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Three Attributes of Open Content

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So, what is open content and why does it matter to public broadcasting?

What better place to start with a definition than Wikipedia, itself an open content initiative? It says:

Open content, coined by analogy with "open source," describes any kind of creative work including articles, pictures, audio, and video that is published in a format that explicitly allows the copying of the information. Technically, it is share alike without any prohibitions ... Content can be either in the public domain or under a license like the Creative Commons License. The term is also used to emphasize content that can be modified by anyone; not exclusively by a closed organization, firm or individual.¹

Perhaps indicative of the religious significance of the subject, this and related Wikipedia entries carry many pages of comments and argumentation on attached discussion pages.

We often hear that "information wants to be free." But what kind of free?

The Free Software Foundation, which developed pioneering open licenses for its GNU Project, states:

"'Free software' is a matter of liberty, not price. To understand the concept, you should think of 'free' as in 'free speech,' not as in 'free beer.'"²

I'd like to talk briefly about three attributes that can be associated with open content – two are in the description I just read and are commonly used. The third, open distribution, is less common but still important. These three have business, legal and cultural implications for public broadcasting; hence, I suppose, the reason for this conference.

I should say that my religious views on the definitions involved here tend toward the Unitarian side.

Free as in free beer

The first attribute I want to discuss is the notion that open content means content free of charge – "free as in free beer."

The ideals of "free as in free speech" often get merged with or even trumped by the realities of "free as in free beer," but there we are. Let's return to the notion of liberty in just a bit.

Free is a wonderful thing. It's deeply rooted in the culture of the Internet – that is if anything can be considered deeply rooted in such a young development.

¹ http://en.wikipedia.org/wiki/Open_content.

² <http://www.gnu.org> and <http://www.gnu.org/philosophy>.

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But then, the Internet is not only a young development, it is deeply rooted in development *by* the young. Here are two famous examples. As a university student in Finland, Linus Torvalds, started the a widely-used open source operating system, Linux. A bit to the west in Norway, Jon Lech Johansen was 15 when he cracked the DVD code, 19 when he was acquitted of charges in that case, and 20 when he cracked the iTunes code. Linux is welcomed -- outside of Redmond at least -- while many feel that “DVD Jon’s” work is a threat to property rights.

Perhaps not for them, but for many, free of charge becomes a core value when your development budget is an allowance or a paper route. Some argue the bias toward “free as in free beer” has led to a widespread entitlement attitude that will be hard for media companies to penetrate.

“Free-as-in-free-beer” isn’t absolutely essential for the manifest benefits of peer production, about which Professor Benkler writes so forcefully,³ but it definitely lubricates the process.

Over-the-air public broadcasting has historically been free of charge. However, one in ten viewing households of public television and one in seven listening households of public radio contribute just over \$100 per year for those “free-of-charge” services. Users of America’s commercial stations pay for programming through the costs of advertising passed on through the goods and services they buy – about \$445 per household in 2005 for broadcasting (\$589 per household if you add cable) – not to mention the cost of goods and services that we wouldn’t have otherwise purchased.⁴

Nearly every source of revenue for public broadcasting has its critics. We are told that we shouldn’t take government money because it makes us timid; we shouldn’t take corporate money, even non-associated underwriting, because it makes us beholden; and we shouldn’t take membership money because it dumbs down our programming. We’re told that we shouldn’t charge a fee to access programming online because that violates the principle of “free-as-in-free-beer” access. Lacking a miracle like a receiver tax or spectrum trust fund, the collective wisdom of funding critics leaves us with the prospect of programming emerging by some new form of spontaneous generation, unencumbered by the friction of money.

Or, in the words of Russell Long, “Don’t tax you, don’t tax me, tax that fellow behind the tree.”

Interestingly, so far we have little push back about charging for physical copies of programs, nor for the relatively small amount of video-on-demand programming that gets distributed to cable subscribers.

Bottom line? A world where many sources of revenue come together to make content happen minimizes the influences of any one of them.

³ Yochai Benkler, *The Wealth of Networks: How Social Production Transforms Markets and Freedom*, Yale University Press, 2006.

⁴ TNS Media Intelligence Reports U.S. Advertising Expenditures Increased 3.0 Percent in 2005, <http://www.tns-mi.com/news/02282006.htm>.

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Free as in free speech

This brings us to the second attribute. “Free as in free speech” is advanced when people have the ability to produce, professionally or as citizens, content unencumbered by the influences of resource acquisition. Open content advocates say that should include the ability to change or repurpose content produced by others.

One doesn’t have to go too deeply into the study of music, or film, or drama, or literature to see the importance of derivation in the process of creation. In fact, many of our television programs incorporate footage and music that has been licensed for derivative use in our creations. Quotes have been an important part of music composition from classical to hip hop. Just as there are families of languages, there are schools of literature, drama and music that follow common creative themes or styles and which are indicative of the depth and long history of this practice.

Yet the philosophy of free speech and the traditions of creativity regularly run up against the realities of our professional culture and intellectual property constraints.

My observation after a long career is that public broadcasters are – *inside* – primarily motivated by the production, rather than the distribution, of programs. If we were transported back to one of the *Our Gang* comedies of the Thirties and Darla said to Spanky, “Hey, I know, let’s put on a show!,” we’d break a leg to get started.

Our industry has become very good at it and we’re very protective of our journalism and our creations. Legal niceties aside, we don’t as a general rule relish the prospect of someone deconstructing our programs for the purpose of creating something new – unless, of course, we can sell the out-takes.

However, the legal niceties are not easily set aside. As I just mentioned, it’s very common for public television programming to be a collage of intellectual property aggregated and repurposed for the purpose of telling a story. WGBH’s, “The Elegant Universe,” has been often cited as an example, incorporating hundreds of separate rights agreements.⁵ Free speech in this case is neither cheap nor simple. In fact, hairball might be a better term than collage to describe the process.

That’s not unique to public broadcasting of course. Down the street, the innovative OpenCourseWare initiative at MIT has placed full materials for over 1,200 courses online, yet still has intellectual property restrictions that keep many offline.⁶

Open distribution

Finally, the third attribute of open content that I want to mention is open distribution, which one might define as distribution freed from its traditional gatekeepers. Hold it... That includes us.

I’ve spent the last two years working with a group of stations and independent producers on open distribution questions, an effort that a year ago last spring joined forces with a California non-profit called Open Media Network.⁷ That has made this attribute of open

⁵ <http://www.pbs.org/wgbh/nova/elegant/>.

⁶ <http://ocw.mit.edu>.

⁷ <http://www.omn.org>.

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content particularly close to my heart – but initially the open part seemed foreign to me as well. (OMN, by the way, just made its 1.0 release today.)

Arguably, just about every element of the broadcast culture emerges from scarcity – scarcity of channels and scarcity of attention. We’ve turned necessity into a virtue to such a degree that when abundance shows up at our doorstep, it’s hard to recognize as an asset. I’d argue that just as it frees independent creators from gatekeepers like us through RSS, video blogs, podcasts and more than 100 free-for-all sites like YouTube, it frees us from the tyranny of scarcity.

To take that in, we need to think of public media as including not just radio and television – the “big craft” media – but also “small craft” audio and video. After all, when you don’t have enough money to do enough “big craft” to fill *scarcity*, how are we ever going to fill *abundance*?

I think the answer to that comes in part from what’s pragmatically clearable in the archives of “big craft” radio and television produced in the past, but also, importantly, from extending our notion of what is public media to the type of production undertaken by the WGBH Forum.⁸ Station partnerships -- unconstrained by scarcity -- with other community non-profits, educators and government organizations – and with the public whose “name” we’ve appropriated for our enterprise for nearly 40 years, are the key, I think, to revitalizing our enterprise at the community level.

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<http://www.technology360.com>

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⁸ <http://forum.wgbh.org/wgbh/>.