least rendering certain news items and political issues more accessible to young audiences.

Marilis agreed that the primary value of using social media for political ends was for raising awareness among younger people who don’t necessarily seek out more traditional channels like newspapers. She put herself into that category, describing how she’s interested in “finding out more if the information is out there, you know? But I can’t say that I seek it out much... I have friends that often post things, but, and like I

read them, you know? So I guess in a way it is helping me” (July 2, 2010). So while Marilis agreed that information sharing on social platforms like Facebook and Twitter was effective, she saw that only certain people in her network were diligent about posting information about political events or ways to get involved. To that end, it seems as though social media offer youth channels for reaching out to each other, and perhaps informing less politically inclined friends, but this practice requires both a motivated person to post the information and an interested person to pay attention. As Laura put it,

There are people who want to be informed and there are people who don't give a shit whether they're informed. And the same information is available to everybody, which is great, and still some people choose to seek it out and some people seek to ignore it. And just because there's more information available to more people, it doesn't make everybody more informed. (February 16, 2010)

Like Marilis and Angelika, Laura saw the information sharing capacity of social media as its greatest political strength, while the fact that people join political groups on Facebook “doesn't make them any more involved.” She noted an exception to the shortcomings of groups, where one of the main Facebook groups protesting the prorogation of Parliament manifested as an offline movement. Yet overall, the function of the SNS here was also to spread information about how people could participate in more traditional ways according to their existing political inclinations. As Laura characterized young people,

There will always be a large proportion of them that are totally apathetic and won't be motivated to get involved in something by any kind of effort from anybody. And then there are those who have the energy for that kind of thing and will be interested for whatever reason. (February 16, 2010)

And these existing biases toward getting politically involved or not did not necessarily change because of the supposedly lowered barriers to participation afforded by social media (e.g. Tambini 1999; Tolbert & Mcneal 2003; Rheingold 2008).

Yet at the same time that the participants expressed such considered and nuanced responses about political engagement online, they represent quite a specialized audience of young people. As content creators, they are already in a minority, and as relatively privileged, educated young people, they might be said to represent a group that would be expected to have some baseline political understanding. As Shawn claimed, “I’m not like extremely political, but like I’ll vote, and I’ll like know what’s up, but maybe that’s just because I’m in Journalism.” He went on to contrast his civic participation against that of his younger brother and some of his friends, who he characterized as “so apathetic to voting” regardless of the political potential of social media:

[...] it could be changing, but like in my kind of circle, I don’t necessarily see it making that much of an impact yet. [...] I think it might be a little bit more time before more political and more serious issues are taken as they should be, you know what I mean? [...] I don’t think people are necessarily using it to its potential yet, like I’m sure some people are but for most people... it’s like I’m part of the group but then, that’s it. (December 5, 2009)

Exactly as Angelika concluded, Shawn notes how Facebook tends to stand in for other kinds of engagement; that said, however, it is difficult to discern whether people using Facebook groups would have actually gotten involved in some other way, or if as Laura asserted, the site simply maintains existing proportions of more and less active people.

Contrasting the participants’ somewhat pessimistic valuations of the limits to youth civic participation online, policy documents tend to play up the ways that social media afford new political opportunities for young users. The OECD’s *Participative Web* report is emblematic in this regard, claiming that,

Recently, popular social networks have covered political campaigns, urged young users to vote and have staged related debates. In the United States, these platforms have been active in getting youth to register to vote or providing possibilities such as video contests to provide thoughts on national policy (e.g. the ‘MyState of the Union’ initiative by MySpace). Social networking and other UCC sites are an

increasingly recognised tool to engage the electorate as evidenced by the discussions but also by the increased presence of politicians on sites hosting UCC. (OECD 2007, 37)

While the report tempers this optimism about the political potential of UGC by noting that “the medium- to long-term impacts of the participative web on political systems will merit ongoing study,” it also repeats several times the contention that “blogs, social networking sites and virtual worlds can be platforms for engaging electors, exchanging political views, provoking debate and sharing information on societal and political questions” (OECD 2007, 37, 6). Similarly, in terms of infrastructural policies in general, the CRTC has noted that universal broadband will result in “improved access to information about public policy issues and increased opportunities to participate in civic activities” (2010, 78). These statements reflect a technologically deterministic orientation to the question of politics online, in both instances situated within policy documents primarily concerned with economic impacts of new media production. In a way, these offhanded assertions about the capacity of new technologies to increase civic participation thus work to legitimize promotional rhetoric and its underlying economic imperatives.

For instance, Ofcom’s report on SNSs also reflects a deterministic assumption about new communications technology increasing youth civic engagement, even though their ethnographic evidence refutes it. As the report describes, SNSs offer young people new avenues of finding peers with similar interests through composing “groups based on brand appreciation, geographic location, music bands, activities, charities, social issues, political issues and political parties” (Ofcom 2008, 46). The report goes on to link group formation to political engagement – contrary to what the participants asserted about the

limitations of groups – noting that groups figured prominently in the online presence of candidates during the 2008 U.S. elections, which “demonstrates some of the potential for using social networking sites to mobilise young people to participate in politics and as a tool for promoting individual candidates” (Ofcom 2008, 48). Yet while the report thus posits political activity on SNSs as a potential response to the “common complaint about people generally, and young people in particular, [...] that they are increasingly apathetic about politics,” the results of Ofcom’s research actually support the perception of young people as politically disengaged:

Very few respondents in the Ofcom qualitative sample used social networking sites for the purpose of taking part in social or political issues. A minority (mostly older users) acknowledged that social networking sites could have a wider application beyond their social communication purpose and that they could be used to bring about positive social or political change. No one had yet done this themselves, although one respondent reported using his page to raise awareness about the charity that he ran. Despite the lack of actual participation, many people in the sample thought that this was a good idea and should be encouraged. (Ofcom 2008, 46)

So even though the participants in Ofcom’s study did not report using SNS platforms for political purposes, the report takes pains to emphasize the benefits of social media for political engagement. In the context of a report that only a few pages later extols the benefits of SNS for target marketing to the “traditionally hard-to-reach cohort of 18-24 year olds” (Ofcom 2008, 49), this framing of SNS as civically beneficial should be viewed skeptically as part of a broader impetus of policy discourses to couch economic imperatives in terms of political “participation.”

The often unfounded assumption that online forms of participation facilitate civic engagement in fact pervades the policy literature about young people’s UGC. As Henry

Jenkins (2006) says in his White Paper on media literacy, quoted thusly in the introduction to the Pew study, *Teens and Social Media*:

[...] along with the rise in popularity of participatory media applications, there has also been a concurrent development of “participatory cultures” that serve to encourage all of this user-contributed content. Jenkins defines a participatory culture as “a culture with relatively low barriers to artistic expression and civic engagement, strong support for creating and sharing one’s creations, and some type of informal mentorship whereby what is known by the most experienced is passed along to novices.” (Lenhart et al. 2007, 3)

While the questionnaires conducted in the Pew study did not directly address the issue of political engagement, the more general equation of “participatory culture” with a broadly engaged citizenry seems to underlie much of the study’s validation of teens’ content creating activities. The policy literature thus evidences a divergence from what the young people I interviewed claimed about the limitations of young people’s civic engagement online. It seems as though policy documents integrate positive assessments of UGC as politically necessary as a justification for promoting media literacy according to a social, rather than economic, rationale.

Digital Literacy and New Media Citizenship

As discussed in the previous chapter, part of the apprenticeship model for UGC labour implicates institutionalized forms of media literacy education, such as the participants’ relevant training in post-secondary institutions. The main rationale behind educational policies for media literacy indeed revolves around preparing young people for technologically-mediated careers; as Keri Facer et al. (2001) summarize, “In educational policy statements, young people’s engagement with ICT is located firmly within a skills agenda in which the child computer user is constructed primarily as a ‘novice learner’

and 'future worker' in the 'Information Society'" (97). Facer et al. critique these policies for limiting the subject positions available to young people in policy initiatives that frame them as future workers, an argument that has been raised consistently in the literature on new media education policy (Montgomery et al. 2004; Raynes-Goldie & Walker 2007; Facer & Furlong 2010). Yet these critical accounts tend to be drowned out by more popular contentions about internet and new media literacy as enhancing both young people's economic opportunities and their enculturation as contemporary citizens. Jenkins captures this sentiment in his White Paper, *Confronting the Challenges of Participatory Culture* (2006), when he summarizes the benefits of participatory culture to include "the diversification of cultural expression, the development of skills valued in the modern workplace, and a more empowered conception of citizenship" (3). Howard Rheingold (2008) similarly asserts that, "in the twenty-first century, participatory media education and civic education are inextricable" (103). Optimistic statements like these pervade the policy documents' discussions of civic engagement, as seen previously, and also, crucially, their attempt to link positive valuations of young people's civic uses of Web 2.0 platforms to increasingly mandated media literacy campaigns. In claiming that young people with technological skills are poised to enrich public debate through new media channels, these literacy policy initiatives work to further a private economic agenda of training "future workers" through an appeal to the public good.

Media literacy, and especially digital literacy, comprises one of the main policy goals for regulators like Ofcom, who define it as "the ability to access, understand and create communications in a variety of contexts" (Ofcom 2008, 65). This broad idea of literacy means that UGC can be seen as a contributor to education both in traditional

contexts – i.e. blogging for school assignments (Lenhart et al. 2007, 8), and the virtual classrooms of the UGC-enabled online world of Second Life (OECD 2007, 20) – and more broadly as part of civic engagement in everyday life. The CRTC’s *Navigating Convergence* report lists a number of areas in which media literacy, along with broadband access, are crucial for the “economic and social welfare of all Canadians,” including “public safety, community development, healthcare delivery, education, worker training, economic growth and other national purposes” (CRTC 2010, 78). Thus the impact of UGC as a public phenomenon can seemingly not be overstated:

The Internet and UCC also lead to a change concerning the nature of communication (“who communicates with whom under what conditions and whose discretion” (Benkler, 2006) and related social relationships. These opportunities are likely to have structural impacts on the cultural, social, political sphere and economics, respectively. (OECD 2007, 35)

As discussed in relation to civic participation, young people tend to be at the heart of such statements that rest on the promise of digital literacy for future generations of public life.

Both as “future workers”/future citizens and as “digital natives,” then, young people are framed by these policy documents in terms of a differentiation from previous generations. While such framings vary slightly among the documents, a consistent trope employed here sees younger users as the most important group to watch over the coming years, since they supposedly constitute the first generation of “digital natives” (Prensky 2001) – or what the MacArthur Foundation’s Digital Youth Project more critically sees as “young people’s use of digital media and communication technologies [that] defines this generation as distinct from their elders” (Ito et al. 2008, 4). Statements reflecting the “digital natives” concept can be found in all the reports here: from the CRTC, “younger

Canadians lead the way in the use of new media platforms” (2008, 25, sec. 72), and “the Internet is now ‘neck and neck’ with television for weekly reach among persons aged 18-24 nationally” (2010, 7, sec. 19); from the OECD, “as younger, more technologically savvy generations grow older, UCC is poised to grow throughout the different age brackets” (2007, 40); from Pew, “in 2005 [...] teenagers were helping to lead the then-ascendant movement into the Web 2.0 era of participatory media” (2007, 1); and from Ofcom, “social networking sites are most popular with teenagers and young adults,” and “for young people such as teenagers, social networking sites allow them to take ‘safe’ risks or to use the risks as opportunities to test various adolescent behaviours” (2008, 5, 59).

If young people represent a distinct generation in terms of not only their use of technology, but also as Henig (2010) argues, their “delayed timetable of adulthood,” then literacy imperatives work to emphasize what is special about this age group. For one, they are said to be primarily attracted to creating content on Web 2.0 platforms for communication or social connection, especially in regard to SNS. The Ofcom report describes the social benefits of keeping in touch with old friends and creating new connections, with people who share the same interests or “people from different countries, cultures or backgrounds” as the fundamental principle behind SNS (Ofcom 2008, 36). By stretching the traditional definition of “friends,” the report continues, young users of SNS build a more comprehensive social network that retains some of the parameters of offline friendships but in a much more public way. This is where social benefits begin to encroach upon privacy risks; yet the disclosure of information is in fact necessary for users to communicate across diverse interactive platforms. As the OECD

Participative Web report argues, social drivers of UGC growth include “the desire for interactivity, the willingness to share, to contribute, to create online communities [...] in particular of younger age groups” (OECD 2007, 13). Often, these desires stem from the ability to be seen by many other people online, particularly in the more popular social networking contexts. And in fact, as the Pew study confirms, social motivations extend beyond SNSs to all other communication activities, both online and offline:

As with content creators, there is a significant overlap between social networking teens and multi-channel teens. More than half (52%) of social networking teens are also multi-channel communicators. And for social networking teens, the channels are even more numerous; within the category of sending messages over social networks, social network users have an additional set of communication tools at their disposal. (Lenhart et al. 2007, 22)

What Lenhart et al. call “multi-channel teens” are young people who use a variety of internet and telecommunications tools to stay connected with their friends amid different degrees of public exposure. What is significant about all these portrayals is that creating content tends to be situated first and foremost within a paradigm of social interaction online. Content creators are framed as some of the most connected young people, working in a collaborative online space, rather than as romantic lone author-creators.

For the most part, my interviews bore out these kinds of portrayals, especially in Marilis’s case. As one of the most well-connected young people in Montreal in general, Marilis shared many stories of the friendships she has made through her blogs, such as when Pregnant Goldfish led her to close friend Dario after participating in his Street Clash, an international street style blog competition. The other participants shared similar stories about collaborating on blog posts or meeting people through blogging activities. But where these accounts differed from the policy portrayals of social interaction was in terms of the online-offline distinction. Policy visions of “multi-channel teens” and related

depictions tend to overvalue the online processes of community building, while in practice, the participants felt that there was less of a marked distinction between online and offline relationships. And in fact, when questioned directly about such a distinction, they tended to reply as Angelika did that online sociality was just one of many potential social contexts in which people get to know each other: “it makes people realize that they have things in common that you didn’t make think you had in common, because you never talked about it in another context, like, in high school or whatever” (February 5, 2010). So while the social context was important for creating UGC, this sociality was neither exclusively nor typically mediated by internet technology.

Yet the online social situation of content creation figures centrally in depictions of young users at the forefront of media literacy. Part of the celebratory rhetoric around the revolutionary potential of UGC stems from the collaborative aspect of content creation in online social setting. The OECD asserts, for example, that the sharing of information online works most radically when a user content platform like Wikipedia “harnesses the collective intelligence of all users [...] to provide citizens, students and consumers with information and knowledge” (OECD 2007, 37). Certainly, Wikipedia is one of the quintessential success stories of user-generated content, profiled extensively in many scholarly accounts, not the least of which is Yochai Benkler’s *The Wealth of Networks* (2006). But interesting here, and reiterating the economic imperatives behind the OECD’s study, is the report’s inclusion of product reviews as a kind of UGC literacy, in that they “increase the general level of knowledge and potentially lead to more informed user and consumer decisions (e.g. Amazon’s book recommendations)” (OECD 2007, 38). While this inclusion represents somewhat of an anomaly across the document’s claims

for the educational and informative benefits of UGC, it bears mentioning that these goals are not always perceived in purely public terms. The troubled dynamic between empowered consumers and empowered citizens, as outlined by Livingstone, Lunt and Miller (2007 & 2007a), remains salient in even the most lofty public policy imperatives.

These claims, as linked to the discourses around civic participation, tend to be quite lofty indeed. The OECD's report particularly romanticizes the idea that participation in social networks, in conjunction with increased media literacy, leads to greater civic engagement. For instance, the OECD report makes compelling arguments for UGC as a form of free speech that makes use of a "democratization of access to media outlets":

As users raise questions, inquire, and as new decentralised approaches to content creation are being taken up, the political debate, transparency and also certain "watchdog" functions may be enhanced on their way to a more critical and self-reflective culture [...]. Citizen journalism, for instance, allows users to influence or create news, potentially on similar terms as newspapers, companies or other major entities. Creators of UCC have succeeded in bringing attention to issues that may not otherwise have received notoriety (e.g. the online circulation of video files about politicians making racist remarks). (OECD 2007, 36)

The report sees the positive effects of trends toward political participation online as including greater accuracy and diversity in mainstream media coverage (which touches on the CRTC's stated policy objective of promoting the "plurality of voices available on new media undertakings," including "an enormous range of user-generated editorial content," CRTC 2008, 8, sec. 18), immediate documentation of events from users' mobile phone cameras, and increased awareness and attention from powerful politicians and members of the public.

The lack of evidence to support the OECD's confidence in UGC as a vehicle for increased civic participation points to the fallacy in linking internet activity to political

activity – a fallacy that has been noted across a variety of scholarly literature (e.g., Hindman 2008; Davis 2009; Anduiza, Cantijoch & Gallego 2009), and yet remains salient in the policy documents. One of the best examples of this, as noted above, is the way Ofcom’s report promotes the political uses of SNSs while noting that, of their participants, “no one had yet done this themselves” (2008, 46). And perhaps more revealing of the superficiality of Ofcom’s insistence on the civic potential of SNSs, the entire report is based upon a psychographic typology of typical SNS users under five categories:

- 1) Alpha Socialisers (male, under 25, a minority), people who used sites in intense short bursts to flirt, meet new people, and be entertained;
- 2) Attention Seekers (female, teens to 35+, some), people who craved attention and comments from others, often by posting photos and customising their profiles;
- 3) Followers (many), people trying to keep up with their peers;
- 4) Faithfuls (many), people looking to rekindle old friendships; and
- 5) Functionals (male, older 20+, a minority), people who use the sites for a specific, pre-determined purpose, usually information seeking. (28-31)

While Ofcom’s categorization is at times hugely problematic in terms of reifying certain stereotypes, as will be discussed below, it also confirms the more narcissistic or at least inward orientations of most people’s uses of SNS (which might also be extended to other platforms of UGC, such as blogs, video uploading, etc.). Rather than looking outward by employing networked sociality to make a public impact, most users are shown to be turning inward – even to the point of feeling “addicted” – to “commenting, searching and generally having fun” on SNS (Ofcom 2008, 24). Revolving around egregious stereotypes of gender and age, this typology offers a prime example of how Douglas’s “turn within” version of ethnocentric narcissism figures in policy documents that

ultimately offer young people extremely limited and limiting subject positions despite claiming radical political potential for their UGC.

The subject positions available to young people in literacy policies, as in Ofcom's report, tend to fall along essentialized lines of age, gender and class, and to a lesser extent, race and ability. While gender and class will be discussed at greater length below, for now it may be concluded that generational divides mark discourses of media literacy by constructing representations of young users paradoxically as "digital natives" who aren't yet able to harness the full political, and more importantly, economic potential of their technological affinity. As Facer et al. (2001) contend:

[...] young people are both at the vanguard of the digital revolution (competent consumers of digital technologies) and at the rear (unable to assess the significance of these technologies for a future information society defined, for them, by adults, and in which their own assessment of digital technologies is constructed as a potential threat to full participation in that society). (98)

The most crucial element of this quotation from Facer et al. is the authors' insistence on how digital natives are first and foremost conceived as *consumers* of digital technologies. Rather than legitimating their productive activities as labour, policy documents tend to position cultural production online as a new form of consumption – as Ofcom's report makes clear at its outset, developing online social networks is distinct from "content creation and sharing" (2008, 1). Even in relation to the political promise of social networking, Ofcom sees participation as basically consumptive, where young people might visit a politician's SNS profile, communicate in "fora set up by the site," or watch streaming video of ABC news reports on Facebook (2008, 48). So the main thrust of literacy policies that claim to be preparing young people for new modes of civic engagement online comprises of framing their activities as new kinds of consumption,

where literacy initiatives represent their supposedly natural technological capabilities from within an always already commodified set of limited subject positions.

Identity-Based Politics and Representation

As has been discussed in relation to UGC labour in the previous chapter, the identities of young content producers get negotiated within the inescapably commercial context of Web 2.0 platforms. Here, I want to explore how this context not only troubles claims for civic participation and social collaboration made in literacy policies, but also impinges on broader struggles around identity-related politics. Young people's use of new media for cultural production, communication and identity formation involves attempts to "work out identity and status, make sense of cultural cues, and negotiate public life" (boyd 2007, 120). This struggle takes place in the context of popular and regulatory discourses that, as shown above, offer a narrow range of possible subject positions to young content creators (Facer et al. 2001). These positions tend to fall along essentialized lines of age, gender and class in the policy documents and interviews, although race and ability are also mentioned occasionally as relevant axes of identity here. While identity struggles take shape around these axes in both the documents and interviews, policy discourse tends to either reify certain stereotypical representations of users or emphasize divides based on age, gender or class. By contrast, the participants offered much less formulated reflections on the question of personal politics in UGC. I interpret the participants' attempts to articulate the meaning of political identities to their creative process as part of the broader work of identity formation typical of young people in general – something that the policy documents seem to either devalue or caricature according to superficial

stereotypes based on age, gender and class.

Throughout the process of researching for the thesis, it has become apparent that age figures as the most salient identity position in the discourses of policy documents and of the participants; as such, I return to Douglas's "turn within." The turn within concept, as Douglas articulates it, is clearly related to age and generational differences in addition to American cultural and economic imperialism. As she asserts, "the consequences of the turn within are especially serious for young people" who have become narcissistic to the point of being "geographic illiterates" (2006, 622). In the policy documents, portrayals of younger users who are not part of the overly celebrated vanguard of civic participation online are seen in this way, as politically disengaged, spending their time playing games or chatting with friends. When used as a frame through which to view policy documents like Ofcom's *Social Networking*, the turn within idea also has to do with other demographic qualities, including gender, class, race and ability. But the way that these reports posit such dimensions as mere demographics serves to obscure how these categories function as performative identity constructs, especially in the context of newer online modes of communication and cultural production.

To isolate gendered identities, for example, Ofcom's essentialization of young women as "Attention Seekers" points to specific mechanisms for actively constructing identity online:

This group comprised social networking site users who craved interaction with others, often from the Alpha Socialisers. Most of these users had posted photos of themselves and friends in provocative poses, partying, drinking and portraying glamorous lifestyles. This type of user was keen to customise their profile. They regularly updated their 'skins' (the style, colours, and design of their site home pages) to reflect an aspirational image, e.g. glitter and sparkle and images of 'hunky' men. Attention Seekers were willing to collect friends from all over the world, but tended to have actual online interaction with only a few people.

Attention Seekers' profiles had a big effect on their social identity. They were typically quite insecure, and for them social networking sites were all about entertainment and ego. It was important to them that others commented on the photos they posted. This gave them a sense of acceptance and increased their self-esteem.

Users from other groups could be quite dismissive of Attention Seekers, as these quotes show:

She seems really vain; 20 pictures of herself but no pictures of her friends – Boy 16, rural/semi-rural

I think some [girls] feel self-conscious...so they'll put explicit pictures on and hope people will say they look good, and then they'll feel better about themselves – Girl 15, urban/suburban (Ofcom 2008, 29)¹⁰

This essentialized view of young women on SNSs manifests a version of the popular moral panic around girls' sexualization in online social environments (Shade 2007; Marwick 2008; Cassell & Cramer 2008). These kinds of portrayals are particularly troubling in terms of their influence on adults' perceptions, and more crucially self-perceptions, of girls online. As Angelika described, early exposure to a *20/20* program highlighting this moral panic around girls' provocative photos on MySpace created what she calls a "paranoia":

[...] with MySpace I just never got into it, 'cause a lot of MySpace's I remember were a lot of girls in high school who were kinda out there, and they would have really out there photos on their pages, and I was always paranoid about that, like the whole internet in the *20/20* story. Like, I myself was like, "that's weird!" And my parents never said anything to me about it. I think it was what I saw on TV, where these girls would have all these provocative photos and whatever, and I was like, "yeah, I'm not doing that." So, I never, never did MySpace because when I did see it and it was that, I was like, "that's weird." (November 25, 2009)

In Angelika's case, it was a popular moral panic discourse on *20/20*, rather than her own parents' concern, that instilled a wariness of MySpace. A similar moral panic figures in Ofcom's view of young women on SNSs as "Attention Seekers." Ultimately, the report's

¹⁰ Similar comments from young women and girls about their "attention seeking" contemporaries were reported in a Canadian study conducted by Media Action – Ekos on young women's uses of Facebook. As Leslie Regan Shade (2007a) summarizes based on that study, "social networking presents few opportunities for disseminating alternative messages or images about female sexuality" (9).

attempt to describe the practices of young women here is undermined by its egregious reification of this moral panic around a particularly gendered stereotype, which is speciously supported by quotations from outsiders and not from “Attention Seekers” themselves.

Despite its problems, especially considering this document’s situation as an official publication of the state regulator, Ofcom’s negative portrayal of young women on SNSs reinforces the way they are sexualized in commercial media culture, resonating with Douglas’s characterization of the turn within as expressing narcissism and ethnocentrism. Moreover, depictions of young people as narcissistic tap into a storied cultural mythology that springs up in social studies books such as Christopher Lasch’s (1979) bestseller *The Culture of Narcissism: American Youth in an Age of Declining Expectations* and Jean M. Twenge and W. Keith Campbell’s more recent situating of that youthful narcissism online in *The Narcissism Epidemic* (2009), cultural franchises like *The Twilight Saga*, and the theories of prominent developmental psychologist Erik Erikson. Yet on the flip side of the attention seeker as an emblematic figure of the turn within, the Pew report takes pains to underscore all those activities in which girls are more active and indeed more “empowered” than boys in online activities. Girls are said to comprise the larger group of teen content creators, they “have fueled the growth of the teen blogosphere,” they “eclipse boys in photo posting,” they are “more frequent communicators” and more likely to be “multi-channel teens” (Lenhart et al. 2007, 4, 9, 13, 20, 19). While the Pew study may seem more progressive than Ofcom in its claims for girls’ empowerment, neither of these portrayals captures the nuances or fluidity of gendered identity construction online.

In fact, Pew and Ofcom offer up the two most emblematic pictures of young women's activities online as either self-actualizing or self-absorbed, but in both cases, discourses around risk and harm tend to overlay any discussion of girls on the internet.¹¹ As a supposedly vulnerable population, young women function in these reports as the recipients of regulatory protection. For example, Ofcom claims that Attention Seekers' "need for interaction and attention outweighed the need to be safety conscious. This was particularly the case for younger female users who in some cases appeared to have low self-esteem and craved attention" (Ofcom 2008, 56). But beyond this specific group, all young women online appear to be in need of security measures: "Parents were anxious about safety risks online relating to their children and particularly the perceived dangers that teenage girls might be stalked, either online or offline" (Ofcom 2008, 32). The perception of girls as particularly vulnerable has even broader ramifications than the prevailing ideas around risk and harm from strangers – girls are often subject to moral panics about the harm they might pose to themselves, as in the case of pro-anorexia web communities (e.g., Shade 2003). The Pew study reports that "Over one-third (34%) of online teen girls report looking up information about health, dieting, or physical fitness, compared with only 22% of boys" (Lenhart et al. 2007, 27). This statistic not only recalls the public outcry over the promotion of eating disorders online through teen girls' communities, forums and blogs, but it also serves to normalize the gender differences in teens' relationship to body image. Young women are thus positioned by these reports as both insecure and vulnerable, in a way that supports Douglas's turn within thesis, and

¹¹ As Sonia Livingstone points out, risk serves as the dominant framework for new media policy about children and youth in general, seeking to "protect youth from the online risks associated with transgressive representations of the self and abusive contact with others" (2008, 395).

also reiterates the protectionist discourse around girls that legitimates the role for parental and state regulation of their activities online.

Yet in all the interviews except for Angelika's, the participants never mentioned the safety risks that seem to pervade regulatory discourses. While the participants may represent a special group of users engaged in content creation, their reflections point to the more nuanced ways that young people negotiate their identities online. Even in Angelika's case, an ongoing concern about girls' provocative photos on MySpace was posited alongside her self-identification as a feminist, where she uses her blog to explore popular misogynistic representations of women by posting images such as advertisements from vintage issues of *Playboy* and *Penthouse*. She finds these advertisements both "funny" and "offensive," and posting them offers her an opportunity to reflect on visual culture while it "makes me feel like I'm doing something creative" (October 19, 2009). The self-expressive function of UGC, as closely tied to explorations of identity politics, came up also in Laura's description of writing for her Metro News celebrity gossip blog. While this blog was mainly seen by her as place for humorous speculation on lighter celebrity news items, such as Dustin Hoffman "stealing a bathmat from a hotel," the blog's lighthearted tone became more serious around the incident of singer Chris Brown's 2009 assault on girlfriend Rihanna:

[...] sometimes I've written some, like, semi-serious things. There was one, after the Rihanna and Chris Brown thing, where I wrote like a fairly thoughtful, serious thing. And it was like "why do I feel so close to this person?" It was like, ok, I'm not going to question it too much right now, I'm going to just go with it and just be like, I do feel close to this person in this moment. I do feel that these boundaries are pretty fluid, considering the way things have been set up for us. (February 16, 2010)

The topic of domestic violence held personal resonance for Laura, who saw it as a chance for her to write passionately about an important feminist issue while not necessarily compromising the identity of her blog. She saw blogging, even in the relatively structured context of a celebrity gossip blog hosted by Metro News, as an activity where boundaries around the negotiations of identity are experienced as fluid. Both Laura and Angelika expressed feeling free to explore the contradictions of their identity politics through UGC, challenging the shallow policy conceptions of young women and girls as at turns “vulnerable” and “empowered,” where notions of “risk” dominate the discourse.

Contrasting the way that policy reports frame gender in terms of personal risk and harm, discussions of class in these documents tends to function in relation to infrastructural paradigms, such as the so-called “digital divide.” The CRTC posits the digital divide in Canada as one between socioeconomic and geographic groups:

A digital divide exists in Canada between urban and rural areas with respect to the availability of broadband Internet service. The network investments needed to provide next generation access will likely exacerbate this division because money will most logically be spent in areas with high population density which provide the greatest return on investment for sunk costs. [...] There is a significant difference in Internet use between the highest income households and lowest income households. Statistics Canada found that a digital divide by income continues to exist. [...] While this report does not indicate where they use the Internet, it is not unreasonable to assume that significantly more upper income Canadians subscribe to Internet services than lower income Canadians. (CRTC 2010, 76)

While the CRTC report misleadingly conflates urban areas with higher incomes and rural with lower incomes, it also underscores the technical rather than social aspects of a digital divide. Users’ class status is presented here as external to the infrastructural and economic logics behind such a divide, rather than endemic to it.

Similar circumventions of class as a social issue in favour of more technical explanations for digital divides can be found in the other documents, which often discuss this issue in relation to broadband policy. For instance, the OECD *Participative Web* report asserts that “universal, affordable access for broadband technology” is a necessary precondition for UGC, in achieving the policy goals of “ensuring effective competition and continued liberalisation in infrastructure, network services and applications in the face of convergence across different technological platforms that supply broadband services” (OECD 2007, 42). The Ofcom report seems to confirm this contention, in stating that teenagers from lower socioeconomic groups often face barriers to accessing SNSs “predominantly due to lack of internet access” (Ofcom 2008, 19). The digital divide and issues around access get naturalized as infrastructural matters in these reports. This results in a technologically deterministic approach to the reduction of social inequality, and tends to also avoid more nuanced analyses of the way class functions as a variable of social identity in young people’s content creation online.

The one exception to the lack of a more social understanding of class comes from the Pew study, which presents multiple findings on socioeconomic factors in teens’ UGC. In addition to the typical claims around broadband (i.e., “wealthier people are more likely to have broadband connections that enable access to a richer array of online activities and content”), the report includes more surprising findings, such as the high proportion of teens from lower income families who blog:

Teens living in households earning less than \$50,000 per year are considerably more likely to blog than those living in higher-income households; fully 35% of online teens whose parents fall in the lower income brackets have created an online journal or blog, while just 24% of those in the higher income brackets have done so. (Lenhart et al. 2007, 9)

These statistics are not framed in terms of infrastructural variables such as broadband access; rather, they are contextualized within the more social dynamic of family structure: “Online teens living in single-parent homes are far more likely to have shared their writing through a blog; 42% of these teens keep a blog compared with 25% of teens living with married parents” (9). Contrasting the economic and technical explanations for class-based differences, the Pew report attempts to provide a social context to explain their findings here. While this move is not without problems, especially in that a social explanation is used here in a sense as a last resort to account for a finding that seems inconsistent with the digital divide paradigm, it nonetheless represents an important discursive association of socioeconomic status with online activities in ways that go beyond technical infrastructure.

The relevance of the Pew study’s attempt to characterize class variables as more deeply social bears out in my own interviews with participants. When we talked about their teenage years and their first encounters with internet technology, the participants often brought up the socioeconomic situation of their families in relation to their early uses of networked technologies. For example, Marilis’s early blogging activities stemmed from the fact that she had internet at home for as long as she could remember, at least since elementary school, because her father was an astronomer who “always had like really technical stuff, like he was technologically inclined. And um, so we always had it [internet access at home]” (March 1, 2010). In addition to this early access, the fact that Marilis moved away to Thailand for two years at age 13 prompted her to start a blog in order to keep in touch with her friends back in Canada. Angelika also reported knowing friends and family who used social platforms like the Polish version of Facebook to keep

in touch with family back in Poland, but her own late adoption of Facebook was shaped by the way her home internet access was acquired relatively late. In fact, she remembers conflicts with her parents over allocating the dial-up connection: “I would get in trouble for like blocking the lines and stuff, so like, and my dad would always be like, ‘oh, you can’t stay on it for too long, because people are trying to call!’ And if they like left to go somewhere, I would be on it and I’d have to like hurry to get off of it and pretend like I wasn’t on it” (November 25, 2009). A similar situation was also reported by Shawn, who grew up in a rural town of around 500 inhabitants, where dial-up internet was the only option for households until very recently. Shawn’s family got internet access much later than his school, and even then, he and his mother and brother shared one computer – on which the brothers were allowed only one hour of internet time per day. As Shawn describes, this limitation made him have to “plan my hour,” where internet time was much more precious to him than to his friends who had their own computers with internet access in their bedrooms.

But while Shawn lagged behind his less rural peers in internet access, he was the first in his school to have a mobile phone precisely because of his rural upbringing: “I was like, ‘mom, I live so far away, and if anything happens...’; I played the emergency card thing” (October 24, 2009). Shawn cited this early adoption of mobile technology as an influence on his current reliance on his iPhone for UGC activities like posting to Facebook and updating his blog. In another similar instance where socioeconomically determined early experiences with internet technology impacted later patterns of use, Laura described learning how to communicate over the intranet of her elite academic high school associated with the large city university. The high school’s intranet was

hosted by the university system, where students could communicate at school and from home on message boards and chat rooms. Laura cited a traumatic chat experience with an older boy at school who she was dating as the root of her aversion to internet chat to this day. While her story was told with a humorous overtone, Laura's early internet uses – like those of the other participants – seemed crucial for shaping current online activities, including content creation. These lingering effects of early mediated communication, as products of particular socioeconomic situations, are an important consideration in analyzing the intersecting dimensions of age, gender and class in UGC, which is implicated so intimately with identity formation.

In future policy reports, the portrayals of age, gender and class would thus benefit from intersectional analyses that approach these identity dimensions as simultaneously personal, social and infrastructural. Even more crucially, they might consider the impact of other identity constructs such as race, ethnicity, sexuality and ability. These concepts practically never appear in the sample of policy documents analyzed here, barring three discrete instances: Ofcom claims that respondents from ethnic minority groups in the UK are more likely to have set up a social networking profile compared to the total population, adding vaguely that “one of the reasons for this is likely to be the generally younger profile of ethnic minority groups—although this is not the only explanation” (Ofcom 2008, 18); the Pew study only mentions racial difference in the very particular context of looking for US college information online, where “African American teens who use the internet are significantly more likely to go online to look for information about colleges and universities they are thinking about attending than white teens” (Lenhart et al. 2007, 26); finally, in relation to ability, the CRTC's Navigating

Convergence report states that “it is important to ensure that Canadians with disabilities continue to have access to services,” particularly emergency services (CRTC 2010, 44, sec. 204). These three cursory mentions are all that comes up around race, ethnicity, sexuality or ability across all five policy documents, which might be indicative of a distinctly western ideal of multiculturalism that is often reticent to single out certain minority groups over others.

The legacy of Canadian, U.S. and UK policy discourse around identity issues other than age and gender offers some additional clues to the basis of such omissions. In Canada, stipulations about “rural and remote” populations tend to refer mainly to First Nations people without explicitly mentioning ethnicity. For example, Industry Canada’s 2002 implementation of the Broadband for Rural and Northern Development Pilot Program sought to bring high-speed connectivity “specifically [to] First Nations, rural, remote and Northern communities” (CRTC 2010, 82). As such, the terms rural and remote work in the policy documents as euphemisms for First Nations groups, who get framed in the narrow neoliberal terms of the digital divide, as cited above: “A digital divide exists in Canada between urban and rural areas [...] Users in remote areas arguably stand to benefit the most from technologies with the potential to bridge great distances” (CRTC 2010, 76). Similarly, in the U.S. and UK, digital divide policies have also been the primary sites for any hint of discussing ethnicity in relation to internet technology. The series of National Telecommunication and Information Administration (NTIA) surveys conducted in the U.S. since 1995, which are often identified as the origin of the digital divide concept, tie the lack of internet access to socioeconomic status, gender, race, age and place of residence in superficial ways that ignore *how* people use

the technology (Robinson, DiMaggio & Hargittai 2003, 17). In its 2008 *Media Literacy Audit* of ethnic minority groups, Ofcom in fact addresses the ways that different groups use the technologies, and yet still reiterates a similar version of the digital divide as a demographic category among UK residents by leading the report with a focus on access (Ofcom 2008a). One of the main problems with this discursive repetition of ethnicity in terms of digital divide rhetoric, as Virginia Eubanks (2011) has argued, is that it focuses new media policy on the distribution of access to technology: “Seeing high-tech equity only as broadly shared access to existing technological products ignores other social values, neglects decision-making processes, sees citizens only as consumers, and ignores the operation of institutions and social structure” (26). Thus, rather than reifying access and divides as the key issues for ethnic minority groups, policy documents should address the intersectional implications of ethnicity as a variable that interacts with other axes of identity in a matrix of deep-seated structural inequalities.

Clearly, these issues need further research and analysis from both the policy perspective and more extensive ethnographic approaches, although it is likely that economic drivers – such as specialized niche markets for content – will pave the way in terms of linking the cultural aspects of racial, ethnic, sexuality- and ability-based identities to UGC. For example, the way that marketers have collected and used personal information disclosed through SNSs works to compile aggregate user profiles and statistics according to various identity constructs, all on a much larger scale than policy research can typically afford to undertake. This kind of market-based consideration of multiple identities may become increasingly relevant to new media regulators as the state becomes more deeply invested in transnational economies of internet-based development,

such as global e-commerce and international networks of security-surveillance (Deibert & Rohozinski 2010). While such economic imperatives tend to propel regulatory action, it is important to consider the personal and social impacts of identity politics online, beyond thinking of axes such as age, gender and class as mere demographics. Identity formation, as part of the labour of young people's UGC production on the path toward creative industry careers, must also be considered in terms of how young people's content creating activities are valued (or not) by regulators.

Conclusion: Identity Work, Appropriation and Protection

In terms of new media policy, identity work forms both a case for representing user activities in the documents, as well as a performative node for the enactment of certain discursive tropes. Celebrations of UGC as a mode of civic participation, for instance, reverberate through the policy documents as an appeal to popular ideas of "networked publics" (boyd 2010). Yet as the participants expressed, these celebratory sentiments exist in tension with actual political practice; moreover, the labour of participation that contributes to the success of Web 2.0 platforms threatens to undermine the loftier public benefits of UGC by its ultimate commercial imperative. The policy documents indeed emphasize economic impacts of UGC even when discussing its public functions in terms of digital literacy. While literacy initiatives are superficially lauded for their contributions to a more engaged and informed future citizenry, they often stress the importance of learning online production skills by future workers. When looking at how these future workers are afforded public, identity-based subject positions, it becomes clear that certain narrow conceptions based on age, gender and class predominate in policy discourse.

Linking the labour of UGC to class implicates broader and more nuanced iterations of socioeconomic constraints on early technological experiences, and these spread out into young people's technologically-mediated processes of identity play online. Identity formation as both labour and play is always political, wrapped up in popular ideas around youth as citizens, consumers and producers. Yet the availability of these roles falls along gendered and generational lines, skewed toward orienting young people toward seeing their everyday media production as consumption while their labour benefits entrenched structures of capital.

It is clear that the policy documents examined here tend to privilege the commercial possibilities for UGC, and thus represent users as consumers where their labour of cultural production gets devalued despite its contribution to capital. One troubling aspect of this thrust in the policy documents relates to federal legislation's apparent responsibility to protect the rights of citizens. Concerns around rights have figured in broader public debates around online privacy and UGC as intellectual property; issues which together might be termed "persona rights" (McGeeveran 2009). The following chapter will examine how young people's negotiated autonomy in UGC as identity-based labour implicates legislated regulation of their persona rights. This policy imperative is particularly crucial in the commercial context of UGC creation that threatens to appropriate users' personal information and intellectual property, along with their labour of online cultural production.

CHAPTER 4

PERSONA RIGHTS: PRIVACY AND INTELLECTUAL PROPERTY IN YOUNG PEOPLE'S ONLINE CULTURAL PRODUCTION

Following from the premise that identity work is constitutive of young people's UGC labour, this chapter seeks to enumerate discourses of user rights in spaces of online cultural production. Rights-based frameworks offer the starting points for considering how new media policy might be developed in the public interest. Users are not only creating online content, but online discourse that serves to constitute them as subjects within certain privileged understandings of their capacity as citizens and consumers. In protecting users' rights as creators and citizen-subjects, regulators across developed nations such as Canada, the U.S. and the UK have shown a growing interest in the integrity of personal identity online. To highlight how rights discourses converge with young people's identity formation, I use the term "persona rights," understood by legal scholar William McGeveran (2009) to encapsulate the claims for privacy and intellectual property in online expressions of selfhood.

In addition to the perhaps more common understandings of how online social platforms capitalize on private personal information and users' intellectual property, persona rights law sees social networks as built on the premise of endorsement. McGeveran proposes that similar to celebrity endorsement, user endorsement – comprised of both their private personal and network information and their work in creating site content – be subject to "two related but distinct legal claims: the tort of appropriation and the right of publicity, respectively" in U.S. law (1149). While in

Canada, the tort of appropriation of personality represents an admissible legal claim to commercial uses of one's image, the right of publicity is not recognized in the same way as it in the U.S., where celebrities retain a monopoly over any uses of their image. Yet despite this complication to a direct Canadian translation of persona rights law, McGeveran's idea is useful here primarily as a conceptual rather than strictly legal framework. The concept of persona rights highlights the ways that social web platforms potentially encroach on rights pertaining to personal dignity and commercial value, articulated together as persona rights of privacy and intellectual property.

This chapter offers an examination of privacy and intellectual property as persona rights, mitigated by the context of UGC platforms. The term platform is important here; as Tarleton Gillespie (2010) contends, "Whatever possible tension there is between being a 'platform' for empowering individual users and being a robust marketing 'platform' and being a 'platform' for major studio content is elided in the versatility of the term and the powerful appeal of the idea behind it" (358). So while social web platforms promise a level playing field for user creativity and expression, they are also bound by commercial imperatives and proprietary cultural production. This context provides the complicated backdrop against which to discuss the parameters of user rights in UGC, framed through the lens of persona rights. The term "persona" is also important to this discussion; as distinct from but integral to concepts of the person, persona represents the way that personhood takes on a commodity form, where "the persona confirms the labour and authoring capacity of the individual person" (Hamilton 2009, 190). In what follows, I outline a group of young people's attitudes about their persona rights in UGC production through a series of case study interviews, framed in terms of the theoretical concepts of

contextual integrity – where particular contexts invite certain expectations around privacy and its boundaries (Nissenbaum 2004; 2010) – and immanent commodification – the transformation of data into commodities, brought on by the increasingly pervasive surveillance tactics of online marketers (Mosco 2009). These concepts work to highlight how privacy and intellectual property are in practice inextricable, as young people navigate the tenuous construction of their persona rights online.

Participant discussion of persona rights is positioned here alongside the policy documents' articulations of how such rights figure into regulatory frameworks for networked communication. Perhaps unsurprisingly, explicit discussion of Canadian new media regulation in terms of citizenship figures most prominently in the CRTC reports, in line with the organization's mandate to "ensure that both the broadcasting and telecommunications systems serve the Canadian public" (CRTC 2009). The Commission's regulatory decisions are primarily delivered through the *Broadcasting Act* (1991) and the *Telecommunications Act* (1993), both of which face challenges from the ambivalent position of new technologies and practices, such as UGC. Recent CRTC reports, like *Perspectives* (2008) and *Navigating Convergence* (2010), are intended to address these challenges, through dealing with a host of regulatory concerns about new media. Such concerns include policy issues around the persona rights of privacy and intellectual property, which likewise figure across the other documents from Ofcom, the OECD and Pew. Privacy in particular functions as a touchstone for a set of anxieties around young people online, often framed in terms of the risk or harm invited by the disclosure of personal information.

The alarm raised by threats to social privacy is not often met with similar apprehension around informational or data privacy, excepting a single mention in the OECD report. Its concern with the threat to informational privacy posed by the collection and use of personal data on UGC platforms is minimized, however, as the OECD report sets up a matrix of commercial policy agendas around UGC that sees user contributions as both commodities and properties that are necessary for economic growth. Here is where intellectual property rights come into view, framed as the implications of original and derivative works shared on Web 2.0 platforms. So privacy and intellectual property go hand-in-hand for the OECD, as elements to be regulated in view of ensuring a smooth flow of online cultural production as commercial exchange. But the OECD report is somewhat unique in this regard, and privacy and intellectual property tend to be discussed separately in most policy documents. As such, the documents reflect and reinforce the distinctions between privacy and intellectual property, rather than linking them through the endorsement logic that subtends commercial UGC platforms, as indicated in the concept of persona rights.

Persona rights law thus offers the heuristic value of re-framing privacy and intellectual property as inextricable concerns, both in a commercial context and in the broader sense of online sociality as citizenship. So while issues of privacy and intellectual property serve as key nodes to examine within the policy literature, they also invoke a broader human rights perspective on young people's socialization, commerce and cultural production online. In discussing how persona rights might fit into these overarching ecologies of online cultural production, the participants pointed to ways that their privacy and intellectual property in commercial spaces should be protected by emergent

legislation. As such, the urgency of regulatory protection of persona rights demands further inquiry into its implications as a normative framework for users' rights online.

Persona Rights and Privacy

McGeveran's account of persona rights law emerges from an analysis of social network sites (SNSs), such as Facebook and MySpace, in terms of how their marketing practices revolve around personalized promotional messages disseminated to a user's network of friends. As McGeveran points out, increasingly sophisticated promotional targeting methods – particularly those like Facebook Connect, which culls user preferences from across the Web by integrating Facebook profiles with external sites – raise issues around disclosure, identity and endorsement in a social marketing practice that “falls through the cracks between several different sources of possible legal regulation” (1108). More broadly speaking, the privacy concerns raised here implicate what Christena Nippert-Eng (2011) frames as the integrity of the self in attention economies like SNSs, where “the problem of achieving privacy, of controlling one's accessibility, agenda, and attention, has taken on new urgency” (169). As she points out, new communication technologies expand people's social territories, requiring greater attention to their borders in light of how such territories delineate expectations of personal privacy. The category of the person is central here, as it is for McGeveran, since negotiating privacy involves bumping up against asymmetrical power relationships in these social territories. In the context of SNSs, micro power relationships within the network are contained within the larger commercial imperative of the site, where social marketing practices work to circumscribe the legal recourse of the “persona” within the logic of endorsement. As McGeveran

claims, the persona rights perspective seeks protection of user privacy online by fortifying the integrity of individual identity control in SNSs.

Thus according to a persona rights imperative, privacy concerns revolve around the integrity of personal information as it is bound up in the commercial endorsement function of online social platforms. To this end, persona rights implicate informational privacy – the privacy of personally identifying information as it gets collected, bought and sold through internet marketing practices. As the Office of the Privacy Commissioner of Canada has claimed, “the practice of constructing profiles and drawing inferences based on social networking information that individuals post poses a range of risks to individuals’ privacy (and potentially other fundamental rights)” (OPC 2010, 16). While informational privacy thus comprises the greatest potential threat to the integrity of young people’s online labour of cultural production, the participants I spoke with seemed much more interested in social privacy – the status of their personal information among various “friend” networks. The participants’ concerns with who could see their information, and not with who was buying and selling their information, were expressed passionately throughout the series of interviews; as Laura said, “it strikes me that if you want to keep any kind of private life to yourself, it’s your responsibility to keep it off the internet where it can’t hurt you” (March 15, 2010).

Social Privacy

One way of framing the apparent privileging of social over informational privacy as the young people’s primary concern is through Helen Nissenbaum’s (2004; 2010) concept of contextual integrity. For Nissenbaum, violations of privacy occur when certain situational

norms are transgressed. These norms are always contingent, and include multiple dimensions: “the role of agents receiving information; their relationships to information subjects; on what terms the information is shared by the subject; and the terms of further dissemination” (Nissenbaum 2004, 137-138). Using this framework, Laura’s discussion of managing her privacy settings on Facebook highlights how contextual integrity for many young people invokes their immediate social context as opposed to broader commercial substrates of social networking:

I’ve twice put “in a relationship” with somebody and then had to take it down when we broke up, and it was just like, “oh this sucks! This is horrible and embarrassing and being played out in front of people.” Exactly, it was just like, you know, even if you turn off all your settings that make it appear in people’s news page, they could just three days later visit your profile and see that you had been dumped or that you had dumped somebody or whatever. And so it’s really... in both of those cases though I got dumped so [laughs], it was especially awful, you know, one of those things like, oh ok, even if, in the time I think like, “oh that won’t happen with this one,” like, it always could [laughs]. And so that’s a bit of a privacy boundary that I have learned. (March 15, 2010)

For Laura, as for many young people, identity work in online spaces involves negotiating privacy as contextual integrity, where the most privileged context is that of close relationships.

Other participants discussed moments of their parents finding their Facebook photos objectionable, or of feeling uneasy about employers, strangers or former friends looking at their profiles, for example. Social privacy issues also underlie popular narratives about online predators, where moral panic rhetoric often positions young people as victims of privacy breaches on social networks (Marwick 2008). As discussed below, Angelika in particular expressed a version of this moral panic rhetoric. Moreover, as Leysia Palen and Paul Dourish (2003) note, the key privacy issues for most people using information technology more generally include “minimizing embarrassment,

protecting turf (territoriality) and staying in control of one's time," stemming from the more familiar habit of controlling privacy in immediate physical space (130). Through the pressures of both popular cultural narratives and the immediacy of their local relationships, young people tend to articulate social privacy as the most salient privacy concern online.

Policy research further confirms that social privacy constitutes a dominant framework in everyday understandings and uses of social network sites. Across the documents examined, privacy acts as the principal social concern around the expansion of new media technologies that has facilitated UGC. Here, privacy tends to be framed as an issue of "risk" or "protection from harm" for younger users, as in this passage from the Pew report, *Teens and Social Media*:

Parents and policymakers shared concerns that teens were revealing too much information online, putting them at risk for predation or reputational harm, now and in the future. Previously released Pew Internet & American Life Project research suggests that teens are cognizant of the risks of placing personal information online. Two-thirds (66%) of teens with an online profile say they restrict access to it in some way, while just 50% of online adults with profiles restrict access. (Lenhart et al. 2007, 13)

This construction of "parents and policymakers" as guardians of teens' well-being online involves contrasting teens against adult users, even though the figures intended to show this discrepancy in fact show that teens are *more* restrictive than adults in their SNSs privacy settings (66% of teens versus 50% of adults restrict access). As such, these figures do not necessarily suggest that teens are "revealing too much information online," all they suggest are that teens are more conscious than adults of protecting their social privacy. But what is most telling about this passage, in relation to prevailing policy visions, is the way it links privacy to "predation" and "reputational harm," without

mentioning any informational privacy issues stemming from the collection and use of personal information by marketers and other third-party organizations.

Similarly the issue of strangers having access to their personal information was discussed by the participants in terms of social risk, as opposed to the risk of corporations or governments collecting personal data for use in targeting and profiling. As Angelika discussed, her own trepidation about strangers online was spurred by watching an episode of primetime news magazine *20/20*, which traded on a popular moral panic about girls' exhibitionism on social network site MySpace. She noted how that program primed her to have a suspicious attitude about her privacy on such sites, claiming that "it's still a little bit too much for me sometimes": "I don't know if it's more paranoia, or just that being out there and letting people have access to who you are and stuff without actually knowing them sometimes just makes me uncomfortable" (October 19, 2009). Angelika's feeling of discomfort provoked by the thought of strangers accessing her information reflects how moral panics influence popular perceptions, and indeed policy discourses.

Consider the following excerpts from Ofcom and the OECD:

Several areas of potentially risky behaviour are suggested by the qualitative and/or quantitative research. These include:

- leaving privacy settings as default 'open' [...];
- giving out sensitive personal information, photographs and other content [...]. This included details such as their phone number, home address or email address. Younger adults are even more likely to do this, with 34% of 16-24 year olds willingly posting this information;
- posting content (especially photos) that could be reputationally damaging. Examples ranged from posting provocative photos to photographs of teachers drinking and smoking being seen by their pupils and pupils' parents; and
- contacting people they didn't know (and/or didn't know well) online/accepting people they didn't know as 'friends'. (Ofcom 2008, 8)

Concerns have been raised about users increasingly posting more information about their identities, their lives and those of others (i.e. friends, family). Users post photos and videos, publicly accessible profiles on SNS, and online journals

with intimate details of their lives on blogs and sites. While such sites offer privacy settings to limit the availability of this information to personal contacts or friends, many users choose to make their information available publicly. [...] Individuals have utilised UCC [user-created content] platforms to expose content about somebody else (i.e. including posting online videos or other content which show persons not consenting to the upload) or creating accounts on behalf of another person with false information or content. [...] Other examples exist in which employers have made use of SNS to screen potential employees. Finally, identity thieves can much more easily track down the requisite information to mimic someone else's identity. (OECD 2007, 56)

Both of these extracts betray notes of paranoia around social privacy that is threatened by how UGC platforms invite or indeed require users to disclose information about themselves. In each example of potential privacy risks, online disclosure is linked to compromised safety offline, as in the posting of “reputationally damaging” provocative photos and the crime of identity theft.

Yet for young people creating content online, having their work available to a wide audience is often preferable, and would require them to relinquish some of their concerns about social privacy. In the context of cultural production, Nissenbaum's notion of privacy as contextual integrity is also useful for understanding how an individual's privacy boundaries might be situationally dependent. As Marilis explained, her promotional work online necessitates relinquishing some privacy, about which she acknowledges that “if I put it out there then it's out there, and it's like, and it's for everyone to see”:

[...] some benefits is that you reach people that you don't even think, that you know. Like for example [...] the fact that that the blog has opened the doors for me to write for other publications, and like um, someone found my Tumblr that's like my writing one, or someone forwarded that address to this publisher, or this editor for like this feminist magazine, who asked me to write for them. So it's this kind of like, it's on the internet, it's really easy for people to just like, go behind my back [laughs], for them to just be like, “hey there's this girl, she writes ok.” So that's neat. (January 21, 2010)

According to the logic of contextual integrity, the way that Marilis allowed her personal information to be public was seen as acceptable in the context of it potentially leading to new professional opportunities. In this way, Marilis positioned herself as exerting some control over her social privacy, by determining what was appropriate for the specific situation of her online content creation.

The Office of the Privacy Commissioner of Canada has likewise framed this kind of contextual integrity in terms of how internet users perceive their audiences (OPC 2010, 16). Users intentionally craft their online personas and privacy expectations for different audiences, but as the OPC points out, privacy control architectures on UGC platforms tend to delineate how and to what extent people will disclose personal information (OPC 2010, 16). So despite young people's work of managing their privacy in relation to various audiences – friends, strangers, parents and employers – the control that they are actually able to exert over their privacy is mitigated by the platform's architectural affordances. On social network sites and other UGC platforms, these architectures tend to be designed for commercial purposes, where corporate marketers often comprise the unseen audience for personal information. As the OPC has noted, young people using SNSs “tend to think they are among friends and are not acting as ‘consumers’,” yet the primary audience for their information – as indicated in the privacy policies of these sites – is made up of commercial actors. The OPC sees this practice in terms of how “the distinction between our social interactions and our ‘role’ as consumers is disappearing. We are being turned into ‘always on’ consumers” (2010, 16). Apparent concerns with social privacy in participant interviews and policy documents thus obscure the more insidious threats to informational privacy on commercial UGC platforms.

Informational Privacy

Informational or data privacy does not appear at all in either discussion on social networking from Pew or Ofcom, which both frame privacy solely in terms of social risks. The one mention of informational privacy in the OECD report is nestled in the middle of the section on social privacy concerns quoted above, and it states:

In principle, information which is not displayed publicly is protected and not sold to third parties. In the case of a merger or acquisition by a third party, however, this information is an asset which is part of the transaction and which is handed over to the acquirer. There may also be cases of data leakages which could be due to the nature of the information and pictures prove particularly damaging, although so far little is known about such cases which may have occurred in the context of UCC sites. (OECD 2007, 56)

Effectively, this statement works to minimize the threat to personal privacy posed by commercial access to information – which makes sense in the context of the OECD’s role as an economic development organization that seeks to bolster the economic potential of UGC. Nonetheless, as a model for “monetising the audience” through the implementation of business models that “may involve the selling of anonymised information about users and their tastes and behaviour to market research and other firms,” what the OECD is promoting here is essentially a breach of informational privacy (27). The report’s language around this issue works to downplay the risks associated with informational privacy by wording it as purely an order of business, as a fiduciary “transaction.”

A similar rhetorical move can be seen in the CRTC’s *Perspectives* report, which begins and ends its discussion of privacy with the disclaimer that “Privacy and accessibility issues raised by stakeholders are important but fall outside the scope of the research and consultation undertaken for this document” (CRTC 2008, 12, sec. 39). The

report then goes on to suggest that one of the benefits of more active users/audiences online comes from commodifying user data:

Content providers can exploit the interactivity of new platforms to strengthen loyalty to programs and artists and to build upon the capabilities of new platforms to deliver more granular audience data that can generate higher advertising revenues through targeting. By extending the reach of these providers beyond what was possible in the traditional broadcast environment, these new platforms have provided new opportunities to generate global sales and brand recognition. (CRTC 2008, 46, sec. 124)

As in the OECD report, the commercial function of gathering user data is framed in technical terms, where the platforms' ability to "deliver more granular audience data" constitutes a beneficial new opportunity for broadcast businesses to compete on a global scale. The issue of privacy in this data collection remains absent, privileging economic utility over individual rights in people's disclosure of personal information.

The CRTC's more recent *Navigating Convergence* report addresses privacy in much more detail, reflecting the issue's increasing purchase as a public regulatory concern. With an entire appendix devoted to "Developing the appropriate regulatory framework to contribute to the protection of the privacy of Canadians," *Navigating Convergence* offers one of the first instances of the Commission's explicit commentary on privacy. Even still, the appendix concludes with the CRTC essentially relinquishing any responsibility for informational privacy online, which they note falls under the purview of the *Privacy Act* and the *Personal Information Protection and Electronic Documents Act* (PIPEDA), and thus under the jurisdiction of the Office of the Privacy Commissioner (CRTC 2010, 84-87). While the CRTC acknowledges its own claims to "ex ante regulatory powers under the Telecommunications Act to impose measures to protect privacy," it asserts that there is no present need to add in special provisions for

new media (85). Moreover, the report suggests that industry self-regulation would work better than federal regulation anyway:

[...] industry self-regulation is a tool to support privacy protection. Self-regulation is a useful approach when an issue – such as privacy – is too sensitive or resource-intensive to warrant direct government regulation, and where the application of flexible codes based on principles may be more appropriate than strict rules. (CRTC 2010, 85)

Despite going on to note two major privacy breaches – posed by set-top boxes that collect viewer data for targeted television advertising and location-based marketing that uses the global positioning systems of wireless devices – the report maintains that direct regulation of privacy is not an option for the CRTC at this time. For the single substantial discussion of privacy across the documents that does not simply frame it as a matter of social privacy, which basically means “risk,” *Navigating Convergence* nonetheless contributes to the overall downplaying of informational privacy as a public issue.

Similarly, in discussions with participants, informational privacy was characterized as potentially unnerving, but not a top-of-mind concern. As Marilis said, “I just don’t like the idea of being tracked, but it’s kind of inevitable” (July 2, 2010). Angelika also brought up online tracking by sites like Google and Amazon in our discussion of informational privacy, expressing a degree of disbelief that such apparently unethical marketing practices could be so commonplace: “I’m like that’s really, like how can they do that?” But what seemed to bother her more than the fact that companies were collecting and using her information was how target marketing potentially limited her consumer choice:

What if I want the results that he has or she has or, you’re only giving me something you think I would already need, so I don’t have the possibility of stumbling upon things accidentally. I don’t like that, because I find a lot of stuff I accidentally will see. Because even like, when you go an Amazon or whatever

and they're like, you read these books, or you looked at these ones, you know, and you're like, stop! [laughs] Yeah, it's weird. (February 5, 2010)

In her conclusion that online tracking was “weird,” Angelika effectively shifted the emphasis away from privacy breaches to a perceived cap on her consumption possibilities, ultimately dismissing both as simply weird. Similarly, when I asked Laura whether she was worried about how corporations might access her personal data through UGC platforms, for instance, she felt that the threat was minimal: “until I hear of somebody having that particular situation really negatively affecting their life, I can't get really worked up about the idea. [...] it doesn't really bother me, like what are the consequences of a company knowing what you've said on the internet?” (February 16, 2010). Without having some kind of anecdotal evidence, Laura felt that the “consequences” of threats to informational privacy were difficult to imagine.

Yet the very intangibility of informational privacy concerns is what makes them so insidious. As Vincent Mosco's (2009) concept of immanent commodification emphasizes, social web platforms deploy “new measurement and surveillance technologies to expand the production of media commodities” (143). Mechanisms that work to collect personal data for tracking and profiling work under the surface of these platforms, so that users are not always aware of how the commodification – the transformation of their creative and social production into exchange value for platforms – happens immanently to the system of network sociality. In relation to privacy, as Mosco contends, “immanent commodification not only produces new commodities; it creates powerful surveillance tools that threaten privacy” (143). These tools include technological means for collecting information about users, such as cookies, flash

cookies, beacons, log files and deep packet inspection (OPC 2010, 10; 2011, 12).¹² The overarching immanent commodification practices that mobilize these technological mechanisms include surveillance, dataveillance, mapping, monitoring and geo-tagging – which all work to amass a variety of personal data within only a small number of commercial and governmental organizations. This concentration of users’ information incorporates relatively new sources of personal data like SNS profiles, arranged in new ways like data clouds where web-based services are stored in and made accessible through third parties from remote servers distributed around the globe (OPC 2010a, 7; 2011, 32).

As the OPC has noted, such new mechanisms, practices and modes of data collection and storage occur across many business models: SNSs that are mainly concerned with marketing; mapping technologies that integrate street-level information with data storage; location-based services for marketing and internet search; the “internet of things,” a term that describes a host of new means of rendering objects and persons as data through advanced internetworking technologies, including sensor networks, Internet Protocol version 6, radio frequency identification (RFID) tags, wireless sensors, smart technologies and nanotechnologies; analytics like databases and algorithms; e-Health modules containing personal health records; and newly evolving business models based on Web 2.0, third-party applications and cloud computing (OPC 2010a, 7-10). In all these

¹² Cookies are small text files placed on a computer’s hard drive by a website; flash cookies perform the same function, but can be recreated even if web cookies are deleted. Beacons are strings of code in the background of websites that can be used to send cookies, track a user’s activity on the site, or transmit downloadable applications to the hard drive. Information gleaned from these methods are stored as log files, which often compile a host of personal information about a user including IP address, geographical location, time spent on certain webpages, advertisements viewed and other user preferences. Moreover, the transmission of this sensitive data can be further comprised by deep-packet inspection tools, where rather than blindly moving information through the network, network administrators and third parties may be able to access the content of those transmissions (OPC 2011, 12-13).

scenarios for data collection, immanent commodification implies that the creation of virtual profiles based on people's data happens without their control or even knowledge, with audiences for such profiles ranging from data brokers, marketers, investigators and monitors, to identity fraud scammers (OPC 2008, 4). In the cases of all of the potential audiences for consumer data, processes of immanent commodification on web platforms constitute a central logic underlying threats to informational privacy.

While the notion of immanent commodification tended to be absent from my discussions with my participants as well as from the policy documents examined, the Office of the Privacy Commissioner and the Public Interest Advocacy Centre have both produced significant literature in recent years about threats to Canadians' informational privacy online (Shade & Shepherd, forthcoming). These reports have attempted to address a broad span of web-based data collection and usage practices, particularly in online social and creative production platforms that invest users with the *perception* of control over their online profiles. Such intentional profiles built up as part of the apprenticeship labour of UGC are only "the tip of the iceberg" when it comes to personal profiles online (OPC 2008, 1). It is the hidden practices of the sites' collection and use of personal data in constructing unintentional profiles that undergirds the advertising models that allow these sites to seemingly offer their services for free. This freedom is illusory, however, since user information helps marketers to target ads to users' interests, and to "inject themselves into conversations and manipulate participants into being favourably disposed towards their products by using loyal consumers' word-of-mouth to communicate a firm's bottom-line to new prospects" (PIAC 2009, 42). In emphasizing the workings of immanent commodification in UGC platforms, informational privacy

concerns highlight how contextual integrity might extend beyond apparent networks of friends to include marketers as the ‘unseen audience’ for both user content and data.

Endorsement

If less visible marketers and corporate actors can be positioned, through the framework of immanent commodification, as the primary audience for user content and data, then the central function of users is to endorse certain viewpoints, products and network connections. The logic of endorsement, which McGeveran (2009) notes underlies the marketing practice of collecting user data for online tracking and profiling, threatens not only informational privacy, but also users’ intellectual property rights over their own public identities or personas (1149). Sites tend to obscure how they collect and use personal information; the relative invisibility of these practices constitutes a challenging context in which users might negotiate the way their personas are deployed in online marketing. As McGeveran contends about the inevitable breaches of privacy and property rights given social web platforms’ insidious marketing practices, opting out of social networking all together is increasingly difficult as the sites become more ubiquitous: “Doing so would be like a teenager of a previous generation eschewing the telephone. Moreover, opting out of online social networking can abdicate the ability to shape one’s own reputation – after all, friends and acquaintances will still discuss the abstainer and tag him or her in photos” (1127).¹³ Participation in these platforms, especially for young people attempting to cultivate a self-brand for future creative work, is not optional. In more privileged western contexts at least, social web platforms have become ubiquitous

¹³ Or, even more immanently, opting out does not prevent people from having their faces recognized and tagged in photos automatically by Facebook’s facial recognition technology, rolled out beginning in June 2011.

sites for the production of culture and more generally, for social interaction and organization.

Given the prevalence of network sociality that hinges on potentially exploitative hidden marketing practices that compromise users' control over their own profiles, McGeveran suggests looking to legal frameworks for new ways of understanding and protecting user rights. In privacy law, he finds stipulations about the disclosure and handling of personal information, with Canadian privacy regulation particularly aggressive on its stance toward online commercial collection and use of personal data (1143). Yet privacy legislation does not address the broader implications of the ideal that "an individual should be entitled to control the use of his or her own 'persona' because it is an extension of the self" (1132). McGeveran thus looks to trademark and competition law to apply some of the regulations around celebrity endorsement to users of social network sites. While trademark law cannot in principle be applied to non-celebrities since they don't enter into contracts specifically for the purpose of using their identities to sell products, and moreover, the basis for constructing the persona's legal status as property is a much more liminal exercise in the Canadian context where endorsement is embroiled in the semiotics of national cultural sovereignty (Hamilton 2009, 213, 217), the persona rights concept nonetheless highlights how the integrity of identity online is wrapped up in commercial exchange value – in what McGeveran terms "reputational piggybacking" (1144). In this way, the persona can be seen as a commodity, where its value is determined by market exchange, and in turn, where it functions as a kind of property. In persona rights law, this understanding of identity-based publicity as a form of property functions in relation to how that property is constituted and exchanged through social

web platforms' appropriation of user privacy. As a "hybrid of privacy and intellectual property law" (1149), persona rights law thus offers a conceptual frame through which to co-articulate user rights to privacy and intellectual property online as part of the overarching endorsement logic of web platforms.

While I invoke the term persona rights as derived from McGeveran's legal formulation, it seems more appropriate to apply it here as a theoretical construct that bridges concerns around privacy and intellectual property. The need for such a bridging concept emerged from the discussions with participants, where in practice, privacy and intellectual property were often difficult to separate. Particularly instructive in this regard was Shawn's take on his professional modeling experience as it related to blogging. Our discussion of social privacy on Facebook led to the topic of controlling the dissemination of one's own image:

T: [On] Facebook and elsewhere, how concerned are you with your privacy online? Because you have pictures of yourself...

S: Yeah, there's a couple. I don't know, maybe I'm not as worried about the spreading of images of me because I also model, so it's like, you know, that's what it's about. You know, your image, people take your image and use it for other things. So I mean me posting a picture of myself on my blog, you know, I'm not super worried about it because that was the whole, you know, there was a shoot that I did, and then I posted some images because well, the images were going to be published and put somewhere anyway. So I'm not really concerned with that, because I don't have any, uh, like my name's not even on my thing, on my blog, it's just like S.D., like my initials. And then you know, you can kind of get that I'm from Montreal with some of the posts, and like, you can kind of figure out like, you could maybe figure out which one's me because I posted a group shot of my friends once and I was in it, but you know, and more with my Facebook.

T: And for your blog – just to return to that for a second – um, when you have like pictures of yourself on your blog, do you feel – this is interesting to me – maybe is it that you have more control over your own image somehow, on your blog as opposed to when your photos get used by whatever company it is?

S: Well yeah, like I can totally decide what photo I want to put, if I want to put it, when I want to put it, where I want to put it; whereas if I go to a shoot and they take 450 images of me in half a day, I have no say as to which photo, like even if they use photos where I'm like, "oh I look like crap", like they don't care, you know, it's up to them. So they have complete free reign over [...] I just have to shut my mouth and do my job, which is to like get the image taken and the rest is kinda up to them. Whereas on my blog, you know, it's me who decides, you know what goes where and like, so that's kind of cool. (December 5, 2009)

Shawn's feelings about his image as a piece of publicity was conditioned by his experience as a model – where he entered into contractual obligations to endorse commercial goods. In a similar way, he viewed the use of his image on his own blog in terms of his control over "what goes where," invoking both his right to privacy and intellectual property. Shawn's negotiation of his image through Facebook and his blog thus tapped into his contextual understanding of endorsement economies, invoking persona rights as part of the way he manages his identity online.

Even if the young people I spoke with were using platforms like Facebook and blog hosting sites for their own self-branding through a kind of apprenticeship labour, they recognized that other entities might profit from the cultural capital of their endorsements. Like Shawn, Marilis also shared a compelling incident having to do with social networking endorsement, where she felt her persona rights to be threatened by a commercial third party. She was offered money by a local promoter to advertise his event to her network on Facebook, which she declined. Marilis saw this offer as an extension of her relatively well-connected place in the local scene, where she was targeted because she had a "big list" of friends. Her refusal of the offer was explained through her attitude toward social privacy: "the thing is, I don't like, I don't want, in a way I don't want to remind these people I don't know that I'm on their friends list. And I would feel weird if like someone from high school invited me to a club night, you know?" (July 2, 2010).

But at the same time, when she went on to describe cases in which she has used social networking platforms for endorsement, Marilis noted that she wouldn't "feel comfortable" promoting events in which she was not involved. Particularly because otherwise, as she stated, it would be "sort of like selling my friends list, right?" In this case, Marilis's persona rights attached to her own online identity were also wrapped up with her network connections, where she could claim some intellectual property rights over her friends list as a tradable commodity.

In linking the cultivation of a particular identity through UGC platforms – done through apprenticeship labour that creates value for the platforms themselves, while it also trains young people for future creative industries work – to some notion of rights, the persona rights concept fulfills the important function of yoking privacy concerns to those of intellectual property. As McGeveran outlines about the persona rights paradigm, its co-articulation of privacy and intellectual property also highlights how "identity control concerns are grounded in two understandings of the interests at stake, one focused more on offense to dignitary interests and the other on a right to compensation for commercial value" (1149). On commercial UGC platforms driven by immanent commodification, users face the appropriation of their content and personal data in ways that are not always explicit in terms of how they breach privacy and intellectual property rights. While these contextually-dependent meanings of privacy and intellectual property may be usefully articulated together as persona rights, much of the existing literature – including the policy documents I have examined – deals with each separately. So while I have begun this discussion with privacy as the most salient policy issue leading into the concept of persona rights, I now wish to turn to intellectual property as it came up in the interviews

and across the policy documents. This discussion of intellectual property will keep persona rights in mind, however, as it leads into the chapter's conclusion about how persona rights might be situated within developing regulatory paradigms around both privacy and intellectual property.

Persona Rights and Intellectual Property

A persona rights framework can be brought to bear on the way that the commercial logic behind UGC platforms compromises both privacy and intellectual property in tandem. As Sara Grimes and Leslie Regan Shade (2005) have pointed out about children's websites in particular, "marketing research practices can be seen as infringing upon children's potential intellectual property rights, through their appropriation of the ideas, creativeness, and cultural artefacts children produce and distribute online" (193). This line of argumentation can be extended to young people in general, where many of their cultural activities online are devalued – as discussed in Chapter 2 – in ways that allow the sites to escape scrutiny in potential breaches of intellectual property rights. This move is important, since the sites rely on the enthusiastic production of content by users for their viability. In extending the discussion of persona rights from within the context of privacy to the context of intellectual property then, the basic assumption here is that user content is appropriated by UGC platforms as part of their immanent commodification of network sociality.

For McGeeveran, the U.S. right of publicity – which, along with the tort of appropriation, subtends persona rights law – lends a crucial conception of persona as an individual's inherent proprietary interest in how his or her identity is reproduced, "in

controlling the exploitation of one's own identity" (2009, 1109).¹⁴ The idea of one's identity or persona as generating proprietary interest under capital is seen by Carole Pateman (1988) as the libertarian legacy of self-ownership, which underpins alienable rights to "property in the person" that allow for the person, as private property, to be subject to contracts as part of a logic that she terms "contractarianism." Pateman thus critiques the notion of property in the person on the grounds that the contracts that bind the person, such as employment contracts, alienate the labourer's right of self-government while simultaneously demanding labour as a humanist practice, i.e. a practice marked by self-government and autonomy (2002, 47). Her critique of this inherent paradox of contractarianism has only gained credence in recent years with new forms of publicity online that have accelerated the incorporation of persona as property, including the way that SNSs retain licensing rights over user content, amid celebrations of user agency and the democratization of cultural production.

As an iteration of Pateman's characterization of property in the person under contract, the immanent commodification of intellectual property online places user-creators in a bind where their labour contributes to their own identities as "autonomous," while it is also subsumed by extensive intellectual property interests through (voluntary) exploitation by contract. In relation to online news production, Edward Carter (2011) describes how U.S. intellectual property protection has exploded since the implementation of the *Digital Millennium Copyright Act* (DMCA) in 1998, the provisions

¹⁴ As Sheryl Hamilton (2009) outlines, publicity rights have not been recognized as fully in Canadian courts as in the U.S., which she sees as a result of different attitudes toward the culture industry, stemming from Canadian policy initiatives around cultural sovereignty in the public interest. Yet the reticence of the courts to legitimize the commercial side of celebrity personas has not precluded the commercial exploitation of identity, rather it has led to a potentially more mobile and troubling notion of the persona as it relates to the individual person (216-219).

of which prohibit any removal or alteration of copyright management information. Carter outlines how various district courts have interpreted this aspect of the DMCA in terms of an enforceable statutory attribution right, where the proprietary nature of persona might be seen to go even further than copyright ownership or licensing contracts to encompass both legal and moral claims under statutory damages (2011, 189). Yet attribution's implication in the proprietary claims tied to persona amid the original versus derivative works argument – an argument upon which the DMCA itself hinges – tends to obscure the way that UGC gets appropriated for promotional uses in commercial spaces for networked sociality. In this context, a consideration of persona rights as not only a legal but moral claim – where the integrity of users' identities as personas hinges on their control over the uses of their works and information – around UGC labour might point to ways in which internet regulation might reconstitute user rights more generally in terms of cultural production.

Appropriation and Promotion

Most obviously indicative of the way user content is appropriated to constitute the value of social web platforms, Facebook's success can be attributed to the way it works as a "utility" that isn't yet, but should be, regulated: as danah boyd (2010a) has argued, "When people feel as though they are wedded to something because of its utilitarian value, the company providing it can change but the infrastructure is there for good" (n.p.). In this way, Facebook as a utility could be regulated, but so far functions according to monopoly capitalism, allowing it to license user content without much resistance from users who have little choice of opting out or of controlling the lifecycle of their own

content. The participants in my study all used Facebook, even while they seemed aware of how Facebook claims rights over their content. As Marilis concluded, although she posted photos and other material to Facebook, “ownership’s a big thing [...] you know how the photos you upload stop being in your hands once they’re up there.” She further captured the sentiment of resignation at the way that Facebook “can do whatever they want” as a social utility, while also invoking a similar contention as boyd’s that the site could be regulated so that “the content that you own remains yours” (July 2, 2010).

Sites like Facebook, YouTube, Twitter and Foursquare all obviously require a “critical mass” of users creating content in order to make them valuable as social web platforms. But these Web 2.0 models share a commodification of users intellectual property with older versions of network sociality. For instance, commercial websites that solicit user reviews as feedback exercise a marketing-based appropriation of those discourses. As an example, Angelika spoke about the online message board for the *Dr. Phil Show*, an American daytime television talk show where a therapist offers psychological guidance to non-celebrity guests. She had contributed to the message board after watching a particularly interesting episode, and her comment was vetted by the board’s moderators to appear on the site. Yet the next time she contributed feedback that “was more of a negative, but it wasn’t too out there,” her comment was blocked:

They didn’t post it because they screen it, and they just didn’t post it, and I was like, “what?” Because it wasn’t even that critical, and it’s in the States, and I couldn’t believe they didn’t post it just to see what other people would say. Because I was just like, how can you do one, and put the other and not expect, like, that’s contradictory [...]. Yeah, so that was my only experience of ever, they blocked my thing and I was like, “uh, fuck that,” I’m not doing that anymore. (November 25, 2009)

Angelika's realization that user comments were not meant to function as part of public debate around the show, but rather as publicity, led her to abandon the practice of contributing to its message board. When I pushed her on the status of these contributions as original content, Angelika shifted her position from initially claiming that these comments were not original to arriving at a more complex understanding of communication as a creative practice that might "confuse" valuations of originality. Once Angelika could conceptualize her comments on the Dr. Phil message board as a kind of intellectual property,¹⁵ she felt even more affronted by the obvious appropriation of only her more positive evaluations as publicity for the program.

Yet what was particularly interesting about this discussion was Angelika's initially adamant contention that comments on a message board, or on YouTube or Facebook, did not count as original creative content. This sentiment reflects a deliberate attempt by UGC platforms to devalue the intellectual property rights of users by framing their contributions as part of a conversational discourse, rather than as cultural production. As Gillespie (2010) notes about YouTube, the way the site relies on advertising revenue is "certainly downplayed in the specific appeal to regular users,

¹⁵ As the Dr. Phil website's Terms of Use (last updated June 12, 2008) stipulate, "You represent that Your Upload Information is an original work by you or you have all necessary rights in it to submit it to Company under the terms of these Terms." This wording, meant to release the site from any liability associated with user content, also positions users' "Upload Information" as intellectual property, where all moral rights to the content are waived alongside the typical cession of licensing rights under the following extensive conditions:

You further agree that Company, its Affiliates, and the directors, officers, employees, and other representatives of each of them will have the unfettered right throughout the universe, in perpetuity, without any credit or compensation to you, to use, reuse, modify, alter, display, archive, publish, sub-license, perform, reproduce, disclose, transmit, broadcast, post, sell, translate, create derivative works of, distribute and use for advertising, marketing, publicity and promotional purposes, any of Your Upload Information or portions of Your Upload Information, and your name, voice, likeness, and other identifying information in any form, media, software or technology of any kind now known or developed in the future for any purposes whatsoever including, without limitation, developing, manufacturing and marketing products using Your Upload Information. (<http://drphil.com/members/termsfuse/>)

especially to the extent that commercial advertising is not a neat ideological fit with the ethos of the participatory web” (353). Beyond not fitting the ethos of egalitarian participation, an emphasis on the sites themselves as essentially commercial intermediaries also compromises the necessary fiction that user contributions are purely communicational utterances that do not enter into the exchange economy. This is especially apparent in children’s websites, as Grimes and Shade contend, where “rarely, if ever, do intellectual property debates position or consider children as cultural producers in their own right” (193). A similar statement could be made about user-creators on UGC platforms in general, where user contributions get downplayed in order that the sites might retain intellectual property rights over that content.

Original and Derivative Works

Part of downplaying user rights to intellectual property involves making the distinction between “original” and “derivative” works in the terms of copyright debates. As Matt Stahl (2009) has summarized, copyright in fact creates authors by “distinguish[ing] between those who can claim authorship of their work and those who cannot” (55). The move to devalue UGC authorship can be observed across the policy documents that cast user production as of lower status than, and potentially threatening to, commercial sources of content. Similar to the way that threats to individual privacy posed by commercial activity are barely explored across these documents, discussions of intellectual property seem to bypass the rights associated with user creation in favour of emphasizing users’ copyright infractions that threaten commercial interests. The CRTC’s

Perspectives report, for example, mentions intellectual property only in the context of new media business models for the distribution of broadcasting content:

Content producers may choose to distribute their programming directly to users without licensing it to a third party. For example, a television or web content producer may create a website or RSS subscription feed to allow users to download or stream the content, or third-party aggregators may build content portals, licensing content from creators, as in traditional broadcasting models. The terms of the licensing could include paying nothing for the content (as a user generated content site inviting users to upload audio and audiovisual programming might do) or paying a licensing fee to the producer in return for the right to distribute or broadcast the content. (CRTC 2008, 47, sec. 132)

This passage indicates the CRTC's fidelity to a sender-receiver model of broadcasting, which indeed underlies the new media exemption order in itself, where users are depicted as wholly distinct from producers or creators, who retain exclusive access to intellectual property protection.

As the *Perspectives* report makes clear, user content does not pose intellectual property concerns, which arise only in professional contexts with practices such as digital watermarking ("of particular interest to new media companies seeking to manage and protect their copyright content as it is distributed across the Internet," sec. 120), strict controls over mobile content ("mobile platforms offer a safer distribution platform for content from the perspective of protecting rights holders from unauthorized use," sec. 107) and Canadian cultural preservation ("the maintenance of Canada as a separate rights market for new media broadcasting is critical to the continued health of the Canadian broadcasting system," sec. 205). This last concern for the protection of a unique Canadian approach to intellectual property rights appeals to the CRTC's stated public function, but ultimately uses nationalistic rhetoric to promote a more narrow designation of legitimate rightsholders.

The Commission again expresses intellectual property as juxtaposed alongside Canadian national identity in *Navigating Convergence*, under the discussion of Canada's National Digital Strategy. A National Digital Strategy, which has been lacking in Canada, is currently taking shape through a series of nationwide government consultations that began in May 2010 with the online consultation portal, www.digitaleconomy.gc.ca. The CRTC understands its regulatory role in this National Digital Strategy as extending beyond its "existing toolset" to encompass "issues in relation to matters of taxation, copyright, privacy, spectrum management and convergence of broadcasting and telecommunications industries, among others" (CRTC 2010, 48, sec. 221). But within this range of issues mentioned, the copyright threat of piracy is singled out:

A key challenge to the health of the broadcasting system is piracy, which cannot be understated. Piracy has fundamentally changed the music industry, forcing artists to seek ways of monetizing their work outside of traditional copyright structures. [...] As noted above, where a combination of regulatory and market forces creates hurdles for users to access content, a free alternative will be available and attractive. It bears remembering that DTH [Direct-to-Home] television distribution piracy, whether grey- or black-market, is a significant problem in the broadcasting industry. [...] Other jurisdictions have sought a solution to piracy through obligations on ISPs to, for example, deny service to frequent infringers. A Canadian solution to ensuring the continued viability of the Canadian broadcasting industry may require a partnership with ISPs in one form or another. (CRTC 2010, 48, sec. 224 and 225)

This vilification of piracy, and thus support of traditional models and producers of cultural production, is perhaps unsurprising for a regulatory agency that seeks a synergistic "partnership with ISPs in one form or another." And it is also in line with the report's emphasis on market competition ("a national digital strategy might also consider the economics of competition in the communications sphere," sec. 227), as well as the global competition rhetoric that betrays an underlying economic valuation of Canadian cultural sovereignty:

Finally, to better compete in a global, digital environment, Canadians need the ability to actively participate in the creation and presentation of, and see themselves reflected in, Canadian stories. A world-leading broadband network infrastructure is not an end in itself. The “pipes” are only useful inasmuch as they are used to deliver services, applications and content to Canadians. It will be necessary to ensure that Canadians can contribute to and see themselves in stories that are accessible on multiple digital platforms, whether from private, public or community sectors. [...] Strengthening and promoting Canadian content, services and applications in a global digital environment will enhance Canada’s position in a global digital information economy. (CRTC 2010, 49 sec. 229 and 230)

The invocation of active participation and accessibility for citizens feels like a conciliatory gesture within the context of the report’s overall emphasis on infrastructure development and industry protections, and indeed, within the statements championing Canada’s competition in “a global digital information economy” that bookend this section. Moreover, it reveals that the previous discussion of copyright infractions and piracy upholds a one-sided view of intellectual property rights as belonging to traditional media producers, and not to the Canadian citizens expected to contribute to national representations.

Consistent with the CRTC reports, it seems that most of the policy documents interpret intellectual property conservatively, as having to do with professional content creation and not UGC. The Ofcom report on social networking in fact never mentions intellectual property, following from its conception of social networking as not included in the designation of UGC (even though users are said to “create their own online page or profile and to construct and display an online network of contacts”, Ofcom 2008, 1). Pew’s study of social media does in fact acknowledge teens’ creative activities as UGC, such as in this discussion of remixing, but only insofar as users incorporate original works within the boundaries of legitimate copyright exceptions:

With all of the tools teens have at their disposal to post and share content, many have also become adept at editing and remixing digital content. Applications that allow users to edit images, music, and video are becoming increasingly sophisticated. Additionally, searchable libraries of content without traditional copyright restrictions such as those found in the Creative Commons section of the Flickr photo-sharing site are providing a seamless way for users to find content that they can sample and remix. (Lenhart et al. 2007, 12).

While taking a more positive outlook on user activity than in the CRTC's discussion of piracy, this assessment, by only recognizing the "seamless" remixing of unrestricted material, precludes any valuation of remixes as intellectual property themselves – both original and derivative works are posed as essentially public domain. As such, the implications of UGC for intellectual property remain bound by traditional conceptions of professional rightsholders.

The most detailed discussion of the dynamic between original and derivative works comes from the OECD report, which appears to claim that UGC constitutes a challenge to traditional intellectual property frameworks:

Copyright issues related to UCC arise in a number of different ways. At the outset, it may be helpful to distinguish between 'original works' created by users and works created by users from pre-existing works (commonly called 'derivative works'). Original works identified as UCC raise the same copyright issues as original works created under other circumstances and can present relatively familiar issues of control, commercial exploitation, and protection in the online environment. Derivative UCC works (such as fan fiction or a blog that incorporates some or all of a protected work) highlights a difficult copyright issue, i.e. whether such derivative works are acceptable uses permitted by the respective jurisdiction's exceptions and limitations (sometimes referred to as 'fair use') or an unlawful infringement of the creator's exclusive rights. (OECD 2007, 44)

The initial pronouncement that copyright issues "arise in a number of different ways" seems to set up an argument for the reevaluation of copyright according to newer forms of production in UGC. But this section goes on to elaborate on only two contexts that inform copyright issues – original versus derivative works – with the conclusion that

original works act as professional content and that derivative works such as remixes are subject to the copyright limitations specific to each OECD member country. So despite a more explicit analysis of the intellectual property issues around UGC, the OECD report arrives at the same assessment of derivative works found in the Pew report: copyright protections extend to the originals used in the derivative, and not to the derivative itself as its own original production. This devaluation of the originality in derivative works of UGC is accompanied by the definition of original works of UGC as essentially the same as professional content, entailing “the same copyright issues as original works created under other circumstances,” and “relatively familiar issues of control, commercial exploitation, and protection in the online environment.”

Since the writing of these reports, however, Canadian copyright debates have begun to take a more inclusive stance on the protection of derivative works. The *Copyright Modernization Act*, currently incarnated as Bill C-11 (as of December 2011), contains what is popularly called the “YouTube exception,” designed to allow for the use of copyrighted works in user-generated content under certain circumstances as part of fair dealing. While the apparently imminent passage of this bill thus marks a step in the direction of bolstering user rights, it nonetheless refrains from recognizing user-made videos themselves as warranting protection. In upholding the value hierarchy between original (i.e. corporate and professional) and derivative (i.e. “user-made”) works, Bill C-11 still represents a conservative stance on user rights. Add to this the bill’s retention of strict anti-circumvention provisions around digital locks, and it seems that a true re-evaluation of copyright for the context of UGC remains elusive for Canada.

In this way, federal legislation has mirrored the OECD report's earlier rhetorical strategy, at first seeming to say that UGC requires new conceptions of intellectual property online, but ultimately upholding existing rights structures of commercial cultural production. Users must either tread carefully around copyright protections when creating derivative works, or must take on all of the commercial responsibilities of producers when creating original works:

As users are increasingly involved in deriving non-pecuniary and pecuniary benefits from the creation of content, the treatment of these individuals or groups of persons in the face of many applicable legislations may be in question as they evolve from being consumers to actual producers / commercial entities (e.g. in the area of consumer protection, intellectual property rights and taxation). (OECD 2007, 43)

According to the OECD, users who create original content – especially profitable original content – essentially become “actual producers,” bound by a whole set of institutionalized parameters. The language here also serves the function of avoiding the troubling hybridity of the user-producer by maintaining a separation between the two entities. As the report recommends, “Member countries should implement regulatory frameworks that balance the interests of suppliers and users, in areas such as the protection of intellectual property rights, and digital rights management, without disadvantaging innovative e-business models” (OECD 2007, 44). For UGC to be incorporated into these “innovative e-business models,” a boundary needs to be maintained between users/consumers and suppliers/producers – allowing for unencumbered commercial exploitation.

In relation to these regulatory debates, the participants framed copyright and intellectual property in much more pragmatic terms, where their practices as producers of content helped them to make sense of the language of the debates. For example, Shawn

offered an extended reflection on his role as somewhere in between producing original content and sharing existing content through his blog:

I don't know, it's just, I was thinking about that the other day. I was like, "well, is this plagiarism? Would I get kicked off..." You know you can get kicked out of school, I'm like "well, will I get kicked off the internet?" You know, it's kind of a weird, fuzzy line where I don't know... that's why I'm trying to also like up my original content, but my problem is that my blog is for an industry where I'm in a city where not that much is going on. So it's hard to have... and like I'm school, and I work full time. I work full-time and I'm in school full-time. So it's like, I don't necessarily have the time to like go to New York for a fashion week, and then make my own report and take my own photos of the show, and then, you know, come back. It's like a lot more convenient to go to, for instance, Style.com, make a selection of photos, post the ones that I like, a few comments on them. So like I don't know, in Montreal I can't... there's like nothing going on, so I don't know how I'm supposed to, you know? (September 25, 2009)

As an aspect of the moral rights to copyright, plagiarism was seen by Shawn through the lens of his experience in university, where citation and attribution are stressed as the most important mechanisms for recognizing an author's claim over his or her labour of cultural production. Within this framework of moral integrity, Shawn described his own oscillation between original and derivative works as stemming from his position in the field of fashion journalism. Unlike in the policy documents, which seek to construct a binary opposition between legitimate producers of culture and users as remixers or sharers, Shawn's story reflects the more complex intermingling of roles within an individual actor. At the same time, he crucially situates this cultural production within the context of his everyday life as a student, as a full-time employee and as a young Montrealer.

Despite attempts by policymakers to draw definitive boundaries between original and derivative cultural production online, actual practices of young people engaged in UGC present more fluid movements between types of content creation. And while the

participants in this study were aware of copyright debates, for instance in Shawn's discussion of plagiarism, they were not overly concerned with the appropriation of their own content – in either moral or economic terms – since such appropriation hadn't yet affected them personally. Much in the same way that they were not troubled by breaches of their informational privacy, participants like Marilis seemed unfazed by the possibility of their content being reproduced without permission: “we don't care that much, like it's just I guess, there's kind of no point. Yeah the thing is we wouldn't even know, like we don't look at everything on the internet, so how would we see?” (January 21, 2010). In her sense that the internet was simply too vast for her to be concerned about the unauthorized use of her content, Marilis expressed a similar resignation about the intellectual property status of online cultural production: “It's definitely scary but at the same time it's sort of a risk that you know you'll take by putting stuff on the internet” (July 2, 2010). In this way, and despite the debates around original and derivative works, some young people feel as though relinquishing one's rights to both intellectual property and privacy is part of the deal of using online platforms, even though that deal should perhaps not be taken for granted as inevitable.

Conclusion: Persona Rights and Regulation

The value of the persona rights framework lies in the way that it co-articulates privacy with intellectual property as important rights in young people's online cultural production. Across the policy documents and discussions with participants, the idea of rights in UGC platforms proved to be shaped by broader structural inequalities subtending network sociality. Informational privacy, for example, was difficult for the

participants to visualize; their understandings of privacy were skewed toward the more immediate context of their social contacts. In this way, Nissenbaum's concept of contextual integrity helps to explain why young people seem less concerned than they might be about breaches of their informational privacy. Similarly, the boundaries of intellectual property rights – framed in the policy documents as following the categories of original and derivative works – were also difficult for participants to discern; as Marilis said, “I don't really know where the line is drawn and what I own anymore and what I don't” (July 2, 2010). Given the often hidden workings of immanent commodification on these platforms, both privacy and intellectual property rights tend to be downplayed as everyday persona rights issues in young people's UGC production.

As McGeveran similarly notes, claiming persona rights becomes further complicated when “social networks cloud the issue of consent” (1153): without informed consent, it is difficult to discern how identities are being used for commercial purposes in ways that threaten dignitary rights of privacy and intellectual property. Taking up this line of argumentation on informed consent might offer some clues into potential regulatory interventions for protecting users' persona rights on social web platforms. As Laura said in our interviews, the laws and rules around online privacy and intellectual property have not “been like really caught up to what was happening” on the internet, and have thus rendered online space as an apparent “free-for-all” (March 15, 2010). Yet this free-for-all is skewed in the favour of mainly unregulated commercial web platforms for UGC. Gillespie frames the lack of substantial regulation of such platforms as tied into the discursive resonance of “platforms” as areas of limited liability (357) – a notion that requires critical dismantling in order to move forward with any normative conception of

persona rights online. Some kind of normative framework will be necessary in order to draft effective federal legislation, and this needs the contribution that a term like persona rights can offer to the policy debates.

So what might an exercise of legislated persona rights look like for young people creating UGC on web platforms? McGeveran projects such a scenario in terms of how persona rights could be wielded in protecting the integrity of identity in light of immanent commodification: “The exercise of persona rights would allow a customer to withhold permission from any or all social marketing, thereby preventing unwanted disclosures, ensuring the accuracy of implied endorsements, and controlling the quantity of messages to avoid spamification” (1154). While such a scenario would require an alteration to the situational contours of contextual integrity, as McGeveran notes, it would also require a solution to the issue of informed consent. The following chapter discusses recent ways that social web platforms have dealt with consent, after outlining a selected history of Canadian internet policy debates. In the context of public discourses around privacy and intellectual property online, the current moment of commercial, contract-based regulation of UGC platforms should be interrogated according to what the persona rights framework identifies as crucial issues of justice in young people’s online cultural production.

CHAPTER 5

PERSONA RIGHTS IN THE TERRAIN OF NEW MEDIA POLICY IN CANADA

This chapter lays out a broadly historical survey of developments in new media regulation in Canada, with some discussion of certain influential regulatory debates in the United States and Europe, since the mid-1990s. The survey presented here focuses on how specific issues around persona rights in user-generated content (UGC) – typically articulated separately as privacy and intellectual property – have come to be on the policy agenda. The development of such an agenda tends to be complicated, not only in terms of the competing regulatory interests of different stakeholders, but also within a broader conceptual framework of rational decision-making. As Christian Sandvig (2002) contends, analysis of new media regulation needs to think more critically about the way policy decisions are enacted: “The normative description of policymaking – one might call it the myth of policymaking – is a tale of objective actors making decisions that benefit the public through reasoned debate” (201, n.144).

In order to get beyond this idealized version of policymaking, I begin from the approach of political economy, which considers policy decisions as emanating foremost from financial concerns (Mosco 2009). A political-economic orientation to unpacking the entangled interests of competing stakeholders provides a starting point for mapping recent regulatory developments around the internet. Victor Pickard (2007) identifies the need for just such a political and historical contextualization of policy events, where issues of global communications policy “should be theorized in relation to the rise of the

political economic order, neoliberalism” (118). In his political-economic history of neoliberalism, David Harvey (2005) traces the ascendancy of neoliberal thought out of appeals to human dignity and freedom under totalitarian regimes, where “freedom” as market freedom ends up serving the ideological function of keeping elite groups in power. Related policy strategies like deregulation, privatization and globalization thus implicate the state apparatus in upholding the notion of freedom as a dominant discourse at the level of macro politics, but also on the micro scale of everyday life (Braedley & Luxton 2010). In the context of Canada’s increasingly neoliberal regulatory climate, business and industry stakeholders exert pressure on governments, often determining the eventual outcomes of new media policy. Despite the weight that financial logic throws around in the internet’s continuing commodification, and the salience of neoliberal ideals in everyday practices and attitudes, this relatively early stage in its regulation still offers windows for civic participation and advocacy for regulation in the public interest.

Considering that the internet has been described as not only a commercial sphere but a public resource,¹⁶ policymaking around new media issues has sparked significant debate among civic stakeholders alongside those of government and industry. I would argue that this is especially true in light of the UGC boom of the mid-2000s, and the

¹⁶ Popular and government framings of the internet as a public good might trace their origins to the development of internet architecture to the requests for comments (RFCs), a dialogic archive of technical decision-making practices that a group of graduate students began in the late 1960s, which are analyzed as a kind of social policy by Sandra Braman (2009). As Braman points out, early framings of internet architecture posited not only technical, but ethical and policy-related imperatives such as open access to information (9). Such ideals have held sway up to the present day, where even policy documents as economically centred as Industry Canada’s May 2010 Digital Economy Strategy consultation paper frame the internet as a place for “citizens to interact, to transmit and to share information and knowledge” (8). Yet this case highlights the way a public interest mandate often works mainly as a public relations strategy for neoliberal policymaking. The Digital Economy Strategy paper, for instance, goes on to describe how strengthening copyright controls will *benefit* the sharing of information (25). For additional critiques of the way that the internet as a public good might be further problematized in this way, see Thomas Streeter, *The Net Effect: Romanticism, Capitalism and the Internet* (2010), and Zizi Papachiarissi, *A Private Sphere: Democracy in a Digital Age* (2010).

generation of young users creating online content who have grown up taking many of the communications freedoms of the internet era for granted. Many authors, including Michael Geist (2007), pinpoint 2006 as the watershed moment for the mainstreaming of UGC (i.e., *Time Magazine's* 2006 Person of the Year, "You"). What Geist understands about this high-profile treatment is that it poses a provocation for governments to enact some form of regulatory control that explicitly addresses UGC: "While a strong regulatory response is indeed unnecessary and likely harmful, it would be a mistake to completely ignore the issue" (n.p.). In fact, some of the pragmatic concerns raised by UGC – according to Geist, connectivity, content and copyright – have already been proposed on the new media regulatory agenda. In what follows, privacy and intellectual property are isolated as the key issues from this group that relate to the thesis's central focus, the persona rights of young people's online cultural production.

Timeline of Key Events in New Media Policy

As a way of mapping out the policy developments over the last fifteen years or so, this chapter offers a literature review of mostly scholarly work that puts regulatory decisions and trends around the persona rights of privacy and intellectual property into perspective. The timeline concludes with a summary view of where new media policy stands today, setting up the thesis's conclusion about where it might and ought to go in the future. In addition to compiling a chronology of recent regulatory debates, this chapter highlights the dynamic relationship between state policymaking and public and private sectors. Government decisions represent a mix of concerns that include citizens' rights, as would be expected in a democracy, but they also point to other preoccupations. For example,

Peng-Hwa Ang (1997) provides a comprehensive list of the typical fears that governments expressed at the rise of the internet in the 1990s, as articulated in the European Union paper, *Illegal and Harmful Content on the Internet* (1996):

- national security (instructions on bomb-making, illegal drug production, terrorist activities)
- protection of minors (abusive forms of marketing, violence, pornography)
- protection of human dignity (incitement to racial hatred or racial discrimination)
- economic security (fraud, instructions on pirating credit cards)
- information security (malicious hacking); protection of privacy (unauthorized communication of personal data, electronic harassment)
- protection of reputation (libel, unlawful comparative advertising)
- intellectual property (unauthorized distribution of copyrighted works, software or music) (2)

This list highlights how interests other than those of governments – primarily business and nonprofit sectors – are at stake in the development of internet regulation.

In fact, as Byron Anderson (2007) points out, the 1996 U.S. *Telecommunications Act*'s assertions that the internet needed to remain unregulated belied the reality that the internet had already been regulated by nonprofits, such as the Internet Corporation for Assigned Names and Numbers (ICANN) and the International Organization for Standardization (ISO), and for-profit corporations, including telecom companies and internet service providers (ISPs), from the beginning (91-2). Business interests also affect the internet's regulation through governments, by proposing policy recommendations that follow the neoliberal "logic of reducing social and political questions to market terminology" (Chakravartty & Sarikakis 2006, 126). Regulation thus supports the growth of e-commerce by removing some of the strictures on market competition and by loosening up on civil liberties. This kind of internet policy effectively renders government a tool of industry, rather than a public interest regulator of market forces.

While business interests may be the most dominant influences on contemporary policymaking, in telecommunications and other areas, the notion that government regulation should act in the public interest remains salient in new media policy debates. At its core, the public interest represents a democratic ideal whereby government decisions take into account citizen input to result in an outcome that benefits not only the individuals directly involved in an issue, but society as a whole. As Jan van Cuilenburg and Denis McQuail (2003) suggest, contemporary western democracies' struggles to define the public interest are compounded by not only liberalism and individualism, but by a historically ambiguous relationship between the state and communicative freedoms (182-3). At the same time, and despite such complications, defining the public interest is paramount for the development of regulation that takes into account a democratic attitude toward citizens' political and economic welfare.

Amid new media policymaking in particular, public interest and civil society groups have proven to be critical in raising public concerns around the persona rights policy issues isolated in this chapter: privacy and intellectual property. Whether through state-centered channels, such as CRTC commissions (Clement, Moll & Shade 2001), or global policy fora, such as the United Nations' World Summit on the Information Society (discussed later in this chapter; also see Chakravartty & Sarikakis 2006), moments of civil society mobilization have shown that there is a central role to be played by the public interest in developing internet regulation. As Sandvig (2006) contends,

[...] if the history of other media is any guide, the structural decisions made in the early decades of the Internet – these decisions, made these days – have the potential to endure for years to come. After these decisions are made, it will be very costly to change our minds when we realize we are unhappy with the Internet we have built. (115)

Mid 1990s

The period of the mid-to-late 1990s saw the introduction of new media policy to the popular consciousness. In Canada, this perception owed much to agenda-setting events south of the border, with the Clinton administration's situating of the "information superhighway" as a central objective in the National Information Infrastructure (NII) policy debates of the early part of the decade (Sandvig 2002, 214). In addition, the G7 Summit in Brussels in 1995 positioned technological policy as a crucial element of broader market regulation. These American and European movements in new media policy served to influence Canada's idea of itself as an important global player in communications regulation. As Bram Dov Abramson and Marc Raboy (1999) put it, "Between 1993 and 1997, the basic framework for Canadian communication policy shifted to accommodate the idea of Canada as part of an 'information society' sprawling across the globe, not as a discrete geographical unit" (775).

As a participant in the development of a new global internet policy regime, Canada's main contributions in this period came out of the CRTC convergence hearings (1994) and report (1995), the proceedings (1994-5) and final reports (1995, 1997) of the Information Highway Advisory Council (IHAC), and Industry Canada's 1996 report, *Building the Information Society* (Abramson & Raboy, 782-3). All of these developments centre on the issue of access, following a neoliberal perspective on information as a commodity to be traded freely. The central positioning of the access issue highlights how Industry Canada exerted (and indeed, continues to exert) substantial influence over new media policy development, aligning it with neoliberal strands of European and U.S. policy; at the same time, these early moves in Canadian internet policy echo the NII's

utopian claims that the technology will bring about political participation, economic opportunity and class equality through the free market system (Sandvig 2002, 222). This argument serves as the backdrop for early attitudes toward privacy and intellectual property in the formative years of the internet's mainstream adoption.

One of the first major regulatory events in Canada concerning new media was the CRTC's *Convergence* report, released in May 1995. Based on a series of public hearings, which produced over 1000 official submissions that were mostly about online content, the report presented an early articulation of the buzzwords "competition" and "culture" (Raboy 1996, 69-70). In this context, competition was said to lead to the enhanced cultural value of the internet, reflecting a neoliberal attitude toward new media regulation that was reticent to step between the technology's development and its capitalist appropriation. As Darin Barney (2004) points out, the public submissions received by the CRTC were not reflected in the final convergence report; instead, the report's provisions favoured concurrent industry trends toward greater concentration of media ownership (102; see also McDowell & Cowan Buchwald 1997, 713). Moreover, despite the CRTC's claim that it would "ensure the system will remain open and receptive to indigenous content," the regulator failed to explain whether this stance emanated from a broadcasting policy or a telecommunications policy paradigm (Raboy 1996, 70). The crucial difference between these two policy models rests on conceptions of the internet as a medium for one-way versus two-way communication.

Some of these discrepancies were addressed in the IHAC proceedings and reports, which began in 1994 when Industry Canada convened the IHAC committee in order to advise the federal government on issues pertaining to Canada's information

infrastructure.¹⁷ While the majority of the committee's 29 members were senior executives from the telecommunications industry (Birdsall 1998), it was officially intended to represent both commercial and non-commercial interests (McDowell & Cowan Buchwald 1997, 709). Between 1994 and 1997, IHAC received some public input through the CRTC and produced a number of working papers and reports. In addition to the IHAC process, its final reports issued in 1995 (Phase I) and 1997 (Phase II) are significant for their illustration of the debates around early internet regulation. The central issue raised here was access, but topics addressed also included social impacts on Canadian content and culture, on competitiveness and job creation, on learning and training, on research and development and on market performance (Abramson & Raboy, 783 n. 20).

The debates around these issues again raised the problem of whether to rely more heavily on a broadcasting or telecommunications model of regulation. While IHAC made some progress in terms of its explicit dealing with this problem, it also represented something of a step backward from the CRTC Convergence hearings in its consideration of public input. The lack of procedural transparency and venues for citizen engagement with IHAC's deliberations represents a decidedly undemocratic mode of policymaking (Barney 2004, 102). Consider William Birdsall's (1998) summary of the proceedings:

[...] IHAC received its only public input filtered through the CRTC, whose commitment to the free market orientation of the government insured there would no substantive challenges to the industry orientation of IHAC. We see that government has consistently followed policy making strategies with a bias toward industry policy players over the public. When it allowed public input it was channeled into the legalistic hearing processes of the CRTC. In addition to this process problem, there has been over the past twenty-five years the evolution of a

¹⁷ At the same time, there were notable differences between policy debates at the federal versus provincial level. For example, concurrent with IHAC, the Inforoute Québec committee was proceeding on the issue of access to the new information infrastructure in the province (see Raboy 1996, 72-73).

political mind set that encourages political passivity. What I call the ideology of information technology has become the pervasive world view of politicians and policy makers. (n.p.)

While his analysis is somewhat cynical, Birdsall highlights some of the key problems with early information highway policymaking in Canada; not the least of which was the structural intertwining of supposedly democratic committees with powerful corporate interests.

From the official industry position, *Building the Information Society: Moving Canada into the 21st Century* was released in May 1996 as Industry Canada's response to Phase I of the IHAC proceedings, which in turn prompted Phase II. As such, much of the content of Industry Canada's report was reiterated in the ultimate IHAC report of September 1997 (Clement, Moll & Shade 2001). *Building the Information Society* is also significant for what Abramson and Raboy identify as its key terminological shift, from "information highway" to "information society" (783). They underscore the report's attempt at "coordinating the rewiring of national communication policy into a global information society" that would merge both social concerns like universal access with neoliberal technological determinism (783). The report did this through an articulation of four central goals for information society policy: 1) developing Canada's information infrastructure; 2) enabling Canadians to access and use the infrastructure; 3) promoting Canadian internet content; and 4) providing channels for citizen input to influence government decisions (McDowell & Cowan Buchwald 1997, 716). While these goals include nods to public interest concerns, it is significant that the first and most concretely charted goal is to develop the infrastructure, which translates into a key role for private industry as the main driver of this development. In its assertion that the technological

infrastructure will itself lead to economic and social prosperity, *Building the Information Society* illustrates how industry interests are at the centre of government policy.

The overarching move in each of these three policy events was to frame information and new media technologies as central to national economic growth. Abramson and Raboy thus describe the period around 1995 as a turning point, not only for the way that the information society crystallized economic, and to some degree, social policy, but for Canada's positioning of itself as a global player while retaining a particular national identity based on technologies of communication (784). The role of new media policy in determining state borders was further articulated in 1997, with the U.S. government's announcement, made with the approval of the EU, that tariffs not be placed on information commodities (Abramson & Raboy, 787). In this way, trade policy was aligned with new media policy, showing how information was viewed first and foremost as a commodity, despite the utopian social proclamations of early regulatory reports.

Principles of economics, not those of human rights, characterize these early internet policy visions, mainly due to the undemocratic way they were developed and assembled. The processes of IHAC are notorious in this regard, and they indicate something of a disconcerting standard in the way that Canada's supposedly democratic policymaking mandates tend to play out. Between 1994 and 1995, the IHAC proceedings were marked by a dominant IT industry presence – indicative of a long-standing alliance between the high-tech sector and Ottawa (Longford 2004, 115) – with industry representatives demanding market-based strategies in the absence of public hearings that might have voiced competing concerns (Clement, Moll & Shade 2000, 4; Barney 2004,

98). In response to public disapproval, expressed through public interest organizations like the Alliance for a Connected Canada, a series of Universal Access Workshops served to collect citizen input on IHAC's concerns. By the publication of IHAC's final report in 1997, many suggestions of the access workshops had been integrated, but only as lip-service to the utopian goal of universal access, and not as initiatives for Industry Canada (Clement, Moll & Shade 2000, 10-13). As Clement et al. (2004) point out, most of the research informing Industry Canada's market-based decisions was quantitative; qualitative accounts of how people use the internet, how they value the services available, and how to bridge the social divides underpinning access barriers were not taken into account (247). Partly as a result of this imbalanced perspective, Canada has tended to lag behind other OECD countries in terms of its internet infrastructure (Berkman Center for Internet and Society 2009). In trying to make Canada the most connected country in the world, the government rushed to implement a market-based approach to new media development in the early ascendance of the internet. This rush succeeded in bypassing the democratic deliberation necessary for making the infrastructure effective at actually connecting people.

Concomitantly, not far from Canada, the major event in U.S. new media policymaking was the 1996 *Telecommunications Act* drafted by the Clinton administration. As a revision to the *Communications Act* of 1934, its provisions were intended to foster market competition through deregulation. Despite the failures of the Act – particularly in terms of regulating intermodal competition and addressing the public interest (Aufderheide 1999, 24, 47) – it has proven to hold crucial ramifications for the development of subsequent internet governance. The Act not only served to bolster the

neoliberal agenda underpinning the country's approach to communications regulation, it influenced perspectives on internet policy around the world. For example, van Cuilenburg and McQuail outline how the Act's attempt to "bring some coherence into the regulation of different spheres of electronic communication" inspired the goals of the European Commission, evident in their consultation documents drafted in the late 1990s and early 2000s (198-9). The mandates put forth by the U.S. and the European Commission are in line with Canadian policy in terms of a neoliberal approach to unfettered market competition. As Abramson and Raboy point out, this overarching approach to new media policy in the period of 1993 to 1997 is in fact marked by ambiguity: Canadian policy documents, like those of other states, tended to paint new media with broad strokes, in vague and optimistic rhetoric underpinned by a fidelity to capitalist models of commodification of information (788). What this means is that despite the utopian claims made for universal access, the internet was not seen as, and was not to be regulated as, a global public good.

Late 1990s

The early approaches to new media policy, which centered on a need for universal access and saw market-based competition as the means of achieving it, proved to carry ramifications for subsequent debates around privacy and intellectual property. The influence of initial internet policies can be identified in specific legislative events of the later 1990s, particularly the 1997 report in the House of Commons on privacy, the 1998 *Digital Millennium Copyright Act* (DMCA) in the U.S., and the 1999 CRTC *New Media Report*. The main concern over this period is still seen as access, and yet it is apparent

that economic and social agendas do not approach the issue of access from congruous perspectives.

In fact, the neoliberal impulses of western governments at this time may have served to further polarize the economic and social interests in new media regulation. As Stephen McDowell and Cheryl Cowan Buchwald (1997) argue, the government's push for economic restructuring to promote competition in telecommunications resulted in its decreased legitimacy in the eyes of the public:

[...] the Canadian federal government and political elites have been seen by many non-profit and public interest groups as increasingly serving an economic and social agenda that does not represent the concerns and aspirations of wide numbers of Canadians. As a result, groups that might have been able to count on either state policy analysts to consider the overall interests of Canadian society or might have been engaged in direct consultation, must now become more highly mobilized and activist to gain a voice in policy dialogue. (718)

As such, it is during this period, when the internet was manifesting itself as a ubiquitous (at least in the more privileged corners of the developed world) and converged communications technology, that regulatory debates began to take shape as events around which the public interest was mobilized. Only then, when the internet's potential for both commercial and civic activity was beginning to be experienced in everyday life, was new media policy placed centre stage as a public issue.

One of the early indicators of internet technology's social consequences stemmed from a growing concern with personal privacy in the late 1990s. As outlined earlier in the thesis, privacy constitutes a key human rights issue, laying at the basis of what it means to define the individual. As such, the House of Commons Standing Committee on Human Rights and the Status of Persons With Disabilities drafted its 1997 report on privacy with the intention of bringing human rights advances up to pace with widespread technological

changes – changes that were often brought on by rapid developments in the e-commerce sector during these boom years for dot-com start-ups. The report, *Privacy: Where Do We Draw the Line?*, argues that, in light of the changing nature of privacy as a human right in the internet age, Canada needs a charter of rights for privacy, an “overarching human rights legislation that would guide the development and implementation of the various measures devised to adequately protect this priceless right” (44). Based on a 10-month period of town hall meetings, consultation with experts and technological research, the committee concluded that privacy’s commodification through new media technologies necessitates government regulation that would counter the threats to privacy that “seemed greatest from the private sector, particularly as the government hands over many of its traditional activities” (11).

The neoliberal impulse of government to yield to economic and administrative interests in drafting its privacy legislation was reflected in the public’s concern with ownership over information and surveillance practices. In this way, the report conveyed citizens’ understandings and concerns around the fundamental principles of privacy, which far from being consolidated in a single mandate of protective policy, were unevenly distributed across a patchwork of legislation, skewed toward informational privacy rights (44). This apparent disconnect between government action and civic concerns still underlies many of the issues around internet regulation today, but the Privacy report is also interesting for its view of technological and legislative infrastructures as tied to human rights issues, rather than as either utopian or dystopian systems of social organization. The report thus sought to raise awareness of individual

rights in the use of new technologies, while opening up public dialogue around privacy that would develop around the millennium and into the future.

In relation to the issue of intellectual property, probably the most notorious piece of legislation in this period was the U.S. *Digital Millennium Copyright Act* (DMCA), enacted in 1998. The DMCA can be seen as a response to the “copyright wars” that sprang up earlier in the 1990s, when culture industry corporations began to fear the way that digital technology facilitated free sharing and manipulation of entertainment media products by consumers. Early concerns to this effect were voiced in Vice-President Al Gore’s NII treaty proposals presented at the 1996 Berne Convention in Geneva, which not only demarcated culture industry commodities as necessitating copyright protection, but extended intellectual property rights to data, creating state-sanctioned legislation that could have been used as a tool for private censorship (Boyle 1997, 101).¹⁸ But Gore’s proposals were abandoned after drawing criticism from across academic, civil society and industry sectors, and recourse was taken to the World Intellectual Property Organization Copyright Treaty. The WIPO Copyright Treaty ratified at the Berne Convention proposed that digital works, including computer programs, be treated as protected artistic and literary works (Vaidhyanathan 2001, 161). Even without the provisions for database protection, the WIPO Copyright Treaty also covers the selection and arrangement of materials in databases; its broad extension of copyright to information technologies was in line with previous U.S. understandings of protecting commercial interests, and thus the WIPO Treaty succeeded in pushing the rapid development of U.S. copyright legislation. As the culmination of a series of U.S. laws drafted between 1995 and 1998, the DMCA

¹⁸ These provisions were outlined in the White Paper, *Information Infrastructure Task Force, Intellectual Property and the National Information Infrastructure: The Report of the Working Group on Intellectual Property Rights* (1995).

enacted the WIPO Copyright Treaty in the U.S., consolidating efforts to extend the life of copyright, increase punishment for infringement and prosecute the use of technologies that circumvent digital locks – effectively criminalizing what are identified as “piracy” activities (Lessig 2008, 39).

In addition to its criminalization of piracy – which Lessig points out is a misleading term in that it neglects to consider the economic and cultural value of looser copyright laws – the DMCA legislation was passed alongside provisions that further depleted public culture. For instance, the Sonny Bono Copyright Extension Act served to extend copyright protection for an additional twenty years, preventing any work from entering the public domain until 2019 (Garcelon 2009, 1308). Extreme provisions like this illustrate how, in Siva Vaidhyathan’s (2001) terms, the DMCA offers perhaps “the best example of legislative recklessness” in the U.S. (174). Like much of the legislation around the digital moment in the 1990s, the DMCA was implemented too swiftly and without public consultation, which is disconcerting particularly because of the way the Act reverses 200 years of copyright law by taking the decision-making away from the people, as represented by government, instead placing it in the hands of corporate owners. Vaidhyathan outlines some of the more strident objections to the DMCA, based primarily on its stifling of free speech provisions and its general relegation of power to producers over consumers or users (175, 187). While the DMCA has resulted in some extreme cases of litigation against individuals in the U.S.,¹⁹ what is potentially more consequential about the Act is how it sets an agenda for copyright legislation elsewhere in the world – including in Canada, such as with the high-profile rise and fall

¹⁹ For example, the Recording Industry Association of America has infamously served lawsuits, based on the stipulations of the DMCA, to individuals who have been shown to use file-sharing sites (see Bates 2004).

of Bills C-60 and C-61 (Murray 2005), and the Harper administration's enduring commitment to draft a Canadian version of the DMCA – most recently in the proposed *Copyright Modernization Act*, Bill C-11, which seems will be passed in 2012. While these kinds of influences of the DMCA would not take shape until the decade after its inception, the events of the late 1990s are significant in setting a precedent for government and popular conceptions of intellectual property online in many parts of the world.

At this time in Canada, for instance, the CRTC's *New Media Report* (1999) followed the initiative of the U.S. government in beginning to deal with similar intellectual property issues; although what is especially striking about the CRTC's vision of new media is its continuing endorsement of market-based regulation as opposed to federal regulatory control. The CRTC made this proclamation based on a series of public hearings in 1998 that resulted in over 1000 submissions from industry associations, new media companies, public interest organizations and individuals. Oral hearings were supplemented with newer forms of online participation, all designed to collect input on new media as potential broadcasting and telecommunications technologies, subject to government regulation that would ensure their benefit to Canadian society. After this entire process, the new media report prepared by the CRTC declares simply, in bolded text, **“the Commission will not regulate new media activities on the Internet”** (2). This conclusion became known as the new media exemption order.

The decision to leave new media unregulated is consistent with the report's overall promotion of free market competition, which promises to result in greater innovation and market-wide distribution of new media technologies. This reiteration of

the same neoliberal determinist messages of the information highway and information society policies is neither unfamiliar nor surprising, yet the CRTC's conclusion is nonetheless frustrating in its blatant denial of the very public input sought by the Commission. Like the Competition and Convergence hearings a few years earlier, Barney contends, the CRTC New Media hearings represented an inclusive process, garnering a significant number of public submissions, that ultimately failed in terms of the government's non-responsiveness in its final analysis (102). Instead of reflecting the input from constituents, the report enabled conglomerates to further concentrate media ownership and control. Contrary positions were neutralized by the rhetoric of determinism that saw new media technologies as inherently neutral in their penetration across the market that would ensure universal prosperity. As will be discussed later, these early conclusions would prove formative for at least the next decade of the CRTC's approach to new media regulation.

Early 2000s

The technological utopianism that characterized the approach to new media regulation in the 1990s would be met with more skeptical perspectives in the following decade. This shift in attitude owes much to the dot-com crash of March 2000, when the market bubble for internet companies, created by investor speculation based on over-confidence in technological advancements, burst (Buckman 2000). The crash indicated that the internet was not in fact a limitless economic opportunity waiting to be exploited; rather, and like offline marketplaces, it was subject to the perils of unregulated accumulation. Around the same time as the market crash, a series of moral panics around online practices began to

surface in mainstream media, which featured exposés on internet predators, youth sexuality, and cybercrime (e.g., Ungar 2001; Potter & Potter 2001; Jewkes 2003). And finally, the events of September 11, 2001 resulted in increased paranoia around “homeland security” in the U.S., which in turn influenced other governments’ agendas around security and privacy.

These more dystopian frameworks for new media’s social as well as economic impacts are reflected in policy imperatives of the period. The early 2000s sees the enactment of new privacy regulation, such as the *Children’s Online Privacy Protection Act* (COPPA) in the U.S. and the *Personal Information Protection and Electronic Documents Act* (PIPEDA) in Canada, which seek to amend previous conceptions of privacy for heightened security in the new digital everyday. In terms of intellectual property, better understandings of the limitations of online economies along with the backlash against the DMCA provoked prominent U.S. legal scholars to come up with a crucial framework for “copyleft,” the Creative Commons. All of these policy developments indicate that the failings of information technology have in fact led to some more considered regulatory attitudes that, instead of resting on neoliberal technological and market determinism, recognize citizens’ need for regulatory tools that allow them to exercise a degree of agency over their always already mediated subjectivity.

In this period, understandings of online subjectivity grew more complex as younger users started to populate the internet, which was embraced as a mainstream communication tool in middle- and upper-class homes and in educational settings. As a result, anxiety around children’s online activities increased. By 2000, concerns for children’s safety online were drafted into the U.S. COPPA, by corollary influencing other

similar legislation worldwide (Steeves & Webster 2008). COPPA reflects both a general apprehension about internet privacy and an express concern for the well-being of minors in light of publicized cases of online predatory activity (Simmons 2007). But in addition to the salacious threat of criminal access to personal information, Valerie Steeves and Cheryl Webster (2008) point out that COPPA was intended to address the more commonplace invasive marketing strategies targeted toward children, as identified in the 1996 report prepared by Kathryn Montgomery and Shelley Pasnik, *Web of Deception*, released by the U.S.-based Center for Media Studies (4). The effect of COPPA is to assist with the parental responsibility for children's web surfing by requiring commercial sites to obtain parental consent for children under 13, and to prominently display their privacy policies. Parents' involvement in their kids' online activities is supposed to help counter the threats to privacy posed by sites that incorporate marketing tactics, such as "the seamless blending of advertising with content, the use of branded spokescharacters or games, and the aggressive collection of children's personal information for commercial purposes" (Steeves & Webster, 4). As extensions of entertainment franchises, these sites engage young users from many different parts of the world, even while they are based mainly in the U.S. As such, COPPA's provisions extend beyond the jurisdiction of the U.S., influencing global privacy protection.

The implications of COPPA for entertainment-based websites targeted toward children include more than simply the degree of personal privacy. For instance, in their analysis of the children's website NeoPets, Sara Grimes and Leslie Regan Shade (2005) identify the site's marketing tools as ethically suspect surveillance practices. NeoPets – now affiliated with U.S. cable network Nickelodeon, owned by MTV, which is a

subsidiary of media conglomerate Viacom – is a “virtual pet community” where children adopt and maintain a virtual pet. In a community setting where exchange is based on market economics, the “free” services of the site are predicated on users disclosing personal information; the site also functions as store for NeoPets merchandise and collectibles (Grimes & Shade, 182). In addition to owning all content posted to the site, Grimes and Shade argue, “NeoPets raises many salient issues about the ethical nature of immersive advertising, including children’s privacy rights amidst embedded data-mining strategies, and their intellectual property rights in creating online content” (Grimes & Shade, 190). These issues are prevalent across websites that target children, and also those that court a mix of older and younger users, such as social network sites like Facebook. What is critical here is that the reach of COPPA does not extend to kids’ intellectual property rights on these sites, and nor does it ensure that privacy protection measures are followed by users. Grimes and Shade cite a study done by Joseph Turow and Lilach Nir (2003), where young people’s concern for their privacy is compromised when sites offer “free” gifts or services in exchange for personal information (192). Yet despite the limitations of COPPA in such exchanges, it has proved both influential in terms of raising awareness of children’s privacy rights online, as well as in the formulation of other countries’ privacy policies.

Canadian federal privacy policies are assembled as a patchwork of legislation, with internet and informational privacy specifically addressed at the beginning of a three-year phasing in of PIPEDA in January 2001. PIPEDA works as a compliment to the *Privacy Act* and the *Canadian Charter of Rights and Freedoms*, by adding provisions that go beyond the public sector in order to regulate the private sector’s collection, use and

disclosure of personal information in commercial transactions (Shade 2008, 83). Similar to the prevailing privacy policies of other industrial countries, PIPEDA is monitored by a separate appendage to the federal government, the Office of the Privacy Commissioner of Canada (OPC). The OPC receives public complaints that detail violations of PIPEDA, investigates those claims, and then brings them to court if necessary.

The often lengthy process of complaint resolution has been singled out by Christopher Berzins (2004) as one of the problems with PIPEDA, others of which include: the cost, delay and questionable efficacy of complaint resolution; the failure to enact PIPEDA's proposed systematic and proactive "privacy toolkit"; the lack of transparency in the OPC; and the public uncertainty as to the official procedures for filing complaints (113). Of these issues, Berzins sees the complaints resolution framework – a structural parameter determined in the early implementation of PIPEDA from 2001 to 2004 – as the key obstacle that prevents Canadian privacy legislation from being more effective for ordinary citizens (122).

What is also interesting about the shortcomings of PIPEDA with respect to citizen agency is the way that the Act follows a trend in post-9/11 regulation development that brought Canadian policies closer to U.S. regulation. Colin Bennett and Martin French (2003) note that before 9/11, Canada's privacy legislation had been more like European legislation; but after 9/11, Canadian policy grew more like that of the U.S. in terms of limiting citizen control in favour of state-sanctioned "protection" of national security (3, 5). While Canadian regulation had often looked south of the border for agenda-setting regulatory paradigms, the new models of post-9/11 internet surveillance exercised significant influence over understandings of personal privacy online. Yet despite an

increasingly paranoid attitude toward new media privacy at this time, and the challenges of exercising PIPEDA's provisions, the fact that this legislation was initiated at all in this period speaks to a growing public concern over regulation in the public interest.

With regard to intellectual property, a similar attempt to return some agency to the hands of users took shape as Creative Commons, a response to the U.S.'s increasingly prohibitive copyright legislation. In 1999, legal scholars from Harvard Law School, Lawrence Lessig and Jonathan Zittrain, together with their lawyer, Eric Eldred, filed a petition to the U.S. Supreme Court contesting the constitutional validity of the Sonny Bono Copyright Extension Act. Over the course of 1999-2003, while this case, *Eldred v. Ashcroft*,²⁰ was moving through the courts, Harvard established the Berkman Center for Internet and Society. "At the Berkman Center," writes Marc Garcelon (2009), "the core of what became Creative Commons' Board of Directors crystallized, including Lessig, Zittrain, Eric Saltzman, Molly Van Houweling and others" (1313). Incorporated in 2001, Creative Commons sought to help citizens navigate U.S. copyright law – specifically, the new DMCA restrictions – through an effort "to 'rebalance' copyright law in terms of maximum openness to creative and scientific work, not to prevent commercial restrictions on such work entirely by opposing the very idea of copyright" (Garcelon, 1315). As Clancy Ratliff (2004) notes, the implementation of Creative Commons' "copyleft" licenses has been very successful in UGC formats, particularly blogging. Ratliff attributes this success of Creative Commons to a shared understanding of the internet's potential to give users a voice:

[...] most bloggers with Creative Commons licenses are informed citizens who understand, at least to some extent, copyright law and intellectual property and, as

²⁰ For a description of the case and reflections on its significance, see <http://eldred.cc/eldredvashcroft.html>; also http://www.legalaffairs.org/issues/March-April-2004/story_lessig_marapr04.msp

concerned citizens, use their Creative Commons licenses as statements responding to the discourse from corporations and the government. (11)

Its success has resulted in Creative Commons outgrowing its initial home at the Berkman Center; as of 2006, it has been run out of a main office in San Francisco, alongside its iCommons branch, dealing with global copyright issues, and Creative Commons International, setting up licenses for jurisdictions outside the U.S. (Garcelon, 1317). The Canadian branch of Creative Commons has so far been successful in translating the licenses for Canadian users, who can use the portal creativecommons.ca to both access information on Canada's Copyright laws and implement Creative Commons licenses for their UGC.

Mid 2000s

While debates around specific policy issues like copyright in new media had been starting to spring up in North America and elsewhere, none of these events would match the scope and global scale of the interrogation of internet governance posed by the World Summit on the Information Society (WSIS). WSIS represents the dominant policy event of the mid 2000s; its two meetings, in Geneva in 2003 and Tunis in 2005, gathered tens of thousands of delegates from all over the world, representing governments, technology sectors and civil society groups, to discuss emerging global visions of the information society. By corollary, WSIS also dominates the scholarly literature of the period, with entire issues of journals *Gazette—The International Journal for Communication Studies* (2004), *Telematics and Informatics* (2005) and *Global Media and Communication* (2005) devoted to analyzing its proceedings. In the introduction to *Gazette's* special issue, Claudia Padovani (2004) frames WSIS as a communicative event that “offered an

opportunity to redefine the conceptual boundaries of issues that are crucial to societal transformations at the beginning of the 21st century” (187). With its significance in mind, I aim to draw out WSIS’s impact on UGC in particular. But I also point to a specifically Canadian development of this period – the public response to Bills C-60 and C-61 on copyright – as an attempt to address the limitations of a global approach to new media policy. While a global framework is certainly necessary, what WSIS showed was an overwhelming reliance on what Victor Pickard (2007) notes is “the United States-driven status quo” (125). During this period, U.S. models for internet governance again proved influential around the world, including in the drafting of Bill C-60, often referred to as the Canadian DMCA. The public response to Bill C-60 and its successor Bill C-61 showed how civil society concerns voiced within the global context of WSIS also needed to be mobilized on a national basis in order to be effective.

Hosted by the United Nations, with the cooperation of the International Telecommunication Union (ITU), the United Nations Educational, Scientific and Cultural Organization (UNESCO), and host countries, WSIS represents the third major attempt at global governance of communications, after the drafting of the 1948 *Declaration of Universal Human Rights*, and the 1970s NWICO debates. The driving concept behind WSIS was to formulate a global model for internet regulation that would take into account both democratic and non-democratic state governments. In addition to government actors, WSIS invited industry representatives and civil society groups to participate in the “multistakeholder” debates, which took place over a series of Preparatory Committees and the WSIS meetings themselves. Yet as Derrick Cogburn, Jane Finnerup Johnsen and Swati Bhattacharyya (2008) argue, this process was skewed

toward government and industry, in that the meetings were expensive to attend, and only allowed civil society groups ten minutes of response time versus governments' unrestricted time (28). Moreover, at the Tunis meetings in 2005, civil rights violations by the Tunisian police diverted attention from the debates, and “symbolized for some the degradation of the WSIS process as a whole” (Pickard 2007, 125). And perhaps the greatest problem with WSIS was its fidelity to naively utopian rhetoric that prevented the discussion of issues like neoliberalism, globalization, political maneuvering, the dominance of western values and gender inequality (Hamelink 2004, 282-3; Moll & Shade 2004, 58).

The main shortcomings of WSIS stemmed from the disparity between the “information society” and the “communication society” as two competing visions for new media. WSIS's origin in the information society paradigm is indicated in its title, which, as Seán Ó Siochrú (2004) explains, served to circumscribe the process from the start (207). Contrasting a communication society view of technology through the lens of human rights, the information society perspective is technologically deterministic, seeking increased global penetration of ICTs through neoliberal privatization (Ó Siochrú, 205-207; Raboy 2004, 227). As such, Cees J. Hamelink (2004) argues, copyright and intellectual property issues have become trade issues through outlets like WSIS, which is problematic since the main beneficiaries tend to be transnational media conglomerates seeking exclusive control over artistic and intellectual works:

The principle of exclusive control over the exploitation of works someone has created can constitute an effective right to monopoly control which restricts the free flow of ideas and knowledge. In the current corporate battle against piracy it would seem that the key protagonists are in general more concerned about the protection of investments than about the moral integrity of creative works or the quality of cultural life in the world. (Hamelink, 285)

Although the WSIS process was dominated by these kinds of neoliberal interests, the threats their controls might pose to the cultural potential of new media technologies did not go uncontested. Civil society groups addressed issues of intellectual property and copyright, as well as other diverse concerns ranging from media ownership to surveillance (Ó Siochrú, 210). Yet the communication society view of these advocacy groups was, as mentioned above, somewhat marginalized by the structure of the WSIS meetings.

Despite the difficulties facing civil society groups – not the least of which was the overarching disparity between governments, supposedly representatives for their constituents, and civil society organizations working in the public interest (Moll & Shade 2004, 51) – their participation in WSIS formed what was arguably the greatest contribution of the meetings (Ó Siochrú, 219). Civil society meetings strengthened connections between international non-governmental organizations, offered global perspectives on human rights issues around new technologies, and laid out a discursive regime for the communication society. For example, in the first phase of the meetings in Geneva in 2003, the civil society declaration, *Shaping Information Societies for Human Needs*, was drafted:

[The civil society declaration] was an important articulation of progressive civil society goals, emphasizing human rights, social justice, and people-centered sustainable development [...]. It also discusses at length “gender justice,” the “importance of youth,” “workers rights,” and other issues that either did not make it into the UN’s “Declaration of Principles” or were deemphasized. (Pickard 2007, 132)

In addition to its foregrounding of certain human rights issues that were not prioritized by the official WSIS agenda, the civil society declaration also succeeded in providing a

discursive framework for debating communication society principles from within an information society perspective. In other words, as Raboy (2004) contends, “the official declaration masks the important cleavages that marked the inter-governmental process while the civil society document provides a vision, makes choices and suggests some difficult steps that need to be taken” (230). Rather than just parroting the deterministic rhetoric of neoliberal approaches to new media technology, the civil society discourse sought to temper information society utopianism with a more comprehensive approach to the interrelated factors influencing global internet governance.

The strides made by civil society groups at WSIS indicated a growing and more organized public resistance to neoliberal models that compromised communication rights in favour of capitalist gain. In Canada, an example of just such a public response to problematic legislation was apparent in the trajectory of Bills C-60 and C-61. Tabled by Paul Martin’s Liberal government in Spring 2005, Bill C-60 proposed amendments to the Copyright Act that, by following the imperatives of WIPO and the U.S. DMCA, would enforce a protectionist scheme that threatens user rights under fair dealing. Despite its points of divergence from the DMCA, argues Laura Murray (2005), Bill C-60 still posed serious concerns: prosecution of digital rights management circumvention; privacy violations through data collection and monitoring; restriction of search engines; photography term extension that benefits corporate owners; inefficient educational exceptions that automatically destroys copies after a fixed period; disregard for the precedents set by recent Supreme Court cases; and no exceptions provided for educational internet use (651-2). As such, Bill C-60 was dubbed the “Canadian DMCA,” and it faced opposition from a variety of groups – including political parties,

broadcasters, copyright collectives, consumers, educators and American lobbyists – who had witnessed the consequences of the American legislation of 1998.

The broad base of vocal opposition to Bill C-60 resulted in a remarkable degree of media coverage for a new media policy issue. Digital copyright had by this time become a subject of public debate, and it was understood as a much broader matter of cultural practices and constraints, as opposed to just a piece of technical legislation (Murray & Trosow 2007, 201). For example, the website Digital Copyright Canada (www.digital-copyright.ca) had amassed nearly 2000 signatures before its first reading at Parliament. Mobilization against Bill C-60, coupled with the problematic articulation of its provisions and dissolution of the Martin government, resulted in it being thrown out of Parliament in Fall 2005. Its successor, Bill C-61, was tabled by the Conservative government in 2008, yet it fared no better and was, for similar reasons – including negative public response, such as in Fair Copyright for Canada's "Bill C-61 in 61 Seconds Contest" that invited citizens to create and share videos in protest of the Bill – scrapped later that year. While the government continues to propose copyright legislation that resembles the DMCA, such as in the recent *Copyright Modernization Act*, the public response to these bills has led to a softening of most of the proprietary imbalances in digital copyright (but not all – for example, the circumvention of digital locks remains a criminal offense in these latest versions), and more generally, to a citizenry increasingly aware of copyright as a public issue. The success of popular opposition to Bills C-60 and C-61 owes something to the growing importance of UGC-based websites like YouTube in the mid-2000s. Not only were users acting as producers, and therefore more engaged with copyright issues as they

pertain to everyday life, but new outlets like blogs, user video and social networking sites served as tools for public mobilization and information.

The development of public mobilization around internet policy issues in the mid-2000s lends credence to the view that, despite its failings, WSIS did succeed in articulating a civil society position and plan of action that could be translated effectively to different regulatory moments. The civil society declaration's commitment to "building information and communication societies that are people-centred, inclusive and equitable" rests on a human-rights foundation that recognizes especially those from less privileged social positions (WSIS Civil Society 2003, 324). This includes youth, who constitute "the future workforce and leading creators and earliest adopters of ICTs. They must therefore be empowered as learners, developers, contributors, entrepreneurs and decision-makers" (328). In effect, the declaration asserts that, despite neoliberal imperatives that give private industry much of the power to determine the shape of new media, governments still carry the regulatory responsibility of protecting the human rights of their constituencies:

It is people who primarily form and shape societies, and information and communication societies are no exception. Civil society actors have been key innovators and shapers of the technology, culture and content of information and communication societies, and will continue to be in the future. (345)

In its defense of the person, the civil society declaration poses a significant challenge to technologically deterministic conceptions of the "information society" at the same time that it seeks to encourage citizen mobilization around new media regulation. Examples of this kind of human-rights-based new media activism include the public opposition to Bills C-60 and C-61 in Canada, as well as global movements like the International Campaign Against Mass Surveillance (see Shade 2008, 86). In these and other

campaigns, citizens have taken up internet technologies in the service of protecting user rights on the internet, making an important statement about the public uses of new media. In fact, a significant degree of public response to neoliberal policy decisions is expressed through the channels of social media, especially with the establishment of the popular social network site (SNS) Facebook. The regulatory decisions that implicate sites like Facebook themselves are becoming more relevant to the general public as social networking gains ubiquity in civic participation and everyday life.

Late 2000s

Many of the most recent events in new media policy revolve around the increased prevalence of social media. This development ties in with the ascendance of the “digital generation” of youth who have grown up with internet technology, as well as standards of “anywhere, anytime” access facilitated by the proliferation of wireless, mobile devices. And while social media have been used effectively for political mobilization around internet policy issues, they have simultaneously presented new regulatory dilemmas, particularly around privacy and intellectual property. As will be discussed, for example, 2009’s highly publicized case where Facebook was found to violate some of the terms of PIPEDA brought privacy issues to the fore. The problematic status of UGC as intellectual property perhaps treads in even more complicated regulatory territory, and has thus not come under the same degree of scrutiny, despite its significance. In addition to discussing recent events in privacy and intellectual property legislation, this section leads into a profile of where Canada finds itself at this point in the new media policy trajectory that I have been tracing. The juncture at which federal regulators find themselves today is not,

in truth, that far away from the early debates of the 1990s. Residual neoliberalism has resulted in the internet's commercialization proceeding apace, to the extent that commercial contract law now exerts more influence than state policy does on users' practices and rights. Until the federal government and the CRTC change their stance on the regulation of new media, corporate models of control will be the new media reality.

In March 2008, Industry Canada released an exploratory report, *Regulating Content on the Internet: A New Technological Perspective*, that together with a series of public consultations in Winter 2008-2009, was intended to furnish a re-evaluation of the CRTC's *New Media Report* of 1999:

Stakeholder suggestions concerning the development of opportunities in the new media broadcasting environment vary widely, as the broadcasting system continues to evolve in a borderless, increasingly converged world. Accordingly, the Commission now considers it appropriate to review the new media broadcasting environment and, if necessary, revise the exemption orders relating to new media. (Industry Canada 2008, 3-4)

Despite heralding the broad changes to new media brought about by increased convergence – which in essence, seems limited to the commercial practices of ISPs, technology firms, professional media producers and advertisers – not much actually changed in the CRTC's updated assessment of new media regulation from nearly a decade earlier.

In fact, the main impulse behind the Commission's employment of the term "convergence" has to do with the growing difficulty in justifying the separation of telecommunications and broadcasting as separate regulatory domains. As the OECD asserts, industries like ISPs are not only implicated in the delivery of online content but in the creation, hosting and diffusion of such content; this exerts pressure on the traditional distinctions between telecommunications regulations, which "mainly focus on

establishing competition” and broadcasting policy’s attempt to “achieve certain public policy objectives (e.g. the protection of minors, cultural diversity)” (OECD 2007, 43).

The irony of this statement in the context of the CRTC’s 2008 *Perspectives* report on new media broadcasting, shown to be more about commercial policies than social policies to begin with, is that converging broadcasting with telecoms regulations will likely entail an intensification of the competition mandate, squeezing out what little is left of public policy objectives. As such, neoliberalist determinism still characterizes the CRTC’s assertions that it “will continue to exempt new media broadcasting services from its regulation and monitor trends as they evolve” (CRTC 2009a).

The persistent non-interventionist stance of the CRTC exemplifies how neoliberal determinism has resulted in the current territorialization of the internet by commercial imperatives. As Katharine Sarikakis (2004) says, we are “witnessing a new period of policies designed to secure the ‘occupied territories’ of the Internet, after the ‘trial’ period, where Internet use for (marginalised) not-for-profit purposes proved the success of the technology” (4). A discursive example of this shift can be seen in the CRTC’s *Navigating Convergence* report, which articulates regulatory convergence as pivoting on the issues of “fragmentation” and “consolidation”:

Fragmentation, the increasing volume of content, application and services, is mitigated to some extent by consolidation, the vertical and horizontal consolidation of service and content providers in the market. At a minimum in the mid-term, these trends can be expected to compel the regular review of policies and regulations in light of the changing environment. It behooves the Commission, in designing its regulatory approach and measures going forward, to seek to identify where the business interests of Canadian communications undertakings are likely to naturally intersect with being recognizably Canadian and with spending within Canada. The Commission needs to understand how its measures stimulate activity in the communications marketplace. (CRTC 2010, 41, sec. 191)

As the two central trends identified in the report, the CRTC's definition of fragmentation and consolidation seems to bear solely upon "business interests" and "the communications marketplace," without even a mention of the impact of convergence on marginalized or not-for-profit online spaces. Here, it appears as though new media "convergence" actually means new approaches to competition.

In the context of the CRTC's take on convergence, user content is only relevant in terms of its so-far limited impact on new media business, and does not get any consideration for protection in the "open architecture of the Internet." For instance, *Perspectives* only touches on user content briefly in the following three short sections:

174. Some stakeholders are of the view that user-generated Canadian content is an important outlet for cultural expression. These commentators, including those in the public interest and academic sectors, assert that any Canadian content, regardless of its production category, that is propelled into the global environment via new media platforms is valid Canadian content that contributes to the broadcasting policy objectives of the Act.

175. Many broadcasters and broadcaster-affiliated sites, from small specialty channels to the CBC, encourage user-generated content both to create a climate of community inclusiveness and to provide a channel for material that may either shape or be part of audio and audiovisual programming intended for broadcast.

176. Certain stakeholders, particularly in the French-language markets, stressed the importance of creating Canadian-owned and controlled sites that invite and support Canadian user-generated content. Other stakeholders suggested that it was neither necessary nor realistic to create Canadian user-generated sites to compete with mass appeal sites with international presence and major financial backing. (CRTC 2008, 56-57)

This excerpt is revealing in that it ascribes certain visions of UGC to specific stakeholders; public interest advocates and academics align with French-language sectors in seeing UGC as an issue of cultural expression and sovereignty, while broadcasters and unnamed "other stakeholders" show ambivalent attitudes toward UGC regulation in light of financial concerns, such as the exploitation of user contributions and global

competition. Similarly, *Navigating Convergence* claims that the CRTC faces increasing pressure from unidentified stakeholders in opposition to policies “that seek to accomplish a diversity of voices and to minimize the market’s natural tendency toward integration” (CRTC 2010, 45, sec. 210). Since this time, the CRTC has released *Navigating Convergence II* (2011), which shows somewhat of a more considered approach to the fundamental changes brought on by new communications technologies and practices, concluding that “the issue of diversity is paramount in a marketplace that is increasingly globalized and marked by a handful of large vertically integrated players and numerous smaller niche or regional players” (n.p., sec. 5). Yet the report does not enumerate any concrete regulatory strategy to this effect, and ultimately emphasizes the economic aspects of convergence that dominated the discussion contained in the earlier *Navigating Convergence* report. Moreover, the fact that the few earlier mentions of UGC have been eradicated by the time of the second report perhaps represents a step backward from the integration of truly new forms of cultural expression into regulatory frameworks.

At the same time that Industry Canada has evidently exerted influence over the CRTC’s *laissez-faire* stance on new media regulation, through both its take on convergence and its current involvement in Digital Economy consultations, Canadian Heritage (formerly Heritage Canada) has correspondingly attempted to address the particular cultural impacts of UGC. In the February 2011 Report of the Standing Committee on Canadian Heritage, *Emerging and Digital Media: Opportunities and Challenges*, testimonies from a number of cultural groups and individual experts furnish a set of recommendations concerning digital media’s implications for Canadian cultural policy. These recommendations include a continued commitment by the government of

Canada to ensure broadband access to all Canadians, especially rural and remote communities, with the mandate of expanding the democratization of digital media production (42). Further promoting widespread digital content production, the recommendations suggest providing special grants and tax cuts for producers, and strengthening the availability of public archives through digitization (43, 41). The report thus emphasizes the ideal cultural values that should be protected by emergent new media regulation.

Despite the balancing perspective of Canadian Heritage, the CRTC's portrayals of UGC evidence the overwhelming economic imperatives behind Canadian regulation that claims to be invested in the protection of national culture while chiefly supporting business over cultural interests. This conclusion comes into relief particularly in the Commission's decisive yielding to views on the internet's supposed unregulability:

154. Some stakeholders have suggested that the New Media Exemption Orders have been effective. They point to the high level of innovation in the new media broadcasting environment, evolving business models, and the increased adoption of new technologies and devices by Canadians in an unregulated environment, as supporting the continued appropriateness of the New Media Exemption Orders.

155. Canadian distributors generally oppose regulatory intervention in new media broadcasting. They believe intervention is neither feasible given the open architecture of the Internet, nor appropriate given Canadians' use and expectations of the medium, nor necessary given their view that the Canadian new media environment is flourishing. Distributors question the utility of subsidies and structural measures in support of Canadian content in the open unrestricted new media broadcasting environment. ISPs further assert that increased regulatory burden hinders their ability to meet market demands for increased network capacity and capabilities. (CRTC 2008, 53)

Such a view that the internet is difficult or impossible to regulate is not only incorrect,²¹ but it works to paper over the Commission's continuing neoliberal approach to internet

²¹ Deliberately misleading proclamations of the internet's supposed unregulability have been opposed by both cultural groups consulted for the CRTC's *Perspectives* report (2008, 54, sec. 159), and by a number of

regulation that supports free market determination of industrial formations (e.g. “It is worth noting that many of the Broadcasting Act’s objectives will be achieved, in part, outside of the regulated sector,” CRTC 2010, 3), often leaving cultural protections relegated to a byline in the official mandate. As a result of both Industry Canada’s better funding and therefore greater sway over the CRTC than Canadian Heritage, and the lack of transparency in the Commission’s dealings with industry stakeholders, the maintenance of the new media exemption order perhaps unsurprisingly continues the increase of private controls over Canadian internet delivery and content. Additionally, despite Canadian Heritage’s February 2011 injunction, mentioned above, to protect cultural values and diversity in new media regulation, the CRTC’s May 2011 basic service decision maintained the 2006 Policy Direction to achieve policy objectives by relying “on market forces to the maximum extent feasible” and by interfering “with market forces to the minimum extent necessary” (2011a, n.p., sec. 19).

As it pushes outward and into online spaces for civic engagement, this *laissez-faire* approach the internet’s growing commercialization means that, for example, personal privacy faces even greater threats online with the sophistication of practices such as data-mining, target marketing and surveillance. With regard to the privacy situation in Canada, Leslie Regan Shade (2008) notes that the Office of the Privacy Commissioner is certainly aware of the ubiquity and stealth of digital technologies in penetrating and threatening personal privacy. Yet despite the OPC’s 2010 consultations addressing the issue of youth privacy, there is still no express protection for younger

policy researchers, including Byron Anderson (2007), Lawrence Lessig (2006), Christian Sandvig (2006) and Darin Barney (2004). As Barney states, the solidification of the internet as a space for commercial exploitation directly contradicts notions of its unregulability: “Commerce is impossible without regulation – a medium that escapes regulation cannot be a medium of commerce” (56).

users who are most susceptible online, especially in light of their widespread use of Web 2.0 applications like SNSs: “Children and youth are particularly vulnerable to privacy threats, including the capture of data from their Web surfing collected by marketers using increasingly stealth methods; such data mining raises important ethical issues about children’s rights to privacy and freedom of expression” (Shade 2008, 85). The combination of more insidious violations of privacy through social networking sites, and the complicated jurisdictional issues they present – namely, those pertaining to transborder information flows between Canada and the U.S. (Shade 2008, 89) – has meant that Canadian privacy policy tends to lag behind technological developments.

In response to current privacy threats, the kind of citizen mobilization that crystallized around new media policy issues like copyright in the mid 2000s has maintained its momentum in recent years. In May 2008 for example, the Canadian Internet Policy and Public Interest Clinic (CIPPIC) filed a complaint with the Office of the Privacy Commissioner against Facebook, charging that the site violated Canadian privacy regulations as set out in PIPEDA. In the report that ultimately concluded this case, Assistant Privacy Commissioner Elizabeth Denham (2009) noted that CIPPIC’s main concern was whether the site was providing users with sufficient basis for their knowledge of and consent to its privacy policies. Other issues raised included the retention of personal information and security safeguards for third-party applications, particularly on Facebook Mobile. Of the eight individual matters on which CIPPIC complained, four were determined to be well-founded by the OPC: third-party applications, account deactivation and deletion, accounts of deceased users, and non-users’ personal information. According to the report,

In these four cases, there remain unresolved issues where Facebook has not yet agreed to adopt her [Denham's] recommendations. Most notably, regarding third-party applications, the Assistant Commissioner determined that Facebook did not have adequate safeguards in place to prevent unauthorized access by application developers to users' personal information, and furthermore was not doing enough to ensure that meaningful consent was obtained from individuals for disclosure of their personal information to application developers. (3)

Since this assessment, Facebook has made some changes to its privacy policy, adding finer granular control over personal account settings, and more comprehensive information about the status of users' information (Facebook 2010a). While the site's changes still fail to address the issue of young people's privacy in particular, as well as the broader global protection of non-Canadian users who do not fall under PIPEDA's jurisdiction, this result shows how public interest groups can exert some influence over corporately-controlled media with the help of government agencies like the OPC. The case also contributed to the PIPEDA amendments proposed in 2010 under Bill C-29 – which has since died and been tabled again as Bill C-12, currently under debate – that expand upon and further clarify the Act's definition of personal information.

Moreover, the proposed expansion of the Act along with the application of PIPEDA to privacy violations on Facebook have served to raise public awareness of Web 2.0's privacy threats as well as available protections – an awareness that has not yet crystallized in the same way around intellectual property. SNSs not only engage in commercial transactions with users' personal information, but with their creative content. Facebook, for example, automatically retains a “non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use any IP content that you post on or in connection with Facebook” (Facebook 2010). In the absence of a policy framework that establishes intellectual property rights, terms like these circumscribe user contributions to

many different UGC platforms. As Grimes and Shade (2005) note about NeoPets' troubling threats to privacy, also cited in the previous chapter, the site's abuses of intellectual property rights present even more complex ethical issues because of the integration of informational privacy and marketing to kids:

Rarely, if ever, do intellectual property debates position or consider children as cultural producers in their own right. Yet, marketing research practices can be seen as infringing upon children's potential intellectual property rights, through their appropriation of the ideas, creativeness, and cultural artefacts children produce and distribute online. (193)

For regulators to address the matrix of intellectual property concerns in UGC, intellectual property needs to be more closely articulated with privacy in the balance between private and public aspects of persona rights in online spaces for cultural production. The current absence of government regulation around users' intellectual property holds not only cultural but expressly political ramifications for UGC as an iteration of the public sphere (e.g., boyd 2007). A public sphere conception of the potential for UGC may offer a platform for a persona rights intervention, as a way of co-articulating concerns around privacy and intellectual property in a commercially regulated internet.

Yet while there has been an intermittent but steady increase in public awareness of issues around privacy and intellectual property online, and regarding UGC in particular, legislative action has been minimal. The CRTC's most recent update on new media maintains a non-interventionist policy, "since business models are still evolving in the new media environment, the Commission must allow this environment to evolve free of regulatory requirements" (CRTC 2009b). By placing business development above all other imperatives in Canada's National Digital Strategy – a developing policy initiative that takes its cues from the UK's Digital Britain and other such national policy programs

– the CRTC upholds neoliberal injunctions to liberalization that frames users as consumers rather than citizens. This rhetorical conflation has been analyzed by Sonia Livingstone and Peter Lunt (2007) in the context of UK’s Ofcom, and it also highlights what Katharine Sarikakis has noted about the way that neoliberal attitudes around new media temper relationships between the state and public and private sectors:

[...] the shaping of the Internet through national and major international policies has increasingly concentrated on facilitating and protecting its commercial aspects, without at the same time protecting non-profit, civil activities as well as those rights that enhance citizenship. Furthermore, there is an increasing attention to measures that criminalise once widespread practices of information exchange initially developed by communities on the Internet. Indeed, new efforts to control private behaviour introduces a radical shift in Internet policies, protecting commercial and private interests in a public policy framework. In this process, the participation of civil society actors remains sketchy, while the private sector becomes an equal next to state. (Sarikakis 2004, 10)

When seen as essentially consumers, users can expect that their privacy and intellectual property rights will be tied to the same commercial mandates that seek to diminish the public sphere function of networked sociality. As a consequence, users’ activities are categorized in relation to commerce as either helpful – in terms of consumption, marketing, or building a platform’s value – or harmful – as in non-participation, activism, or sharing/“piracy.” These frameworks, emanating from the perspective of private industry, have shaped the ways that governments respond to their constituencies in neoliberal capitalist democracies, including Canada. For example, another incarnation of the “Canadian DMCA” that criminalizes any circumvention of digital locks was proposed to this effect in 2010’s Bill C-32, the *Copyright Modernization Act*, which was dropped and tabled again in 2011 as Bill C-11. Even though this bill seems like it will be passed, given the majority Conservative government, its various iterations over the last few years still evidences how the uneven political and social context for internet regulation makes

new media policymaking a tenuous prospect. So while the development of new media policy in Canada is still very much in process, the push for more comprehensive regulation of users' persona rights must happen not only in the jurisdiction of government legislation, but in the online marketplace.

Where Are We Now? Contract as Policy

Because of the persistence of neoliberal imperatives that make governments like Canada's reticent to regulate the internet in the public interest, commercialization has tended to exert the most tangible influence on users' practices and rights. According to the stipulations of their Terms of Service agreements, social network sites and other community-based websites can commoditize the content and personal information that users must provide in order to access the sites' services. Terms of Service represent an incarnation of contract law, where users must agree to the terms that bind their UGC activities in order to access the site's infrastructure. As Lawrence Lessig (2006) explains, private law of contract in effect displaces government regulation on the internet, according to the profit motive (185-7). While users can contribute some degree of input regarding the fairness of these contracts through traditional channels like the court system, or through new technological channels like the development of alternative internet architectures, private enterprise still dominates the platforms of Web 2.0. In this way, while users seem to be afforded ever more expanding participatory opportunities, Terms of Service contracts circumscribe users' control – particularly with regard to the persona rights of privacy and intellectual property – over their cultural production online.

Facebook's Terms of Service provisions, mentioned above, offer a paradigmatic example of contract law's influence on UGC. For instance, while it must conform to some state-sanctioned privacy provisions, the site's privacy policy contract is what ultimately delineates the rights users can expect. In 2008, as mentioned above, CIPPIC attempted to reconcile the disparity between Facebook's privacy contract and the Canadian PIPEDA, by filing a formal complaint against the site to the Office of the Privacy Commissioner. The OPC's response contends that "social networking sites like Facebook present an interesting challenge" to legislators because disclosure of personal information, required by the privacy policy, contributes to the site's business model both directly and indirectly (Denham 2009, 6). In a direct sense, and like other offline services, Facebook requires some basic personal information – name, email address, date of birth and gender – in order for someone to create an account. But users offer much more information about themselves in constructing their profile pages, and this information indirectly contributes to the site's profitability.

As users build up more and more robust social networks through the site, the more popular the site becomes, and the more advertising revenue is generated for Facebook Inc. According to the site's latest privacy policy, even while it was revised in December 2009, April 2010, December 2010 and again in September 2011 to reflect some of the Privacy Commissioner's recommendations, Facebook also reserves the right to use any personal information (including information restricted to other users) for targeted advertising and what the site calls "social ads":

We occasionally pair advertisements we serve with relevant information we have about you and your friends to make advertisements more interesting and more tailored to you and your friends. For example, if you become a fan of a Page, we

may display your name and profile photo next to an advertisement for that Page that is displayed to your friends. (Facebook 2010a)

When the practice of using personal information for social ads was announced, the site did feature a pop-up window that informed users of the change when they accessed the site. This was one of the suggestions of the Privacy Commissioner, in line with making Facebook's policies more clear to users, so that they "have the information they need to make meaningful decisions about how open they wish to be in sharing their personal information" (Denham 2009, 7). Informed users of the site also contributed to a wider awareness of this policy through using Facebook itself – primarily the status message feature – to notify their friends about social ads.

In addition to social ads, another revenue generating practice of the site covered under its privacy policy concerns third-party marketing practices like data mining. Facebook's privacy policy is less clear about its transactions with users' aggregated data: "Sometimes we share aggregated information with third parties to help improve or promote our service. But we only do so in such a way that no individual user can be identified or linked to any specific action or information" (Facebook 2010a). Despite the claims for the protection of personal information inherent in the aggregation of data, the site is still essentially selling users' personal information. The OPC's investigation of Facebook found this practice to be in violation of Canadian privacy laws:

[...] the company is in effect providing third-party application developers with the ability to retrieve the personal information of users (and their friends) who sign up for the applications. We have concerns around the safeguards Facebook has in place and are of the view that these could be better. We also believe that Facebook should be doing much more to ensure that meaningful consent is duly obtained from users when developers access their personal information. (Denham 2009, 8).

Since this injunction, and Facebook's initial amendment of its privacy policy, the site has revised its privacy policy a second and third time. First in April 2010, then in December 2010, then in September 2011, the changes made were not indicated through pop-ups; instead, their announcement was effectively hidden in a new area of the site under the personal message box, vaguely titled "updates." These updates included new privacy policy stipulations that third-party applications would be able to access formerly personal information such as phone number and home address (for more on these updates, see boyd & Hargittai 2010). So while CIPPIC's complaint made the site change some aspects of its policies, and it brought attention to the way that most SNSs' policies are not necessarily made in compliance with federal legislation, its effect was limited by the legal loopholes exploited by commercial enterprise. In the case of Facebook, its commercial imperative to becoming a ubiquitous platform tends to preclude notions of public ethics or users' rights.

The power of corporately-owned social networking sites to control the privacy of users through contracts is particularly troubling with regard to young users. For example, users under the age of 18 were left out of the Office of the Privacy Commissioner's investigation of Facebook (Denham 2009), even though the site caters to a youthful demographic – over half of its users are between 13 and 24 years old (Corbett 2010). These younger users tend to disclose personal information readily, Steeves and Webster (2008) argue, since they see the internet primarily as a space for social interaction (14). SNSs typically require users to register using valid personal information; for users under 18, the U.S. *Children's Online Privacy Protection Act* (COPPA) places the burden on parents to read through websites' privacy policies in order to determine how much of

their children's identities should be volunteered. But as Joseph Turow (2001) points out, "privacy policies are typically too unclear and time-consuming to realistically encourage parents to confidently guide their children's Internet experiences" (2). And moreover, charging parents with the task of navigating online privacy evades the greater challenge of making kids themselves aware of their privacy rights. This is especially true considering the underlying marketing function of social network sites, as well as "children's Web sites [that] intentionally play on children's developmental need to communicate so that the sites can convert their social play into a tradable commodity" (Steeves & Webster 2008, 14). Government regulation seems to miss the privacy implications of how young users' personal information gets commodified, and instead focuses on content-based internet policy that targets indecent material online (Sandvig 2002, 186). At the same time, more structural legislation to protect young users, like COPPA, is easy to get around simply by claiming an earlier birth date, evading parental supervision, or even having parents lie on their child's behalf (boyd et al. 2011).

Even for older groups of young people, such as the participants in this study, as well as for adults, contractual stipulations around privacy on sites like Facebook pose a number of challenges around the issue of informed consent. As William McGeeveran (2009) notes about persona rights, the limitations of dignitary rights to identity in promotional spaces like SNSs revolve around users' understanding of the legal parameters of their online participation (1159). Yet for most users of SNS sites, reading – much less understanding the implications of – sites' Terms of Service contracts is not a typical experience. For example, Marilis responded to my question about whether she reads websites' Terms with,

No [laughs], I don't, I don't. It's really bad. And they're so long. They make them so long, I always just say yes. Just because um, I probably won't understand the jargon, and like, I probably will sign up anyways, you know? Like [...] you have no choice, so yeah, I just don't read it. And it's just way too long! (July 2, 2010)

Shawn agreed that he never reads the Terms of Service, even though,

I know I should. Like I know everybody pretty much should, but like I don't. And I don't know why. Probably because I'm lazy, and it's long, and like when I'm signing up for something, you know, I'm excited to use it, I'm not excited to read like... [Tamara: 25 pages of legal jargon?] Yeah, exactly. So uh, no, not really. (December 5, 2009)

Similarly, Angelika said, "I never read anything, I just, you just always click, yes I agree" (February 5, 2010), and Laura asserted, "[I] definitely have never read the terms of service for Facebook. [...] Half the time I don't understand what is being said, you know, like if it's a long, like just a disclaimer kind of thing, or whatever. [...] You just click 'agree.' I never read them" (March 15, 2010). Despite the fact that these young people were capable of reading Terms of Service contracts from a general literacy point of view, stemming from their relatively privileged social location, they tended not to read these contracts and just blindly agree to their terms.

This consensus among my participants that they essentially never read Terms of Service agreements points to one of the main problems with informed consent as a standard for protecting persona rights in online spaces defined through contract law. Perhaps, as McGeveran claims, users should be required to actively opt-in to entering a promotional contract with SNSs: "Under the rationale of persona rights, commercial use of an individual's identity in social marketing would require that person's affirmative consent – as an opt-in, not an opt-out" (McGeveran 2009, 1158). Such an "opt-in" strategy has also been proposed by the Office of the Privacy Commissioner in relation to privacy protections, but as the OPC has recently cautioned, "It is perhaps easy to get lost

in the issue of ‘opt-in’ and ‘opt-out,’ but one issue that needs serious consideration is that of meaningfulness. Are the purposes and practices clear so that the consumer is giving meaningful consent?” (2010, 24). The concept of meaningfulness points to the need, even in an opt-in model, for a kind of safeguard against users just clicking the “I agree” checkbox without reading the Terms. And, even if they spend the time reading through these contracts, there must be an alteration to the language employed so that it lends itself to greater understanding by the majority of users who might not be familiar with legal terminology. As the OPC has pointed out, meaningful consent is particularly important in social networking sites, where “other people’s personal information is becoming your personal information and without your consent or knowledge, will impact decisions made about you” (2010, 28). The networking of personal data in this way has created a web of linked identity profiles, and as such, protecting persona rights necessitates new frameworks for consent as part of ensuring informational privacy.

Yet the privacy policies of SNSs have consequences beyond informational privacy – such as the selling of information to marketers – since they apply to a form of networked sociality. Young users are concerned about their social privacy online as an extension of everyday self-presentation. Kate Raynes-Goldie (2010) notes that young people will often violate the terms of social networking sites’ privacy policies in order to secure their social privacy by assuming aliases and deleting content posted to the site, rather than letting it stay archived. Marilis told the story of her friend who keeps his Facebook contacts at an even 100 people, where he would have to delete an existing contact in order to add new friends. This story appealed to Marilis, since her own friend list includes over 1000 people, which she said often leads her to think about creating a

second profile for “real” friends only. Similarly, both Angelika and Shawn mentioned that they periodically swept their friends lists, deleting any acquaintances that weren’t close enough to warrant access to their profiles. The two of them also had even disabled their accounts periodically, although this practice never lasted for more than a few days without causing frustration among friends who could not get in contact.

While participants reported taking steps to protect their personal information within friend networks, these instances of tactical subversion do not address informational privacy in terms of the overarching marketing imperatives behind sites’ privacy policies. Nor do they compromise the way marketers infiltrate social networking sites for young people’s intellectual property; to quote Grimes and Shade (2005) again, “marketing research practices can be seen as infringing upon children’s potential intellectual property rights, through their appropriation of the ideas, creativeness, and cultural artefacts children produce and distribute online” (193). According to a persona rights framework, intellectual property is closely linked to privacy concerns in this way, even though Terms of Service contracts often articulate them in separate documents. As such, and with the privacy policies of sites like Facebook in mind, it is important to look at how UGC in online social networks is regulated by private interests.

If privacy policies apply contract law to personal information, then Terms of Service expand those contractual obligations to everything else users contribute to social networking sites. Legal scholar James Boyle (1997) places the intellectual property rights laid out in Terms of Service contracts at the heart of internet law:

In terms of ideology and rhetorical structure, no less than practical economic effect, intellectual property is the legal form of the information age. It is the *locus* of the most important decisions in information policy. It profoundly affects the distribution of political and economic power in the digital environment. It impacts

issues ranging from education to free speech. The “value” protected (and in a sense created) by intellectual property in the world economy is in the hundreds of billions of dollars and growing all the time. (90, emphasis in original)

Despite the consequences of online property regimes, federal regulation that deals with intellectual property online – such as the most publicized examples of digital copyright legislation – tends to focus narrowly on defining, and in fact criminalizing, activities that constitute “piracy” (Lessig 2008). What such legislation misses is the battle over user content posted to sites under their Terms of Service provisions. For example, Siva Vaidhyathan (2001) points out that under clickwrap or shrinkwrap licenses, “users often agree to waive rights, such as fair use and first sale, when they click on a web page button to get access to content” (178). Because this kind of contract law is in effect replacing copyright law, private contracts – not government legislation – exert the most regulatory control over user contributions.

Regardless of the relatively low proportion that they may represent in relation to all internet users,²² emblematic Web 2.0 users are also producers, contributing original content to networked online platforms. When these platforms are corporately-owned, their Terms of Service often delimit users’ control over their content in the service of private profit (Murray & Trosow 2007, 111). To return to Facebook’s terms, while the site does not claim ownership, it reserves a “non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use any IP content that you post on or in connection with Facebook” (Facebook 2010). Moreover, Facebook states that, “when you delete IP content, it is deleted in a manner similar to emptying the recycle bin on a computer.

²² As Lev Manovich (2009) advises, it is important to be cautious about overstating the prevalence of user content creation: “these trends do not mean that every user has become a producer or that every user consumes mostly amateur material. According to 2007 statistics, only between 0.5 percent and 1.5 percent of users of the most popular social media sites (Flickr, YouTube, Wikipedia) contributed their own content” (320).

However, you understand that removed content may persist in backup copies for a reasonable period of time” (Facebook 2010). The site’s Terms of Service contract thus grants it the power to repurpose user content in ways that presumably increase the site’s profitability.

Thus even while Facebook does not claim ownership, its licensing and archiving strategy represents an imbalance in the persona rights available to users of the site. As Marilis responded when I asked her what kinds of protections should be put into place on SNSs, “ownership’s a big thing, and like privacy on like Facebook, you know how the photos you upload stop being in your hands once they’re up there.” In this way, she articulated the intellectual property concern over extensive licensing of UGC with privacy, in that the content posted constitutes the integrity of the user’s identity and should thus be granted persona rights. Yet persona rights are threatened by contractual Terms like those on Facebook, which Marilis conceded were probably not going to change in user-creators’ favour anytime soon, since “they [Facebook] can do whatever they want” (July 2, 2010). Indeed, similar contract stipulations guide the licensing of user content on News-Corp-owned MySpace, where the most recent Terms state that the site is licensed to “use, modify, delete from, add to, publicly perform, publicly display, reproduce, and distribute” any user content that gets posted (MySpace 2009). And on YouTube, the Terms outline that,

[...] by submitting Content to YouTube, you hereby grant YouTube a worldwide, non-exclusive, royalty-free, sublicenseable and transferable license to use, reproduce, distribute, prepare derivative works of, display, and perform the Content in connection with the Service and YouTube’s (and its successors’ and affiliates’) business, including without limitation for promoting and redistributing part or all of the Service (and derivative works thereof) in any media formats and through any media channels. (YouTube 2010)

The homogeneity of social media platforms' Terms of Service does not result from government regulation; it reflects the balance they must strike between attracting users – without whom the platforms wouldn't be viable – and being able to profit from their content. Such a balance characterizes intellectual property provisions in many different iterations of UGC, including blogs, video or multimedia repositories, and multiplayer gaming or immersive environments (e.g. Humphreys 2005).²³ Yet while online environments like Second Life might offer new ways of acknowledging user creations “as a form of authorship that yields the kind of ‘work’ that intellectual property properly protects under conditions of information capitalism” (Herman et al. 2006, 196), most online UGC platforms operate on more exploitative models. For example, following from McGeveran's persona rights paradigm, James Grimmelman (2009) notes that the main obstacle to protecting user rights to both intellectual property and privacy lies in how sites like Facebook capitalize on user identities as publicity: “by sticking purchase-triggered ads in News Feeds with users names and pictures, Facebook turns its users into shells. [...] Facebook has found a way to tap into the commercial value of this ‘Long Tail’ of micro-celebrity” (1197). The site protects this practice through its Terms, which not only entail challenges to informed consent, but enact broader structural moves to define the limits of persona rights as user privacy and intellectual property in social online spaces.

And, as indicated in Vaidhyanathan's characterization of clickwrap licenses mentioned above, Terms of Service contracts work even more insidiously on sites that would not necessarily be considered platforms for UGC. Many commercial sites require

²³ In terms of content in these formats, it is important to mention the particular case of developing intellectual property regimes that pertain to UGC based on traditional knowledge; for example, see Jon Corbett and Tim Kulchyski (2009).

an agreement to their Terms of Service in order to contribute feedback such as product reviews, to make purchases, or to access content at all. These clickwrap licenses, to which users agree based on their clicks through the process of accessing an online service, also contribute to the success of e-commerce. Lessig (2008) suggests that Terms of Service licenses that enable the tracking of user purchases and preference have done more for e-commerce than the much-heralded “long-tail effect” (Anderson 2006). In facilitating the long-tail shift away from goods with mass popularity towards a larger number of niche products, the collection of consumer data online allows websites to build market value as a by-product of existing purchases through a kind of hidden labour (Lessig 2008, 132). This is how Grimmelman comes to characterize users themselves as commodified micro-celebrities along the long tail. To illustrate how this practice proceeds, Lessig uses the example of Google, the most popular and powerful internet search engine today:

Every Google product is designed to give a user what he or she wants and, at the same time, to gather data that Google needs. You don't have a choice about helping Google when you use Google's search engine. Your search is a gift to the company as well as something valuable to you. The company efficiently serves you a product, and very efficiently learns something in the process. (136)

Google uses the information gleaned from its search engine – now combined with user data and endorsement furnished by its more recent properties including Google Books, Gmail, YouTube video sharing, Picasa photo storage, Google+ social network platform, Chrome browser, and Android mobile phone operating system – in such an efficient way as to have brought in annual revenues of over \$28 billion USD in 2010 (Basen 2011).

This example shows how, even without an explicit contribution of creative content, users'

activity can be harnessed to add economic value to the corporate internet under the binding conditions of their often surreptitious Terms of Service contracts.

As an alternative to contracts subtended by exploitative commercial models, Creative Commons licenses have attempted to bring the ethos of sharing into the domain of contract law in order to give user-creators more agency over the distribution of their works online. As mentioned above, through Creative Commons licenses, users can be seen as “resisting near-perpetual copyright, corporate ownership of culture, Digital Rights Management, software monopoly, and inhibition of fair use” (Ratliff 2003, 15). Some UGC platforms, like Moveable Type and SoundCloud, have integrated the Creative Commons model into their Terms and platforms; others, like Diaspora and Elgg, have attempted to build open-source versions of SNSs that give users control over their content as well as elements of the platform itself. Yet in all of these examples, Terms of Service contracts still determine the parameters of network sociality, invoking what Carole Pateman (1988) has called “contractarianism,” a libertarian vision of property in the person. For Pateman, the logic of contracts proposes that “all parts of social life and individuals can and should be seen as private property and thus as open to commodification in the market” (Pateman & Mills 2007, 212). So while alternatives to traditional contract law will arise in both state regulation and through public interest groups like Creative Commons, as long as user participation exists within the logic of contracts, their persona rights remain subject to commercial exploitation.

In addition to its commercial implications, therefore, the predominance of private contract law online also presents political and ethical consequences for the internet as a kind of networked public (boyd 2007). Due to the lack of an overarching, global policy

framework that outlines the conditions of free speech online, intellectual property distribution in democratic countries is less about government censorship,²⁴ and more about private censorship (Boyle 1997, 89). Especially when free speech implicates users' rights to copy and distribute proprietary content, the circumscription of these rights by Terms of Service contracts tends to supplant the fair use or fair dealing rights as provisioned in copyright law. Part of the reason why contract law overshadows copyright law in North America stems from the differences between fair use and fair dealing – where U.S. fair use doctrine is theoretically more open, but in practice, interpreted more conservatively than Canadian fair dealing categories of private study, criticism and news reporting – especially when considering Canadian users of sites based in the U.S. (Murray & Trosow 2007, 75). This is compounded by the aggressive stance toward litigation taken by the majority of the U.S.-based content industry, which “recognizes that risk-averse users will probably back down before taking on a well-financed lawsuit from a corporate entity” (Murray & Trosow 2007, 76). The threat of legal action, based on Terms of Service contracts, encourages a kind of self-censorship among users, creating a chilling effect on free speech and the creative re-appropriation of culture industry products. For example, Facebook's guide to intellectual property infringement states that the site is “committed to protecting the intellectual property of third parties,” positioning users as threats to legitimate intellectual property claims (Facebook 2011). This move can be seen as part of the broader discursive trend to position users as consumers, as opposed

²⁴ This is not the case in countries with non-democratic regimes, most notoriously China and Iran. The Chinese government had partnered with Google to restrict the search engine's results to only those sites allowed by the government (Lessig 2006, 79-80, 309); this has changed recently, however, with Google's move to shut down its search engine in China after a censorship dispute with the government (e.g., see Helft & Barboza 2010). And in Iran, after the contentious elections of June 2009, the government imposed media blackouts to prevent coverage of citizen protests; censorship was thwarted here with the help of social media platforms that transcended the state's jurisdiction (e.g., see Stone & Cohen 2009).

to citizens (e.g. Livingstone & Lunt 2003), which obscures and in fact prevents any consideration of their rights, particularly the persona rights of privacy and intellectual property.

In light of the appropriation and/or criminalization of UGC, new contractual and ethical frameworks for protecting user creativity are essential since its ramifications extend beyond Web 2.0 and the internet itself; as Lessig (2008) asserts, Read/Write activity – adding to cultural works by creating and re-creating around them – is fundamental to democracy in that it employs access to ideas toward literacy, and literacy toward civic engagement. The copyright claims outlined in Terms of Service reflect narrow, proprietary attitudes around professionalized content that miss this larger picture of its public function. The web was in fact built for this public function, as a writable medium composed of layers of code. And this is where Lessig argues that Terms of Service contracts will soon lead federal regulation in order to fundamentally circumscribe user activity by controlling the architecture of online spaces; “if code is law, control of code is power” (Lessig 2006, 79). User participation, and the legislation that seeks to delineate it, are both contingent on the internet’s architecture. But they are also contingent on the offline architecture of political, economic and institutional configurations. Terms of Service contracts vary by website and host country, with many of the most popular sites in the English-speaking world being based in the U.S. As such, state-sponsored policy around users’ rights not only needs to consider the commercialization of public expression, but the geopolitical imbalance of commercial controls. The development of a more global policy framework needs to address the

inalienable persona rights of users with regard to both intellectual property and privacy, in order that the public value of UGC be protected against absolute incorporation.

Conclusion: New Media Policy Futures

At this stage of the internet's history, when it is regulated by corporate forces more effectively than by government policy, there is still a crucial role for public interest groups to play not only in shaping legislation, but also in conceptualizing new architectures, discourses and human rights imperatives for online public life. This role for civil society actors crystallized through the WSIS process, the shortcomings of which testify to the need for better articulations of global frameworks for internet regulation. In the next few years, Canada will continue to grapple with developing its own new media policies within this emerging global context; as Marc Raboy, Serge Proulx and Peter Dalhgren (2003) contend, state governments cannot afford to ignore worldwide movements in internet governance, because transnational industry players "have long recognized this unfolding process, and have organized themselves in various ways to influence media policy in their interests" (323). The Anti-Counterfeiting Trade Agreement (ACTA) offers a recent legislative example of a globalized approach to regulating the internet in the interest of corporate control through frameworks of international trade (Geist 2009). At the same time, a public interest counter to such neoliberal policy can be seen in the increasingly transnational scope of Creative Commons licenses (Garcelon 2009, 1317). Wedged in between the interests of industry and citizens, government regulators will make crucial decisions in the coming years that will shape the global direction of new media development and use.

Part of the global imperative for internet policy implicates the application of new media technologies to infrastructural growth across both developed and developing nations. As Pickard (2007) points out, the failures of decolonization that the western world is aiming to redress through ICTs for development only serves to shore up the hegemony of neoliberalism. And yet, the internet's further consolidation along neoliberal lines will also provoke the public to defend its civic potential more fiercely:

Although today's global policy regime evidences a neoliberal efflorescence, the evolving communications landscape brings with it new constraints and opportunities for resistance. These dynamic contours remind us that global policy regimes are human-made things and, far from being inevitable, are subject to human agency and change. (Pickard 2007, 137)

Recently, given the economic collapse of several developed western nations and attendant protest in the form of social unrest and the Occupy movement, this reminder that neoliberal states are not necessarily inevitable takes on more immediate significance.

Over the course of new media policy development since the mid-1990s, public interest groups and citizens have become more familiar and engaged with new media policy, as prompted by the ways that privacy and intellectual property regulation impinges on everyday uses of internet technology. A more engaged citizenry has the potential to re-balance the neoliberal approaches that dominate recent undemocratic initiatives in Canadian policymaking (Barney 2004, 104; Van Cuilenburg & McQuail 2003, 200-201). By holding the government more accountable to democratic values of participation, responsiveness and inclusiveness, citizens might influence policy decisions toward a rights-based public interest, one that might take some cues from the *persona* rights framework. The following chapter will conclude the thesis with some proposals for changes to Canadian internet policy according to the *persona* rights paradigm, taking into

account the complex political implications of UGC as a kind of apprenticeship labour for young people. In addition to recommendations for policymakers, the conclusion also puts forth suggestions for policy literacy and participatory design strategies that could enact a kind of UGC regulation from the ground up, as a complement to top-down government legislation. Given the massive reach of network sociality, a multifaceted and non-traditional approach to the issue of regulation appears to be necessary for ensuring the rights of young people engaged in online cultural production.

CHAPTER 6

CONCLUSIONS, APPLICATIONS, REFLECTIONS

In this thesis, I have juxtaposed the discursive actions of policy documents and of young people's testimonies to position new media policy debates in light of how the social internet as a commercial space is fundamentally undergirded by the appropriation of user labour. Users' labour of online cultural production, broadly considered as user-generated content or UGC, creates value for social media or Web 2.0 platforms operating under commercial imperatives. In this way, platforms serve to capitalize on user content and information through business models that often threaten their privacy and intellectual property – together, their persona rights.

At the same time that UGC labour creates value for online platforms, it also works as a kind of apprenticeship; particularly for young people creating online content, UGC labour functions as a training ground for an economy of creative labour that marks the culture industry jobs toward which they strive. As a kind of apprenticeship for more formal creative industry careers, UGC produces economic, social and cultural value for both online platforms and for the users' development of a branded online identity. The specific identity work examined around age and gender, axes intersected also by class, race, sexuality and ability, constitutes an integral part of the value of UGC for the self-branding required by individual careers. But this identity work also has commercial implications, as in the demographic targeting that online marketers perform through social media platforms,

as well as public and political implications, namely for the broader civic reverberations of online cultural production.

Networked production and sociality are becoming more and more central to conceptions of contemporary citizenship alongside those of economic agency. Gaining purchase as a popular term, “digital citizenship” describes the way that citizens now “enter the sphere of civic activity through digital media” (Papacharissi 2010, 104). Yet articulating the rights of users as citizens, rather than solely as consumers, seems to be anathema to the typical deployment of policy discourse. As Livingstone, Lunt and Miller (2007) contend, the public “voice” may never find recognition as citizens:

Though vigorously pursued, the debate over the citizen and consumer interests remains unresolved, even regarding the terms of the debate itself [...], notwithstanding a series of attempts at closure. Most important is the continued lack of a positive definition of the citizen interest in relation to media and communications. (85)

Because the challenges of defining the public or citizen interest are so vast, seeing UGC as labour offers a crucial way to re-frame the issue of the public interest or communication rights online in terms of persona rights. To this end, the commercial imperatives of the social internet that tend to determine persona rights online, namely rights around privacy and intellectual property, demand re-evaluation in light of UGC as a labour practice. As discussed in the previous chapter, legislative protections for Canadians’ persona rights are currently under debate, and could provide solutions to some of the challenges posed to persona rights by commercial online platforms, including privacy breaches and appropriation of intellectual property rights.

Yet in arriving at the conclusion of this thesis, I have grown convinced that government regulation is insufficient for addressing the often diffuse and fast-changing

ways that persona rights get compromised online. It is often difficult for policy to keep pace with new technological business models in which persona rights are implicated, such as behavioural advertising that tracks and predicts consumer behaviour, threatening rights to privacy online. Moreover, effective internet regulation faces the broader challenge of how “the boundaries between ‘national’ and ‘global’ policy, ‘Fordist’ and ‘post-Fordist’ modes of production, conventional and ‘new’ media are continuously shifting” (Chakravartty & Sarikakis 2006, 115). In this way, regulation should be complemented by attendant strategies in literacy and design that bolster users’ recourse to autonomy in terms of their persona rights. This conclusion offers a number of directions for future research into digital literacy initiatives with a rights focus and participatory design principles that engage persona rights, along with policy reflections on how regulation still matters despite the challenges of developing comprehensive legislation to protect persona rights online. Even while the discourse analysis of policy documents in this thesis has shown that regulation tends to privilege economic and infrastructural concerns at the expense of considering users’ rights, my participants maintained that new media policy interventions remain crucial for civic engagement paradigms, since, as Christian Sandvig (2002) points out, “policy functions as a way for a vision to be embedded in a system of legal and regulatory control” (226). For users especially, who occupy an under-privileged position as policy stakeholders, this means that their regulatory needs must get voiced urgently within the discourses that will influence this legislation if their rights are to be acknowledged at all.

In this conclusion, I discuss the importance of internet regulation in the protection of persona rights through the reflections that my participants shared on their UGC one

year after the initial series of interviews. I wanted to catch up with Shawn, Angelika, Laura and Marilis to see how their UGC apprenticeship labour had developed over that time, and also to gauge how the process of participating in our interviews might have changed their attitudes toward rights and regulation online. At the same time, I prompted them to help me think through some future directions for research into literacy and participatory design initiatives, which they thought could also provide fruitful resources for young people like themselves engaged in UGC labour. At the end of our follow-up sessions, I asked the participants to leave me with an overarching feeling or thought on how UGC has impacted their lives at this particular stage of young adulthood – their responses varied, evidencing an ambivalent relationship to the supposed promise of online social platforms, but they ultimately maintained a shared optimism about their experiences in online cultural production.

Policy Solutions

In making “policy recommendations,” this thesis is not necessarily putting forth proscriptive imperatives directed at federal policymakers; rather, I hope to add nuance to the new media policy debates described throughout the thesis by situating them within my participants’ everyday understandings of UGC apprenticeship labour. As such, the policy solutions arrived at include modifications to websites’ Terms of Service along with suggestions for amending federal legislation around online privacy and intellectual property. But in addition to these law-based strategies, I think it is important for policy research itself to re-frame some of its questions around young people and digital technology in terms of labour, where more local study of specific groups of users would

attend to how their UGC practices are implicated in free immaterial labour, apprenticeship and identity formation. A commitment to more situated versions of policy research would address the gaps in documents like those analyzed in this thesis, where representations of young people's UGC production are often vague and stereotypical. In practice, the everyday technological engagements of young people seem to be more complex and messy – a reality that should be explored in policy research if it is to have any fidelity to the ideal of policymaking in the public interest.

For example, upon discussing policy issues with this group over the period of field research, they tended to characterize government protection for their persona rights – both online privacy and intellectual property – as something of an unrealistic ideal. Their ambivalently hopeful but cynical orientation toward policy can be summed up through Marilis's contention that full control over one's persona rights is “just a thing you have to let go when you take part in the internet,” and yet that “obviously it would be a lot better if there was, if I had my own rights”:

M: It's just, that's just the way it is. Um, but, I guess it's, like again, I guess I'm just so, just wouldn't know where to start. And I feel like it's just not gonna change...

T: Yeah exactly. What if it could though? Just entertain, for a moment, I mean this is the internet we have now, and it's hard to imagine it differently, right? But like, for example, what if you had government limitations on online tracking, on the use of people's content, on all of these things?

M: It'd be great [laughs]. (April 19, 2011)

Marilis's resignation about the potential for regulatory alternatives within the overwhelmingly commercial thrust of online spaces reflects the broader way that neoliberal policies favouring “technological determinism, economic and structural inevitability and the ideology of private–public partnership, [and] the involvement of the

private sector in public policy” have shaped current understandings of internet technology (Sarikakis 2004). The legitimization of commercialized online spaces through this framework has made it difficult to envision something other than the advertising and marketing based models for network sociality.

In pushing my participants to imagine how policy changes might forge a different vision of Web 2.0 than what the current regulatory climate has engendered, I heard them respond with versions of Ursula Franklin’s (1999 [1990]) concept of “real-world technology.” For Franklin, technology is not constituted by artifacts but rather is a system of everyday ideas and practices, where people actively negotiate a series of dualisms – dualisms often associated with the development of new media policy, such as security versus privacy, and the market versus rights – in order to arrive at a middle ground of “good-enough” understandings of technology that are, in practice, adequate for everyday life (see also Eubanks 2011, 31). Similarly, my participants articulated liminal positions in between dualisms, such as intellectual property and distribution or privacy and censorship, and in between attitudes of hope and cynicism for legislated improvements to the private contracts that circumscribe persona rights online.

Intellectual Property vs. Distribution

When talking about their intellectual property in terms of the persona right to control the content and expression made manifest through UGC labour, the participants often offset the need for control with the need for wide distribution. Following the rationale behind copyright law that in theory seeks to balance the interests of creators and audiences, the participants felt that they would benefit from copyright legislation that recognized

amateur content as legitimate cultural production; practically, this would entail going beyond the kind of backhanded devaluation of UGC through stipulations like the *Copyright Modernization Act* (Bill C-11)'s "YouTube exception," which allows users to remix copyrighted works, but does not uphold any protection for the remixes themselves. Similarly, participants' labour in developing branded selves that would carry them into future creative industry careers should enjoy some form of legislated protection under the paradigm of persona rights. They use UGC platforms as spaces for publicity, but acknowledge the limitations on their rights posed by the contradiction between getting their content "out there" and controlling where exactly that content might go (especially where it might go in terms of the sites' typically unlimited licenses over user content). As part of the internet's characteristic narrative of simultaneous promise and threat, its inherent unpredictability – emanating from its social context as a network of interconnected individuals, as opposed to any specific technical exigency – has come to form the basis for the romantic tropes that envelop interactive computing technology and obscure its underlying commercial logic (Streeter 2011, 172).

In this context of the unpredictability of networked information flows between users, regulation of intellectual property online was seen by my participants as both necessary and redundant. For example, when I asked Shawn about how new media might fit into Canada's existing paradigms for intellectual property in broadcast regulation, ranging from Canadian content requirements to ownership controls to spectrum licensing, he gave a considered response:

Well, I mean, depending on how much money is being made from user-generated content, the government might have to regulate to some extent, like, ownership. Like if there's a lot of money involved in like, it's the same kind of thing in broadcasting, you have this kind of corporate giant owning all these blogs, or like

all these sites or whatever, across the board, [...] which would be unfortunate because the whole promise of blogs is that you don't have that, and it's like citizens and you know. So that could have to be protected as well. But it really depends on the popularity, cause I know that you're not allowed to put people's addresses on TV, like, but apparently you're allowed on blogs. But I mean it depends if the blog is really popular, it depends how many people it's reaching [...] it's kind of hard to say what kind of regulations should be in place, cause it's so hypothetical right now. (December 5, 2009)

While Shawn felt that the strength of blogs as opposed to traditional media channels was their freedom from the constraints of conglomerate control and ownership regulations, he acknowledged that the economic bottom line will be the driving force in policies around ownership and intellectual property. Current debates over the imminent passage of Bill C-11 that increases corporate copyright protection through anti-circumvention provisions in Canada – efforts toward which have long been dubbed a “Canadian DMCA” (Geist 2007a) – thus implicate what Shawn critiques as a hallmark of distinctly American versions of asymmetrical copyright control concentrated in the hands of large conglomerate rightsholders (Vaidhyathan 2001).

As a counter to this asymmetrical and ultimately exploitative model of ownership and intellectual property, mandated as a corporate as opposed to citizen right, the persona rights model imparts an intrinsic value to personal identity, and in turn, to the cultural production that emanates from that identity. In order to apply persona rights to intellectual property regulation, therefore, governments like Canada's would need to explicitly acknowledge the way that users contribute significant economic value through UGC labour, and position this labour as worthy of legislated protection. In this way, intellectual property regulation in the interest of users would not be antithetical to commercial development, but on the contrary, would bolster the growth of participatory platforms through bolstering user confidence, increasing the transparency of websites'

Terms of Service, and therefore gaining the trust of users. William McGeeveran (2009) claims that designing regulation according to a persona rights framework is thus meant to enable the healthy growth of social marketing according to best practices, by acknowledging the ethical role that platforms play in their structuring of everyday social life. Without regulation in this direction, he cautions, exploitative commercial interests in social web platforms “could cause a variety of problems: disclosure of private information, misleading endorsements, and appropriation of personal identity” (1165). As such, persona rights offers a productive framework for emerging regulation that considers normative standards for users’ rights over their intellectual property in spaces of online cultural production.

Yet intellectual property rights for young people engaged in UGC labour was not only framed by my participants as a concern about the structural parameters of their ability to publicize a self brand, for example, the constraints on their intellectual property rights as set by conglomerate ownership and distribution. Rather, the issue of ownership was often raised in a moral sense, as Marilis asserted in the following conversation:

T: When you said about ownership that they should regulate ownership potentially, like, do you mean like, you know, Google or something that owns half the internet and whatever...

M: Well, more like that the content that you own remains yours.

T: Ok, so you mean like copyright stuff.

M: Yeah, copyright stuff.

T: So owner’s rights, and it’s called like moral rights of the creator.

M: Yeah.

T: As opposed to like corporate rights. Yeah, cause most of the copyright stuff is about like, you know, the music industry basically and the film industry.

M: Well yeah, everything you upload to MySpace belongs to MySpace then.

T: Yeah, and MySpace is owned by Fox / News Corp.

M: It's crazy, cause that's like one of the only, pretty much the best platform for a musician. But even like, every like, like Band Camp I'm sure, like we use that sometimes too like, cause they're better with their terms of service, which we haven't read, you know? [laughs] But yeah. (July 2, 2010)

Here Marilis expressed an admittedly vaguely defined concern over copyright as a moral right to be held by the creator or author of a cultural work. Even though she was not fully engaged in understanding the contractual stipulations around how user content gets licensed on sites like MySpace and the more progressive independent music distribution site Bandcamp, Marilis maintained a belief in the moral right that “the content you own remains yours.”

Moral rights could thus also be integrated into copyright legislation through the persona rights imperative to protect the integrity and dignity of personal identity online. Protecting the personal dignity of users represents a much more expanded view of intellectual property protection by addressing the issue of control over the uses of one's identity or persona, as well as one's artistic works. From this broader perspective, UGC in all its incarnations, from blogging to video uploading to the creation of SNS profiles, would be seen as creative work exercised by users as authors, and not simply as consumers. In emphasizing the authorship role of users, the persona rights framework maintains the value of individual identity in commercial web platforms, helping to counter the often exploitative appropriation of user labour. The integrity of identity amid the promotional function of platforms thus represents a kind of moral rights claim, where authorship is expressly non-commercial – it cannot be bought and sold, but rather resides

with the creator's persona through the integrity of her or his identity (Murray & Trosow 2007, 63). In protecting the integrity of user-creators' identities, regulation of intellectual property online could be expanded to account for the moral aspects of persona rights claims in best practices standards in promotional uses of online cultural production.

Privacy vs. Censorship

Persona rights to privacy, as an integral aspect of controlling iterations of one's identity online, hold similar implications for the development of new media policy. The issue of online privacy has become a hot button topic over the course of the field research I conducted for this thesis; my follow-up interviews with participants reflected this trend. They all expressed discomfort about online tracking and behavioural advertising – which was apparent to them particularly through their Gmail accounts, where, as Marilis said, “it's definitely, it's just so weird to me, like for example Google ads in Gmail will be catered to what the email is about. [...] They're gonna track how many times a word like 'iPhone' is used in your email, and use that to try to, like... [T: To try to sell you iPhones] Yeah, like try to sell you crap, you know?” (April 19, 2011). This kind of immanent commodification, where even ostensibly “private” communication like email is subject to apparent privacy breaches, characterizes the online environment where users' identities are predominantly deployed for marketing and endorsement.

In considering regulatory measures to limit the pervasiveness of online tracking, the Office of the Privacy Commissioner has been developing policy strategies based on a series of public consultations launched in 2010. The report summarizing the outcome of these consultations states that, in terms of online tracking as part of behavioural

advertising models, “the OPC’s view has always been that ‘opt-in’ (express) consent is the preferred method of consent” (OPC 2011, 25). This means that users should be able to choose what information and behaviours get monitored (opt-in), rather than having to opt-out of the default setting that all information and behaviours get monitored – a position that aligns with McGeveran’s claim about persona rights law as sufficient protection from tracking through a more robust opt-in procedure: “Under the rationale of persona rights, commercial use of an individual’s identity in social marketing would require that person’s affirmative consent—as an opt-in, not an opt-out” (1158). Support for opt-in mechanisms, as suggested by McGeveran and the OPC, point to an increased level of user control over the tracking of their online behaviour, addressing something that my participants agreed was “creepy” and “weird.”

Yet in addition to the “creepiness” of online tracking, something all of the participants agreed upon, Angelika raised an interesting point about the connection of privacy to persona, both in terms of controlling one’s own disclosure but also what one might see of other people’s information. Our conversation began with Angelika’s assertion that “you should have the complete power of what people can see, and not in a way of like give-and-take, like it should be like, ‘no I absolutely don’t want anyone to see this’” (February 5, 2010). This claim for privacy as a right, which aligned with what the other participants also said about their disclosure of information online, was then followed by Angelika’s unique recommendation for privacy regulation as a dual process:

I think there should be like a two-level thing like, you have the option to control [your disclosure] to a certain extent, but then also like, ‘cause I’m sure there would be people who’d put too much on or, post too much and like too much of their privacy where it can like border on weirdness, in that terms it could be like, no it’s like not appropriate or whatever in that way. (February 5, 2010)

Angelika thus articulated the contradictory impulse to invest users with the control over the disclosure of their information as producers (“you should have total control over that because it is in the end, like, your right”), but to also be protected from offending content as consumers or audience members (“I definitely think people themselves should have more control [but] then again, like not everyone’s smart or normal”). This liminal position between privacy and a kind of censorship regulation points to the complexity of the online environment as a regulated space that fundamentally differs from broadcast media. In emerging policy frameworks, then, the way that the social media user occupies the simultaneous position of producer and consumer – both entailing forms of UGC labour – should be taken into consideration as part of integrating public interest perspectives into internet regulation. As the OPC has argued, effective protection of privacy in terms of UGC platforms and social network sites will entail revisions to the *Personal Information Protection and Electronic Documents Act* (PIPEDA) that address “the technologies and business models that did not exist when the law came into force” (2011, 45). Moreover, in terms of informed consent, an amendment to PIPEDA is already under debate that would clarify the terms of consent that would consider consent to be valid “only if it is reasonable to expect that the individual understands the nature, purpose and consequences of the collection, use or disclosure of personal information to which they are consenting” (OPC 2011, 21, 27). In addition to providing increased protection for child users, this clarification edges closer to the persona rights injunction for stronger user control over the privacy of personal information in online spaces characterized by endorsement.

Contracts: Terms of Service and Privacy Policies

Part of both privacy regulation and intellectual property regulation, both legislated federally and implemented through industry self-regulation, the contractual terms structuring users' rights in spaces of online cultural production came up repeatedly in the initial set of interviews as well as in the follow-up sessions. The participants felt that websites' Terms of Service and privacy policies should be changed to be more transparent and readable, while they also admitted to generally avoiding reading them in any case. As Marilis stated in the quote above about Bandcamp, she felt that their terms were preferable to MySpace's even though she hadn't actually read them. Similarly, in discussing Facebook's Privacy Policy, James Grimmelman (2009) has noted that "Facebook users don't read it, don't understand it, don't rely on it and certainly aren't protected by it. It's a beautiful irrelevancy" (1181).

But is it possible that the Terms of Service could become more relevant? This is something that I asked the participants, and they generally reflected the Office of the Privacy Commissioner's recommendations for social network sites' privacy policies: for instance, that "in seeking to further privacy in SNS, we need to focus on providing users with appropriate tools. Tools to understand the context in which their information exists (through increased clarity in language and policy and making sure users are aware of the entire context in which their information sharing takes place)" (OPC 2009, 47). As Angelika said, "Facebook could and should make [their policies] in a way that it's very plain language, you could see it, it's big normal letters... yeah it could just be like, ok if you do this then we're going to sell your stuff, like plain and simple" (February 5, 2010).

In this way, she felt that users would benefit from policies that were written for them in language that was easier to read and understand.

Yet even while Facebook itself has made strides to re-frame its privacy policies into “Data Use Policies,” where each stipulation is spelled out in a series of collapsible frames, users might alter their privacy settings without necessarily reading or understanding the privacy policy documents (boyd & Hargittai 2010), and indeed, they often remain skeptical of the site’s appeal to user rights in this way. For example, Angelika continued her point about how sites should make their policies more transparent with the admission that “they would never do that [...] they [obscure their policies] on purpose so you don’t look at them.” This cynicism was shared by the other participants, who agreed that even if they were written more plainly, privacy policies and Terms of Service were probably not going to be effected in the interests of users.

Laura suggested that to combat the lack of rights-based privacy policies, “the first thing that would just occur to me would be like having any input at all from like, users. I mean that’s being written, like it’s only being written by people on like a purely theoretical level, and they don’t even ask anybody that uses it” (May 25, 2011). As she went on to discuss, having users add their input into the policies would empower them to take more interest in these contractual stipulations that shape their persona rights in online spaces. Facebook has indeed made moves in this direction; according to its Data Use Policies implemented in September 2011, Facebook has included an “Opportunity to comment and vote”:

Unless we make a change for legal or administrative reasons, or to correct an inaccurate statement, we will give you seven (7) days to provide us with comments on the change. If we receive more than 7000 comments concerning a particular change, we will put the change up for a vote. The vote will be binding

on us if more than 30% of all active registered users as of the date of the notice vote. (Facebook 2011a)

This appeal to a more democratic version of privacy policymaking represents a positive step, although it remains completely insufficient as a mode of actual democratic decision-making. The likelihood of getting input from over 30 per cent of Facebook's current 800 million active users (i.e. at least 240 million users) within a seven-day window is highly unlikely. Moreover, the wording here, that preserves the sites' authority to make changes for "legal or administrative reasons" is effectively vague enough to cover any potential change to the policy without user input.

Given the slim likelihood of this democratic model for site policymaking, an alternative privacy strategy based on SNSs was raised by Angelika, who suggested that users could employ their social networks as tools to help friends understand the implications of privacy policies. As she described, warnings in friends' status lines about privacy "kept popping up being like, 'if you don't change it, it will be open,' and I finally just like was like, 'what? ok'" (February 5, 2010). Similarly, Laura described how people "use Facebook for its own good":

Like the same way that people are posting in their status all the time, you know, "go to the following settings page and this is what to do, re-post this in your status" and stuff. The same way that people are doing that, if it were used as a tool to get people talking about what, you know, regulations are and aren't fair and like how it's affecting, or just sharing with people that this is the kind of thing this regulation does to your privacy and blah, blah, blah. That's what you would hope would happen, that people would care and like get in touch with each other. (May 25, 2011)

This version of viral privacy is also something that the OPC has suggested, where "The trick to making SNS privacy meaningful to the users then is [...] finding ways to normalize privacy choices within the SNS context so that not only those who are

currently using SNS actively engage with them but so that as new users join, privacy becomes as viral as other behaviours” (OPC 2009, 6). In this way, understandings of Terms of Service could be built from within the online communities, countering one of the main problems with the application of contract law to online sociality. By addressing the democratic deficit in the way that social web platforms attempt to control their users’ rights through legal instruments like contracts, viral privacy poses a challenge to the immanent commodification of what people do online.

Is Regulation Enough?

Our discussions around the challenges of reworking Terms of Service and privacy policies to be more user-friendly and transparent led the participants to similar conclusions about new media policy as simultaneously necessary and insufficient for protecting persona rights in online cultural production. As Shawn claimed, “the problem with regulating something like the internet is you’re still gonna have that top-down, ‘this is how we feel it should be regulated,’ and applied to the masses” (April 20, 2011). His statement articulates the fundamental problem with relying on regulation of any medium is that it imposes a monolithic vision onto a chaotic, heterogeneous system of practices, a system that reflects Franklin’s description of real-world technology as “a multifaceted entity. It includes activities as well as a body of knowledge, structures as well as the act of structuring [related in a] complexity of technological interactions” (1999, 6).

It is precisely the way that internet-based communications are seen as chaotic and dispersed in nature that made the participants suspicious of the effectiveness of federal legislation for protecting persona rights online. As Marilis said about online content, “I

guess because it's such a free-for-all, I don't know how you could ever really regulate content ever. People can upload whatever they want to the internet." The specific example that she cited, which coincidentally came up in my interviews with Shawn also, was the persistence of child pornography online:

M: The thing with the internet is that it's so crazy, there's just everything on there. And every time they try to stop something, like they tried to stop Napster and 10 other things popped up, you know? [...] even like child pornography, which is like really tracked like crazy still exists online, it's crazy. (July 2, 2010)

S: It's funny cause I just found out that child porn isn't blocked. You know, the government takes... yeah it just blows my mind how the government does block certain things, but they can't block things like child porn. (December 5, 2009)

For both Marilis and Shawn, the fact that something as universally rights-threatening as child porn could not be effectively prohibited online through government regulation offered a clear indication of its limitations. Shawn tied these limitations of internet regulation to the architecture of the medium, contrasting it against other broadcast media: "what's interesting is that the ways that they regulated radio or TV, like, they won't be able to apply all of those to the internet" (December 5, 2009).

Yet while the distributed architecture of the internet was seen as a barrier to its comprehensive regulation, the group also pointed out a political barrier to legislated rights protection online: the neoliberal landscape of current policymaking. Laura noted that any attempt at bolstering people's rights online through policy would be difficult, "especially when the government, such as the one in Canada right now, isn't very interested in keeping people engaged civically or whatever, and would kind of like to shut down any kind of participant voice, you know?" (May 25, 2011). Angelika expressed a similar cynicism about public input in policymaking, saying "I wish it was more, the public's place in it mattered more, [...] it just seems that there's all this stuff

going on that no one really has a say in. [...] I would feel better if there was something out there protecting people” (May 30, 2011). The reason why the government was seen as suppressing public voices and limiting people’s engagement in policymaking was summed up by Shawn, who responded to my question about how governments might regulate in the public interest with the both cynical and savvy quip, “that would be good, but I mean, isn’t the government run by companies?” (April 20, 2011). All of the participants shared this ambivalent attitude toward government, framing it as an arm of corporate control over regulation designed to protect the rights of commercial actors as opposed to individuals.

Moreover, another aspect of neoliberalism that the participants saw as complicating the effectiveness of new media policy was globalization. Within transnational economic, social and cultural exchanges, the combination of the internet’s distributed architecture and dominant corporate interest in regulation were framed as challenges to federal legislation regarding persona rights online. As Shawn described, jurisdictional issues with internet regulation are not at all clear:

[...] because the internet is a global phenomenon, and then how would you regulate – yeah, in one country, cause the internet doesn’t have borders right? So if Canada comes up with a law saying, ok, these are the regulations against, you know, corporations from keeping your information or like whatever, ownership stuff, then what does that mean if like a company in the States wants to go and like, who, what rules apply to what people, you know? (April 20, 2011)

He went on to talk about jurisdictional complications in the rhetoric of new media theorist Manuel Castells, discussing information flows in the network society as antithetical to the idea of regulatory borders. “I don’t find that the internet necessarily has, like borders,” he said, “it’s kind of like a battle between nation-state and network.

Like, the nation-state is trying to regulate the flow on the network, but then you know, it's like, where, which way is it gonna go?"

In Shawn's characterization of federal regulation of the internet as a kind of battle, he hit upon a useful metaphor for the process of multi-stakeholder policymaking that not only includes stakeholders from within a particular jurisdiction, but also international players in a global version of information society policies. In order for new media policy to be effective, therefore, it would need what Marilis expressed as an unlikely convergence of regulatory regimes worldwide: "[effective regulation] would mean every country sort of has to have the same regulations and stuff like that, since most websites are international, right? So it's doubtful that it will ever really happen" (July 2, 2010). Even while certain global regulatory bodies, such as the nonprofit domain name regulator the Internet Corporation for Assigned Names and Numbers (ICANN), the International Organization for Standardization (ISO) and the World Intellectual Property Organization (WIPO), along with global conventions, including the meetings of the World Summit on the Information Society (WSIS) and the UN Internet Governance Forum, have implemented or at least attempted to implement global regulatory instruments on specific aspects of internet-based communication, they have not been without their failures and lack of global consensus (Anderson 2007). In terms of protecting users' rights, this already unwieldy global model of internet regulation would additionally need to be guided by something other than neoliberal imperatives; as Sarikakis (2004) notes, the dominance of market strategies in this context means that policy focuses on regulating consumer behaviour rather than improving the material conditions of everyday life.

To summarize our follow-up discussions about regulatory strategies for protecting persona rights online, the participants highlighted three central concerns for the effectiveness of policy strategies: the distributed nature of the internet; the lack of regulation in the public interest; and the difficulty in delineating legislative jurisdictions online. Despite these difficulties and the cynicism that they engendered in the group, they still maintained that regulation could be beneficial even though it was not sufficient. As Laura said, “I think if anybody’s gonna do anything useful, you can’t really start at the top with the government” (May 25, 2011). Besides the neoliberal leanings of current governments, Angelika noted that despite potentially progressive intentions, regulation is always subject to unpredictable or exploitative uses: “like the whole copyright thing, it started out to protect people, and now it’s just kind of screwing people over” (May 30, 2011). With this in mind, our closing discussions turned to two alternative and complementary strategies that would bolster the function of new media policy to protect persona rights online in a more grassroots manner: rights-based literacy initiatives and participatory design of UGC platforms. While these strategies have not yet been fully studied or mapped out, they are presented here as a prompt for future research and policy suggestions.

Literacy Solutions

In asking the group about ways to increase public awareness of persona rights issues, I posed the notion of literacy broadly, to include but also to go beyond traditional educational contexts and involve the UGC platforms on which they tended to apprentice for online labour practices. Literacy might thus intersect with the viral privacy strategies

mentioned above, where users learn about website policies through their networks of friends. As a broad concept then, literacy about persona rights issues online could include a range of artefacts and programs, such as wall posts on Facebook, online guides to copyright, or “Privacyville,” an online privacy awareness game by social games company Zynga (maker of the popular Facebook game “Farmville” and its various spin-offs). Such iterations of literacy, intended to complement new media policy around persona rights by instilling in users an understanding of rights issues, represent a key direction for future research emanating from this thesis. As an early starting point to this line of inquiry, the participants’ discussions of literacy are presented here as responses to their ambivalence toward new media regulation.

Our discussions generated a consensus that literacy was in fact crucial to protecting one’s persona rights online, especially it was said, for younger internet users. Angelika described how her 17-year-old sister uploaded all of her graduation photos to Facebook, despite Angelika’s warning that the site would then retain a license over those images. As Angelika concluded, “well my sister and her friends just seem so, like they don’t understand at all”:

They don’t have a sense of like, they don’t get it, they don’t get that Facebook owns their photos. They don’t understand at all and it would be good to see like a website or even something in high schools or grade schools to make kids understand and educate them that there’s the legal thing behind it. (May 30, 2011)

Part of making younger people aware of the legal stipulations underpinning their rights on sites like Facebook would of course involve regulatory moves to improve the transparency and legibility of privacy policies and Terms of Service. But it would also entail literacy initiatives that improve young people’s ability to understand the

implications of what they are agreeing to, and another suggestion by Angelika, campaigns that also increase their motivation to exercise some agency in these spaces.

In relation to privacy policies and Terms of Service, literacy might be seen to thus bolster the claim of informed consent by augmenting young people's understanding of the agreements they make online. This line of argumentation subtends the OPC's blanket recommendations for social network sites that their data collection and usage practices be spelled out in the clearest terms possible, and improved on a continuous basis that aligns with the way genuine user consent constitutes an "active, ongoing process" (OPC 2009, 43). Part of the active role in managing consent falls on the user's shoulders – as Angelika said, people tend to "just click OK and go along" – but this responsibility could also be supported by literacy initiatives that encourage users to look through policies that are "more easy to read" (May 30, 2011). As such, making privacy policies and Terms of Service more legible is a project that requires pressure from all sides: from the side of the lawyers writing up these contracts; from the side of the sites in building an architecture that encourages users to engage with site policies; and from the side of the users in developing a kind of literacy for this specialized language.

Yet despite the arguments for making privacy policies and Terms of Service easier to read and negotiate in this context, challenges remain if rights protection is wholly dependent on young people's understanding of legal texts. As Shawn noted, even while Facebook has improved the user-friendliness and legibility of its privacy policies, people will still be "lazy" and not read them:

[...] there was a message from Facebook, talking about their new privacy statement and how they've, from what I understand, they've changed the template so it's easier to understand. And they were like "take a look at our like, sample template whatever." I obviously didn't look at it [laughs]. I mean, which is funny,

but I mean, um, if I'm correct in what I'm saying, I guess that's sort of a way to do that. But you can make it as user-friendly as you want, but people are gonna be lazy. You'd have to make a music video out of it, so people would be like "wow, cool video!" (April 20, 2011)

Alternative strategies for engaging young people in literacy about rights online, like Shawn's music video suggestion, are worth considering in light of the inherent dryness of the language of Terms of Service and privacy policies. Thinking outside of linguistic versions of literacy might help generate more robust public understandings of rights online, especially considering Shawn's somewhat hyperbolic but instructive contention that "people my age don't read."

When literacy is taken beyond traditional modes of reading, and traditional contexts like classrooms, it has the potential to make an impact in the lives of young people like my participants, who learn and apprentice for future careers through online cultural production. On an everyday basis, young people gain literacy of legal and regulatory issues that affect their rights online through a host of avenues, one of which throughout this study included the way they would ask me questions about new media policy. In one of our first sessions, Shawn asked about the use of copyrighted images on his blog, which led to a discussion of copyright versus copyleft strategies for protecting intellectual property. This conversation sparked his interest in Creative Commons licenses, and he subsequently added one to his blog content. Similarly, Angelika asked me about the sufficiency of her attribution practices for photos remixed or reposted on her blog, which provoked a discussion of fair dealing provisions as related to the labour of creating UGC. This link between labour and legal/policy issues highlights a key way in which literacy initiatives might address the issue of rights in online cultural production.

When the participants talked about literacy, their overall feeling was that schools were not the only or even the preferable spaces in which young people might gain awareness of their rights online. While a role for school learning was said to still exist – for instance, Shawn described cultivating an understanding of publishing ethics in his university journalism class – other contexts for learning were seen as equally important. These alternative contexts could include the home, among friends, or through broadcast media, like public service announcements, but most often, the group cited online spaces, such as on Facebook or other UGC platforms themselves. A main rationale behind transposing literacy initiatives online was to, as Shawn said, “eliminate the hierarchy” that characterizes traditional education and disempowers young people in many ways, while also keeping up with “policies [that] are constantly changing, [...] always fluctuating” (April 20, 2011). The immediacy of online communication renders it much more conducive to staying on top of each new legal and policy stipulation about persona rights, as contrasted against the glacial rate of change of formal educational curricula. For example, excellent work in this regard is currently being done by groups such as the Media Awareness Network, Open Media and Fair Copyright for Canada, who all have used web presence – including Facebook presence – to bolster young people’s literacy about new media policy issues. Google has also released a series of educational videos as part of its “Privacy Center,” an area of the site oriented toward transparency in its data collection and usage practices. These kinds of initiatives could be expanded and supported with government funding, as a means of fortifying an informed and engaged citizenry through un-traditional public literacy programs.

Design Solutions

In discussing literacy as a broad phenomenon that could include various formats of online communication that engender greater understanding of persona rights, the group also touched on the role for young people in designing literacy initiatives. I pushed them to extend concepts of design agency beyond literacy ideas, such as designing new privacy policies, to the design of technological systems themselves: how might young people using UGC platforms impact the way the architecture of those sites delimits user rights? This conceptual leap from literacy to participatory design, where platforms are developed through the co-construction of users and technologies (Brown 2001), proved to be a difficult one for the participants to make. As a broad movement toward involving users as key agents in the design of technological systems, participatory design emerged in Scandinavia in the 1970s as an approach to the development of technological infrastructures by diverse stakeholders – such as trade unionists and computer scientists, working together to create systems that promoted workplace democratization (Bjerknes & Bratteteig 1995; Clement & van den Besselaar 1993). In relation to communications workers and systems, Pelle Ehn and Morten Kyng (1991) describe their participatory design experience with newspaper employees in constructing cardboard prototypes of new technologies – a design game intended to foster a sense of agency among workers afraid of being displaced by these technological artefacts. Ehn and Kyng's exercise highlights how participatory design initiatives need to actively engage users in the co-construction of technological systems, even when their capacity to participate is not immediately clear or concrete. As Finn Kensing and Jeanette Blomberg (1998) contend, participatory design thus faces a number of challenges, including the politics of

efficiency that dominate current design paradigms, the often unpredictable deployment of participatory techniques, and the uneven skill sets and interests among participants.

In my discussions with the group, this latter element of participant interest proved to be the main challenge to their ability to conceptualize participatory design interventions into social web platforms. For example, when I asked Marilis to imagine a new web platform to take over from Facebook that would have better Terms of Service, including terms designed to protect persona rights, she began by talking about how publicity has shifted from offline publications to online spaces, without addressing the design of those spaces. Then when I prompted her to think about how the spaces themselves might be designed differently, she responded with her own questions about why Facebook would want to license user content in the first place. Finally, when I rephrased the design question a third time, asking her to imagine her own version of Facebook for use by her current place of work, the Arbutus record label, to communicate with industry contacts and musicians as well as fans, she responded that she just uses email for the bulk of her online communications regarding the label. So it was in practice quite difficult for Marilis, as it was also for the other participants, to think about designing something new when Facebook is already such a taken-for-granted iteration of the social web platform. Moreover, Marilis was ultimately cynical that a rights-affirming social web platform could exist: “they probably all have their loophole, you know?” (April 19, 2011). Laura similarly asserted that, “Somebody could just come up with a new radical version of Facebook with... I mean it would of course then eventually be corrupted as well, like these things always are” (May 25, 2011). From my interviews, I was left with the impression that the group would appreciate an alternative platform, one

that sought to protect user rights, but yet that they could not enumerate any potential design features or processes that would lead to an alternative space for online cultural production (and nor had they heard of or used such sites as Diaspora, a currently invitation-only beta version of a more open and distributed SNS in terms of both design and ownership).

While participatory design initiatives for social web platforms were thus challenging to conceptualize, as they are indeed often challenging to implement (Kensing & Blomberg 1998), I think they still constitute an important direction for future research into protecting persona rights online. In this way, participatory design models reinforce McGeeveran's point about opt-in consent, where granular privacy controls in the site design could complement regulatory requirements for informed consent.²⁵ This kind of idea reflects the "privacy by design" paradigm currently promoted most vocally by the Privacy Commissioner of Ontario, Ann Cavoukian, along with corporations like Microsoft.²⁶ Privacy by design principles – focused on "advancing the concept of building privacy directly into technology, as part of the design and deployment process" (Cavoukian 2009, 325) – might be seen as complementary to participatory design initiatives for bolstering persona rights online.

In a more general sense, participatory design would augment an ethos like privacy by design through its emphasis on the democratic, collaborative construction of technological systems by users themselves. As Angelika said about Facebook, "It would

²⁵ According to McGeeveran, effective opt-in architecture "would allow a user to grant global permission, but could require a granular opt-out for particular messages and an easy means to cancel the authorization. So, for example, a user might sign up one time for an application that allows Amazon to send social marketing messages about book purchases, but the user could click a prominent and clearly worded link before making a purchase saying, 'Do not tell my friends about these purchases.' The user also would be able to cancel the global authorization at any time" (1162).

²⁶ See <http://www.microsoft.com/privacy/bydesign.aspx>

be even cool if they had like, a voting system, I don't know how that would work, but like, 'what would you want your Facebook to have access-wise?' And you could kind of click off the things, and according to what you click off, you have – and that's it" (May 30, 2011). Angelika's suggestion of having a voting system – which Facebook has indeed attempted, if only superficially in projecting a more socially conscious brand image – evokes participatory design's commitment to democratic and social justice principles in the design of technological systems. As Virginia Eubanks (2011) explains, participatory design can thus help to "identify, analyze and articulate the relationship among people, politics and technology," while attempting to "find ways to reform the information age so that it can support fully humanity for all people" (107). Investing users with increased agency as part of this social justice ethos might be an effective way of highlighting the significance of persona rights online as part of human rights more broadly in network sociality.

Looking Back, Moving Forward

To conclude, this thesis has arrived at recommendations for policy that, rather than suggesting strictly legislative solutions, propose a constellation of approaches to the protection of persona rights online. Based on the way that interviews with participants have mapped onto policy discourses, regulatory strategies are important but not sufficient to account for the complex and often contradictory everyday practices of young people engaged in the labour of online cultural production. This thesis has thus led me to a program for future research that includes literacy and participatory design among policy instruments for the increased protection of persona rights online, within ever more

pervasive commercial contexts for network sociality. In staking this ultimate claim for a constellation of approaches to rights protection online, my work echoes Lawrence Lessig's (2006) contention that the four central ways of regulating information technologies are through law, markets, code and norms. What I would add to his formulation is an attention to the labour that underpins the process of cultural production, which, I argue, brings the issue of rights online into even more striking relief.

Keeping the specificity of the UGC apprenticeship labour context in mind, one of the most interesting developments to come out of the final interview sessions was the group's growing sense of disillusionment with the promise of online self-branding as preparation for a culture industry career. For example, directly opposed to what he had said a year earlier about building credibility in fashion journalism through his blog, Shawn described how his new job in fashion casting was not amenable to online publicity. After his boss had chastised a co-worker for blogging about the casting process, "I just went onto my Facebook and onto my Twitter and deleted everything from the past three months that could be seen as like [offending]. It was just like, 'be professional, be professional, be professional!'" He framed his casting job as a rare opportunity in the fashion world, "so I need to be really strategic about what I post and what I don't post," as part of negotiating the uncertainty that comes with this transitional life stage for young people: "you know, because I'm also at the time of my life where I'm finishing university, young 20s, looking for a career, gets offered a career – don't fuck it up [laughs]. You know what I mean?" (April 20, 2011).

Shawn's reflection on professionalizing as attempting not to "fuck up" his career prospects by posting online marks a contrast against his earlier feeling that online

platforms would be the primary gateway to professionalization. Rather than constructing an image of himself as a public figure in journalism, his main concern was now around how his public persona could be constrained along the lines of reputation management. Part of this shift has to do with Shawn's transition from fashion journalism to the more backstage job of casting, where he noted that rather than blogging or using Facebook, the appropriate UGC platform to use was Twitter. So while Shawn expressed a desire to "delete Facebook," he simultaneously said,

I've come to appreciate Twitter as well, [...] it's a really good way to spread news, or like, information, [...] like following magazines, and I follow agencies and stuff like that. So if they have, if there's a model that has a new shoot in Vogue or like Vogue China or whatever – I don't read Vogue China but I do casting, so the agency's tweet that this girl is in Vogue China is like cool, because you always have to keep up on who's still relevant, especially in an industry where there's such high turnover. So you get to kind of, you know, keep in the loop of all that stuff as well. Which I managed to do between going to New York and going to Paris, I managed to keep up pretty well, so by the time I got to Paris, I was already, you know, like on top of my game. (April 20, 2011)

Shawn's admission that he relies on Twitter to keep pace with the developments in model casting showed that he still maintained the importance of social web platforms for his fashion industry career; he was just approaching UGC labour differently, from the perspective of a consumer of casting information as opposed to a producer cultivating a self-brand, emanating from his new role as casting agent.

Like Shawn's realization that online publicity was not necessary as valuable as he had once thought, the theme of disenchantment with earlier modes of engaging with UGC as a kind of apprenticeship labour indeed came up in all of the follow-up interviews. For example, Marilis described her sharply decreased blogging activity – including the official closure of *Pregnant Goldfish* – and how she instead has turned to email as her primary method of communicating with other record labels, music lawyers, bands and

agents as part of the confidentiality demanded by her job at Arbutus Records. Similarly, Angelika claimed that she had stopped publishing her blog when she got too busy while finishing up her Bachelor's degree: "I finished in December technically and then I worked a bit and then came back home. I was just feeling very overwhelmed with like, you know, school, getting a job, and I was just not, not in a good like happy place I guess. So that's kind of why I stopped posting, cause I just didn't have the energy to do that" (May 20, 2011). For both Marilis and Angelika, changed circumstances in their lives made blogging seem like an unnecessary exertion of labour, one that did not align with new career goals in quite the way they had initially foreseen.

The effect of a shift in context, along with a feeling similar to Angelika's of running out of energy for UGC labour, was probably most dramatically evident in Laura's case. Since our initial interviews, she had moved to New York City to pursue a Master's degree in costume history at Parsons. As Laura described at length about relinquishing her blogging activity during this time, the move fundamentally altered her attitude toward a future career in fashion journalism:

I keep thinking like, you know, I really need to sort of capitalize on this creatively or whatever, by like taking the initiative now to actually do something with more of my own voice, or like my own, just sort of like you know, directing my own content more.

I come so close over and over, and then, there is this person at my school who always pops into my head as like the reason that I can't. And it's because I hate this person so much, and [...] she's a fashion journalist – that's what she calls herself, "an internationally published fashion journalist" – and on the day I met her, like on the first day of orientation, I basically decided, well, I don't want to be a fashion journalist then. That was truly what I came here thinking I wanted to do, like I got here thinking like well, if nothing else then that's at least what I can make out of this degree. And then, ten minutes into meeting her, I was like, well if that is what people are like in the world of fashion journalism, there is no place for me in this and I want nothing to do with it.

I sort of came here thinking like, what is my career gonna be? And I was thinking that same thing and then I got turned off by this lady, and I started thinking like, no, anything but this for a career, you know? Like there's so much striving and it's so difficult [...]. So at this point it doesn't, it doesn't feel like I'm going to be able to handle the amount of self-promotion and that sort of thing that it takes for this kind of career. You know, maybe that's what happened to this girl, maybe she used to be normal and then the pressures of trying to self-promote turned her into a monster. I don't know. (May 25, 2011)

I've quoted Laura extensively on this subject, because it was something she spoke passionately about throughout our follow-up interview over Skype. The passion she expressed when discussing how another student in her program has effectively turned her off of fashion journalism as a career points to the less researched social implications of self-branding and precariousness in culture industry careers. Laura's description of how the constant striving and self-promotion of freelance work require a negotiation of personality traits and everyday social life, along with awareness of rights and policy issues, indicates how the ramifications of UGC apprenticeship labour extend infinitely outward, affecting the most minute, ephemeral interactions in network sociality.

Moreover, from the point of view of young people themselves, in the midst of struggling through the transition to adulthood, realizations about the limitations of UGC as apprenticeship labour points to their maturation within an uncertain economic climate. While, only a year after our initial interviews, Laura and the other participants thus tended to have become disabused of certain optimistic visions of how UGC could furnish creative careers, they also retained a less economically bound version of the rhetoric of UGC's promise, expressed in new ways based on certain contextual changes in their transitional life stage. Even according to Laura, for instance, UGC platforms still furnish a kind of personal fulfillment, where, "the best thing about having it as a part of my life was the very unique kind of expression that it is":

[...] you still get to do the creation in private and to sort of trick yourself into believing that it's really just for you, and you know, maybe the sort of one or two people that you have in mind when you write it. And that's a really different way of writing than, say, schoolwork, or something that you know has to be read by a certain number of people who you have to either cater to or just consider in one way or another. And so the impact, like the positive impact was just always feeling like there was a space to speak in a certain way about, you know, things that mattered in particular, like only to me [laughs]. (May 25, 2011)

She felt that at some point, she would return to blogging, if only as this form of expression and not for any explicit career goal. Perhaps because of her new circumstance in New York, Laura had to frame UGC as something just for her, in order to recuperate her positive feelings about online cultural production. Nonetheless, she felt that blogging in particular was a way for her to learn certain “good lessons” like humility: “you learn that important thing where, sometimes it goes over well and sometimes it goes over badly, and you learn the best way to deal with criticism or like somebody crazy who’s commenting or whatever.”

In addition to Laura’s individualist rationale for the promise of UGC as a way of learning, Marilis sought to maintain the value of UGC labour in her life by emphasizing its link to her current work – even though that work did not directly involve blogging, for example. She described how UGC had always been important in her life, both as her “main creative output and also like, it was a job I really enjoyed.” And today, while she is not blogging actively as before, Marilis notes that a fluency in UGC practices remains useful for a publicity environment where “there’s just not that many print magazines left; pretty much all you get is online. All the interviews are online and web TV shows and stuff like that. [...] that’s where everything is, you just have to adjust” (April 19, 2011).

More broadly than Marilis’s economic rationale for preserving an optimistic attitude toward UGC, Laura also brought up the issue of civic participation as fostered by

online communication. She discussed the Spring 2011 federal election in Canada as an indication of online activism that “gives some hope that there’s a semi-informed or like at least wishing to be informed whole demographic out there at this point.” While she expressed reservations about the government might respond to “these tiny little bits of difference” online – especially in terms of regulating the internet in the public interest – Laura also noted that protesting rights issues on a platform like Facebook might be seen as “sort of subversive”: “it is a bit of a paradox obviously, cause they’re still like getting money from your participation. But if you change the way that people participate in it, like from inside of it, then [...] I think it would just maybe show Facebook that they weren’t necessarily as omnipotent as they believe” (May 25, 2011).

Laura’s reflection here is emblematic of how, over the entire period of our discussions, the participants shared conflicting attitudes toward new media regulation, couched within a broader ambivalence and at times, taken-for-grantedness, about the promise of information technology itself. These nodes of ambivalence expressed by young people are crucial to pay attention to now, since they serve as sites from which to draw out points of contradiction as fertile grounds for the emerging policies that will shape the future of network sociality. The policies getting written today, determined as they are by commercial interests in new media that trade on romanticized notions of young people’s UGC apprenticeship labour as the grounding for a robust information economy, need to take the everyday contradictions expressed in young people’s attitudes toward rapidly changing new media platforms into account if persona rights – and human rights more generally – are to figure into the constitutive visions of network sociality.

Given the urgency of this regulatory context, my thesis contributes provocations and suggestions for policymakers and researchers, especially considering that the ways young people and UGC are currently represented in policy documents tend to both simplify the contradictions within everyday cultural production practices and also elide the exploitation of young people's labour, which lies at the heart of new media platforms and network sociality. In adding an attention to labour as well as to the ambivalence of young people's orientations toward technology, the thesis also (and I would say primarily) contributes to scholarship in critical communication studies and critical internet studies. Its feminist political economy perspective renders the thesis as an intervention into popular celebratory accounts of young people's UGC that do not critically examine the way their labour is appropriated and their rights threatened by commercial platforms. In terms of rights, the articulation of privacy and intellectual property debates together under the concept of persona rights is intended to bring the issue of rights into relief, adding an attention to labour and endorsement within the area of information policy studies. Finally, the thesis's grounding in the accounts of Shawn, Angelika, Laura and Marilis is meant to breathe life into the academic study of young people's cultural production by validating the everyday experiences and reflections of these four young people, who represent a transitional stage of youth that is typically excluded from the study of youth and media that more often looks at children or teenagers. Following this group of early-20-somethings as they were engaged in negotiating the autonomy and precarity of online cultural production has been the most instructive and enjoyable aspect of writing this work.

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Appendix A

Participant Consent Forms and Ethics Approval

CONSENT TO PARTICIPATE IN “THE POLICY IMPLICATIONS OF YOUTH CULTURAL PRODUCTION ON THE WEB”

This is to state that I agree to participate in a program of research being conducted by Tamara Shepherd of the Department of Communication Studies of Concordia University, 7141 Sherbrooke St. West, CJ 3.230, (514) 848-2424 x2555, t_sheph@live.concordia.ca.

A. PURPOSE

I have been informed that the purpose of the research is as follows: to relate the activities and experiences of young people's online content creation to emerging governmental regulation of new media.

B. PROCEDURES

All research will be conducted in locations that are mutually agreed upon by the researcher and myself (these could include school buildings, coffee shops, libraries, etc). A series of monthly interview sessions, taking place over the course of four months, will involve answering questions and contributing to general discussion about my online activities. I will also participate in the creation of an online project that expresses some of my own reflections on the topics that arise in the interviews. My name and online project will be used in the study, unless I request confidentiality at any point during the research.

C. RISKS AND BENEFITS

The risks of this research are low to none. The benefits of this research include contributing to informed recommendations for government regulation of new media, and providing a better understanding of how online cultural production fits into public conceptions of new media use.

D. CONDITIONS OF PARTICIPATION

- I understand that I am free to withdraw my consent and discontinue my participation at any time without negative consequences. Upon withdrawal from the study, I have the right to ask that all transcripts and recordings be excluded from the study and destroyed.
- I understand that my participation in this study is NON-CONFIDENTIAL (i.e., my identity will be disclosed in the research). Yet at any time during the course of the research, I am free to request confidentiality if I so choose.

- I understand that the data from this study may be published and/or presented in scholarly journals and academic conferences.

I HAVE CAREFULLY STUDIED THE ABOVE AND UNDERSTAND THIS AGREEMENT. I FREELY CONSENT AND VOLUNTARILY AGREE TO PARTICIPATE IN THIS STUDY.

NAME (please print) _____

SIGNATURE _____

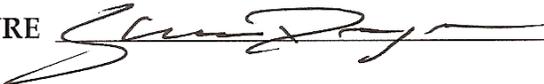
DATE _____

If at any time you have questions about your rights as a research participant, please contact the Ethics and Compliance Unit, Concordia University, at (514) 848 2424 x2425 or by email at kwiscomb@alcor.concordia.ca.

- I understand that my participation in this study is NON-CONFIDENTIAL (i.e., my identity will be disclosed in the research). Yet at any time during the course of the research, I am free to request confidentiality if I so choose.
- I understand that the data from this study may be published and/or presented in scholarly journals and academic conferences.

I HAVE CAREFULLY STUDIED THE ABOVE AND UNDERSTAND THIS AGREEMENT. I FREELY CONSENT AND VOLUNTARILY AGREE TO PARTICIPATE IN THIS STUDY.

NAME (please print) SHAWN DEZAN

SIGNATURE  _____

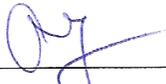
DATE 25/09/09

If at any time you have questions about your rights as a research participant, please contact the Ethics and Compliance Unit, Concordia University, at (514) 848 2424 x2425 or by email at kwiscomb@alcor.concordia.ca.

- I understand that my participation in this study is NON-CONFIDENTIAL (i.e., my identity will be disclosed in the research). Yet at any time during the course of the research, I am free to request confidentiality if I so choose.
- I understand that the data from this study may be published and/or presented in scholarly journals and academic conferences.

I HAVE CAREFULLY STUDIED THE ABOVE AND UNDERSTAND THIS AGREEMENT. I FREELY CONSENT AND VOLUNTARILY AGREE TO PARTICIPATE IN THIS STUDY.

NAME (please print) ANGELIKA JOACHIMOWICZ

SIGNATURE 

DATE OCT - 18 / 09

If at any time you have questions about your rights as a research participant, please contact the Ethics and Compliance Unit, Concordia University, at (514) 848 2424 x2425 or by email at kwiscomb@alcor.concordia.ca.

- I understand that my participation in this study is NON-CONFIDENTIAL (i.e., my identity will be disclosed in the research). Yet at any time during the course of the research, I am free to request confidentiality if I so choose.
- I understand that the data from this study may be published and/or presented in scholarly journals and academic conferences.

I HAVE CAREFULLY STUDIED THE ABOVE AND UNDERSTAND THIS AGREEMENT. I FREELY CONSENT AND VOLUNTARILY AGREE TO PARTICIPATE IN THIS STUDY.

NAME (please print) Laura Snelgrove

SIGNATURE 

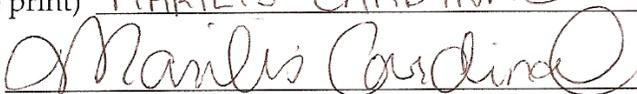
DATE 27/10/09

If at any time you have questions about your rights as a research participant, please contact the Ethics and Compliance Unit, Concordia University, at (514) 848 2424 x2425 or by email at kwiscomb@alcor.concordia.ca.

- I understand that my participation in this study is NON-CONFIDENTIAL (i.e., my identity will be disclosed in the research). Yet at any time during the course of the research, I am free to request confidentiality if I so choose.
- I understand that the data from this study may be published and/or presented in scholarly journals and academic conferences.

I HAVE CAREFULLY STUDIED THE ABOVE AND UNDERSTAND THIS AGREEMENT. I FREELY CONSENT AND VOLUNTARILY AGREE TO PARTICIPATE IN THIS STUDY.

NAME (please print) MARILIS CARDINAL

SIGNATURE 

DATE 21/01/10

If at any time you have questions about your rights as a research participant, please contact the Ethics and Compliance Unit, Concordia University, at (514) 848 2424 x2425 or by email at kwiscomb@alcor.concordia.ca.



CERTIFICATION OF ETHICAL ACCEPTABILITY
FOR RESEARCH INVOLVING HUMAN SUBJECTS

Name of Applicant: Dr. Leslie Shade

Department: Communication Studies

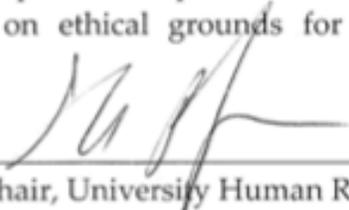
Agency: Concordia Arts and Science Fellowship

Title of Project: The Policy Implications of Girls' Cultural
Production on the Web

Certification Number: UH2009-073

Valid From: June 15th 2009 to: June 15th 2010

The members of the University Human Research Ethics Committee have examined the application for a grant to support the above-named project, and consider the experimental procedures, as outlined by the applicant, to be acceptable on ethical grounds for research involving human subjects.



Dr. James Pfaus, Chair, University Human Research Ethics Committee



CERTIFICATION OF ETHICAL ACCEPTABILITY
FOR RESEARCH INVOLVING HUMAN SUBJECTS

Name of Applicant: Dr. Leslie Shade

Department: Communication Studies

Agency: SSHRC

Title of Project: The Policy Implications of Girls' Cultural
Production on the Web

Certification Number: UH2009-073-1

Valid From: June 30, 2010 to: June 30, 2011

The members of the University Human Research Ethics Committee have examined the application for a grant to support the above-named project, and consider the experimental procedures, as outlined by the applicant, to be acceptable on ethical grounds for research involving human subjects.



Dr. James Pfaus, Chair, University Human Research Ethics Committee

Appendix B

Interview Questions

Set 1

name, age, other markers of identity:

Do you live at home with parents? In a university residence hall? In an apartment with or without roommates?

At present, how much time per week (or per day) do you typically spend online (estimate)?

How much of that time would you say is spent creating original content?

What kinds of content do you contribute to Internet sites?

What sites do you contribute to? What are your current favorite or most-visited sites?

What would you define as “original” or “creative” content?

If you create online content on a regular basis, how obligated do you feel to continue posting new material regularly?

What would you say are your motivations for creating content?

What kinds of skills or competencies do you feel go into creating online content?

What would you say are the benefits and drawbacks of creating online content?

How does creating online content relate to your “offline life”? (for instance, through friendships and relationships, monetary compensation, career training, creative expression, emotional fulfillment, etc.)

Set 2

Anything new with your online content?

At what age did you first begin to use the Internet regularly?

Where did you have access to the Internet and where did you most often use it at that time?

What kinds of online activities did you engage in on a regular basis?

What were some of your favourite or most-visited sites?

Were you engaged in creating original content online? If so, what kinds of content? And on which sites did this content appear?

Would you describe the content you contributed as creative? In other words, did you feel as though you were producing original creative work? Or does it feel that way in hindsight?

How would you describe your initial emotional attachment to Internet activities, for instance, were you enthusiastic about new forms of online communication?

Have your early feelings about those online activities changed since you initially began using the Internet? How so?

Do you find that you access the Internet from different locations than you initially did? For instance, do you use mobile devices to go online?

Has the type of content or your time spend creating content changed over the course of your involvement in online activities?

Set 3

Anything new in your online content?

Have you met any people through online means who you would describe as significant?

How do you think creating online content might relate to civic participation for young people?

Do you feel that your online activities are at all related to your identity/politics?

How do you feel about your intellectual property (i.e. the ownership of the content you create)? copyright issues?

Do you tend to read websites' terms of service (especially for those sites to which you contribute content)? Why or why not?

How concerned are you about your privacy online? (in the moments of sitting in front of the computer; interacting with it; releasing data)

If the government were to regulate UGC, what kinds of protections should they enact? (e.g. think about the current regulation of broadcasting, including: content; ownership; access; copyright; privacy; protection of minors.)

Glossary

Angelfire (launched 1996) – an early free website hosting platform, Angelfire offered users a template to create their own sites, within which they could change the look through basic html coding.

Bandcamp (launched 2010) – an online platform for music promotion and distribution, which mainly caters to unsigned and independent artists who set up “microsites” hosted by and searchable from the main site.

Blogspot/Blogger (launched 1999) – a free blog hosting site, called Blogger but under the blogspot.com as well as blogger.com domain names, that offers users templates or basic html coding to create their own blogs. Blogspot/Blogger was bought out by Google in 2003, and is now integrated into the Google suite of products.

Bolt (started 1996, shut down 2007) – an early version of a social network site, Bolt was aimed at teenagers in the U.S., and was organized according to forums and message boards. Users could create personal profiles and use them as their identity signatures throughout the site. Bolt was shut down in 2007 due to copyright violations that led to the site’s bankruptcy, then was briefly re-launched in 2008 only to be taken down a few months later.

Delicious (launched 2003) – a social bookmarking service where users compile links to other websites of interest, tag them with searchable keywords, and share them among friends or other users of the site.

Diaspora (launched 2010) – a non-profit social network site that is distributed in terms of ownership (it is owned by users) and design (where interconnected by individual pods form the nodes of the network). Founded and designed by four university students, Diaspora’s initial funding was generated through crowd-sourcing site Kickstarter, where potential entrepreneurs appeal to users for donations of various amounts.

Elgg (launched 2004) – a social network software that is open source, meaning that in addition to creating profiles for use among their network, users can manipulate the source code to alter the features and architecture of the platform.

Facebook (launched 2004) – famously portrayed in the 2010 film, *The Social Network*, Facebook began as an experiment of Harvard undergraduate Mark Zuckerberg, and has gone on from its initial launch at Harvard and other universities, to be the most prevalent social network site in the world, with over 800 million active users as of November 2011.

First Class Client – software for installing communication systems over the computer networks of institutions or workplaces.

Flickr (launched 2004) – a image hosting and sharing website, where users can upload their photographs, manipulate them, and tag them with keywords that are then searchable for anyone accessing the site. Flickr is widely used by bloggers in order to host images embedded in their blogs.

Foursquare (launched 2009) – a mobile social network site based on the act of checking in at various locations, where users announce their presence – usually in a store or restaurant, in order to become “Mayor” of that location, as determined by checking in more frequently than any other user.

Friendster (launched 2002) – the first widely popular social network site, Friendster revolves around the profile, where users post photos and information about themselves in order to connect to new and existing friends’ profiles. Friendster has since been re-tooled as a social gaming site, based in Malaysia and mainly active in Asian countries like Malaysia, the Philippines and Singapore.

Google+ (launched 2011) – a social network and identity service that allows users to create profiles that can be employed through the Google suite of products, and also can be accessed through its mobile application.

hi5 (launched 2003) – a social network site that has, since 2008, operated mainly for social gaming. User profiles are employed toward making friends to play games with, mainly games by new developers starting out in the social games market.

html – the basic coding language for internet sites.

ICQ (launched 1996) – the first widespread messaging software that allows users to chat with one another through a networked computer.

MySpace (launched 2003) – a popular social network site that gained prominence after Friendster and just before the advent of Facebook. MySpace is also based on personal profiles, but offers users more customization options through basic html coding to change the look of their profiles. MySpace also offers embedded song files, and has thus become a site catered toward emerging musicians as opposed to a general user base.

Moveable Type (launched 2001) – a free blogging software that was re-licensed as open-source software in 2007.

MSN Messenger (launched 1999) – Microsoft’s messaging program that allows users to chat through networked computers, now called Windows Live Messenger.

Napster (launched 1999) – the first widely popular peer-to-peer file sharing platform for exchanging mp3 audio files among people around the world. Napster’s notorious legal difficulties in relation to copyright infringement have resulted in the site now being employed as an online music store run by Best Buy Electronics.

Our Class/Nasza Klasa (launched 2006) – a Polish social network site that brings together classmates and alumni based on their educational affiliations. The site has 13.5 million registered users as of November 2011.

RealPlayer – software that enables a computer to play music files.

RunKeeper (launched 2008) – an application for the Apple iPhone which tracks users' running routes and times, and allows them to share their results with other users through GPS tracking.

SoundCloud (launched 2007) – a website for audio files, where users can upload, collaborate on, and promote their music, while distributing it for free through online streaming and often also downloading.

Tumblr (launched 2007) – a free blog and microblog hosting site that offers templates and basic html coding for users to set up their blogs, either on a computer or a mobile device through the Tumblr mobile application. The site hosts over 34 million blogs as of November 2011.

Twitter (launched 2006) – a free microblogging site that asks users to post short messages of 140 characters or less, either from their computers or mobile phones through texting or the Twitter mobile application.

Ultimate Band List (launched 1994) – a website that aimed to compile a definitive database of all musical groups, linking to their official sites, fan pages or other online media. Since 2006, UBL has focused on unsigned independent bands, under the direction of parent site, Artistdirect.

Wikipedia (launched 2001) – a free online encyclopedia where all content is provided by users, who contribute information voluntarily and edit each other's entries through a democratic process of debate, recorded by the site. While versions of Wikipedia exist in several languages, the English-language site is the largest, with nearly four million entries.

Xanga (launched 1998) – a free blog hosting site, directed mainly toward teenagers, who could use the templates provided or basic html coding to create custom blogs and link them through blog rings to other people's blogs.

YouTube (launched 2005) – a user-generated content video sharing site, where users post videos for people to watch, comment on, link to and respond by another video. Increasingly, YouTube has been used by corporations to post promotional content, such as official music videos.