

Downloading Communism: File Sharing as Samizdat in Ukraine

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This article explores the cultural meanings of file sharing and other forms of digital media piracy in Ukraine. Ukraine, the second most populous of the former Soviet republics, had been named as one of the ten "priority countries" with "unacceptable piracy rates". Western governments and commercial associations have lobbied intensively to present piracy in straightforward terms as a crime. In contrast, the author argues that file-sharing practices in Ukraine reflect distinctive features of its cultural heritage. Two factors are particularly important here: the Soviet Union's disregard for international copyright norms and the cultural tradition of *Samizdat* that arose as a form of cultural resistance to the state's monopoly on conventional reproductive methods. *Samizdat* was closely tied to the emergence of a modern Ukrainian national identity.

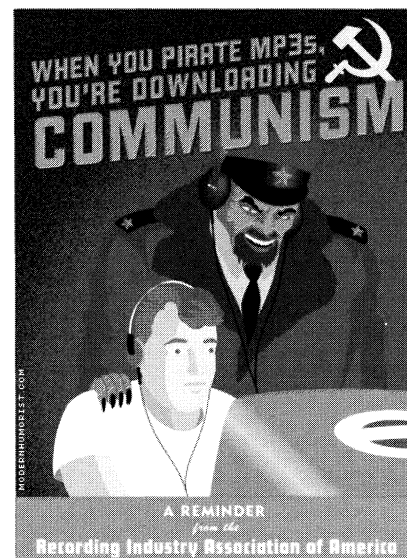
An analysis of current Ukrainian attitudes toward piracy, focused on users of the popular Muzon.com music-sharing site, shows that these factors influence attitudes toward the legitimacy of international copyright measures. Many Ukrainians distrust the imposition of controls on reproduction of information and resent the coercive tactics used against local pirate producers on behalf of Western copyright holders. Parallels between file sharing and *Samizdat* are particularly instructive because both take place from one individual to another along an anonymous chain, across national boundaries and without the control of copyright holders. In both cases, the political meaning of the action comes from participation in the process itself, as much as from the material being shared.

Introduction

In 2000, just as the Napster service was adding file sharing to email and Web browsing as one of the main uses of Internet bandwidth, a poster appeared (see Figure 1). It was created by online magazine Modern Humorist (Colton & Aboud 2000), but like so many other pieces of Internet folk culture, its origins were quickly obscured as it spread from one person to another: transmitted in messages sent to friends and co-workers, linked to in blogs and printed out for ironic display on office doors of hip professors and the cubicles of systems administrators.

"When you pirate MP3s you're downloading Communism," warns the poster, over a 1940s style propaganda image depicting a satanic figure sporting a Leninesque goatee and Soviet lapels. This fiend stares over the shoulder of an oblivious computer user, watching the screen of his Apple iMac with interest. The poster pastiches the imagery and message of Second World War classics

Figure 1. Celebrated Modernhumorist.com cartoon "Downloading Communism"



in which caricatures of enemy leaders are shown rejoicing as foolish citizens fail to eat less food, preserve secrecy or carpool ("When you ride alone

you ride with Hitler! Join a car-sharing club today!") (Pursell 1943; Huang 2005). The satirical pay-off comes at the bottom of the poster, with the text "A reminder from the Recording Industry Association of America." The poster resonated so widely because it lumped the RIAA, then making headlines with an ultimately successful campaign to sue Napster out of existence (BBC News 2000) with the absurdly outdated imagery of the Soviet Union and the crude anti-communist propaganda of the early Cold War. It also parodied earlier poster campaigns carried out on behalf of copyright enforcement, such as the British Phonographic Industry's much-ridiculed campaign of the early 1980s "Home Taping is Killing Music... And It's Illegal." The satirical poster implied that the RIAA's attempts to stamp out file sharing were as alarmist and futile as these earlier campaigns against communists and tape recorders. So well produced was it that many questions were posted online by those who had come across it and wondered whether it was a genuine RIAA production. (A published article by an author identified as "Senior Legal Officer, Australian Copyright Council" cited the poster approvingly, albeit with a caveat that it was "uncertain" whether it was really produced by the RIAA (McDonald 2001).

To the young creators of the poster, and its Napster-loving American viewers, Communism was safely distant and full of period charm: a long-since vanquished, absurdly kitschy, and ultimately ineffectual enemy. Yet the use of file sharing software spans many different cultures. As I pursued my own research on the use of file sharing technology in Ukraine, a former Soviet Republic, I started to wonder what the experience of seventy years of Soviet rule had done to shape Ukrainian thinking on the issue of "downloading communism." I began to realize that Ukrainian users had a quite different sense than their American comrades of the copyright issues involved, the relevance of communism to file sharing and indeed the cultural meaning of file sharing technology within Ukrainian society.

These, I argue, can only be understood through reference to their diverging historical experiences. Analysis of the discussion of copyright, piracy and Internet file sharing in the Ukrainian press and within the Ukrainian community website Muzon.com demonstrates that local attitudes and practices have been shaped profoundly by the Soviet

experience. Today's intellectual property environment reflects both the Soviet culture's lack of concern for the rights of individuals, businesses and foreign governments and the struggle of opposition and nationalist groups to freely distribute material outside the control of Soviet authorities. These two factors, while in many ways opposed, both influence Ukrainians to reject constraints on the free distribution of copyrighted materials. In addition, the efforts of Western businesses and governments to enforce their own copyright regimes on Ukraine trigger resentment in a nation that long suffered under the dictates of the Kremlin. I show a number of technical and cultural similarities between the practices of Internet file sharing and those of Soviet *Samizdat*, which I argue lead some Ukrainians to interpret the struggle against Western copyright as the expression of political freedom and national identity.

Users, information and copyright

Little or no previously published work has examined user perspectives on file sharing and copyright issues in Ukraine or other post-Soviet countries. A thriving body of literature examines the technologies of peer-to-peer file sharing (Oram 2001; Gummadi *et al.* 2003; Androutsellis-Theotakis & Spinellis 2004; Dumitriu *et al.* 2005), its usage patterns in Western countries, and its economic impact on the recording industry (Raini & Maddene 2004; Oberholzer-Gee & Strumpf 2005; Zentner 2006). Several authors have addressed cultural aspects of peer-to-peer from an end-user perspective in the United States (Agre 2003; Gal, Singer & Popkin 2003; Loo 2003; Andrade *et al.* 2005). While Ukraine occasionally appears as one country among many when international statistics are presented in economic work, no previous author has examined the cultural or social context of peer-to-peer usage there. Indeed, little scholarly attention has been paid to any aspect of the development of copyright and intellectual property regimes within Ukraine and other Soviet countries; existing work (Shylyuk 2002; Motsnyi 2004; Pilch 2004) focus on legal measures rather than actual practices or cultural beliefs. Existing research has shown that other developing countries differ from the Western world in their perception of commercialization of intellectual property (Britz & Lipinski 2001). The Western copyright system evolved

over three centuries as a means to maximize the public good by providing an incentive to create new cultural works with a temporary monopoly on their reproduction and sale (Mann 1998). Even in the Western context, the copyright regime has been criticized as warped by the interests of a handful of large corporations (Lessig 2004) and as a tool of capitalist ideology (Richards 2004).

An enormous body of work has demonstrated the importance of understanding users when studying the social roles of technological systems. In recent years, sociologists and historians of technology have been paying ever-greater attention to the role of users in shaping the effectiveness, social function and cultural meaning of technologies. For a long time, research into technological change focused on the creation of new inventions, which in turn was often supposed to occur as a result of the application of advances in pure science (the so-called "linear model") (Grandin *et al.* 2004). Attention has increasingly shifted toward the broader concept of an "innovation process," in which the act of invention is only part of a much broader set of activities needed to create a successful and widely used new product (Rogers 1995). Yet scholars in many fields have increasingly shifted away from the roles of the creators and packagers of technologies altogether, to focus instead on the roles of users. Much has been written on the creative reuse or "sampling" of sounds and images to create new "mash-up" works (Lessig 2001). In the same way, scholars have argued that user communities often find applications for technologies quite different from those intended by their original creators. Even the Model-T Ford, that emblem of mass-produced homogeneity, was extensively customized by its owners (Franz 2005). An ethnographic study of home computer use found that different families incorporated them into their daily lives in very different ways (Lally 2002). Users play a crucial part in shaping technologies, and determining what is sometimes called their impact on society. As Nelly Oudshoorn and Trevor Pinch (2003, 2-3) wrote in the "Introduction" to their recent volume *How Users Matter*, "In addition to studying what users do with technology, we are interested in what technologies do to users Users and technology are seen as two sides of the same problem – as coconstructed."

File sharing is a new technology, and the dominant systems and networks continue to evolve rap-

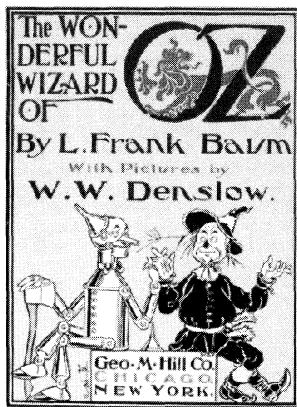
idly (in part because of the legal efforts by RIAA and others to outlaw popular programs). Its use, and indeed its existence, remains controversial and organizations such as RIAA, the World Intellectual Property Organization (WIPO), and the International Federation of Phonogram and Videogram Producers (IFPI) have waged expensive campaigns to convince potential users that using file sharing networks to exchange copyrighted materials is both dangerous (since one might be sued for millions of dollars), illegal (since file sharing is stealing) and morally indefensible (since file sharing takes bread from the mouths of starving recording artists). While these groups continue to pursue legal actions against file sharing (Associated Press (AP) 2003; Borland 2004), and technological (Kumar *et al.* 2006; Liang *et al.* 2006), their public campaigns recognize the crucial role of user attitudes and practices in determining the future development of file sharing. Sociologists of technology have argued that social construction is particularly important in the early years of a new technology, before a social and technical "closure" is reached around a particular taken-for-granted version of what a technology does, who it is for, and how it should be used (Pinch & Bijker 1987).

Intellectual property in Ukrainian culture

While Internet file sharing is still a relatively new and uncommon activity in Ukraine, its patterns of use rest on the nation's existing intellectual property regime and cultural infrastructure. Ukraine, the second most populous of the former Soviet republics, had been named by the IFPI as one of the ten "priority countries" with "unacceptable piracy rates" (IFPI 2005). Kyiv, its capital, is notorious as a center for piracy. Copied CDs and DVDs are sold openly by street traders, most notably at the famous Petrovka Market where more than 300 stalls are estimated to do business (IFPI 2006). Many of the disks sold in Ukraine are reported to have been mass produced in well-equipped factories, whose owners served as a powerful political lobby in the murky world of Ukrainian politics. IFPI estimates that these plants have an annual capacity for more than 100 million units, and that more than 80% of the music disks purchased in Ukraine are illicit (IFPI 2005).

Many Ukrainians do not share the Western legal concept of intellectual property as an analog of

Figure 2. Book covers from *The Wonderful Wizard of Oz* by L. Frank Baum and *The Wizard of the Emerald City* by Aleksander Volkov.



physical property and unauthorized reproduction as an analog of theft. This can be traced back to Ukraine's experience as part of the Soviet Union. The USSR did not recognize the concept of intellectual property, particularly as it related to foreign and scientific works. As one observer of the 1970s noted,

The Soviet Union consistently has been one of the largest producers of translations in the world. The most important was the principal of "freedom of translation". In the period 1946–1970, Soviet Publishers produced 26,737 different works by foreign authors, with a total circulation of 1,088,295,000 copies. The USSR well deserved the title of 'the world's most active literary pirate' ... until 1967 the USSR refused to establish copyright relations with any foreign countries. (Newcity 1978, 33)

A particularly dramatic application of the "freedom of translation" principle was provided by "The Wizard of the Emerald City," a hugely popular story by Russian writer and metallurgy professor Aleksander Volkov (see Figure 2). Published in Russian in 1939, it told of a little girl from Kansas who was transported by a tornado with her dog Totoshka on a trip to visit a wizard. Even today, few in the former Soviet Union realize the work is a translation from Frank Baum's celebrated original. As Anne Nesbet (2001) wrote, "One of the under-appreciated ironies of the Cold War is that the imaginations of Soviet children were nourished by the same fairytale loved in the United States ..." Volkov changed very little in his 1939 edition of "Volshebnik." Though as Nesbet notes: "Volkov's wizard is a decidedly more expert balloonist than Baum's: his balloon uses hydrogen rather than

mere hot air, and he even assures Elli (renamed Dorothy) that he will be able to find a supply of hydrogen in fairyland." This reflected Soviet efforts to publicize national expertise in aviation. However, despite such innovations, "only fifteen pages of Volkov's 1939 Volshebnik contain entirely new material ..." (Nesbet 2001). Volkov wrote several sequels and his book was translated into thirteen languages and sold throughout the socialist block.

In 1973 the Soviet Union announced that it was joining the Universal Copyright Convention, though critics suggested this was motivated not by a newfound interest in paying royalties, but rather stemmed from an interest in suppressing the foreign publication of works by Soviet dissidents (Taylor 1973; Newcity 1978).

Since achieving independence in 1991, Ukraine has moved to bring its legal code into line with Western copyright provisions. These reforms granted protection for the first time to foreign sound recordings, and added protection for published works created prior to the Soviet Union's acceptance of the Universal Copyright Convention. In 1993, shortly after independence, Ukrainian legislature enacted a new law on copyright and intellectual property. Further laws and decrees followed, including the Copyright Act of 2001, which revised the former Copyright Law of 1993. Ukraine acceded to the Geneva Phonograms Convention in 2000, and to the WIPO Copyright Treaty in 2002 (Pastukhov 2002).

However, critics complained that these provisions were poorly thought out and lacked vital tools necessary to their enforcement. A 2003 re-

port from the International Intellectual Property Alliance (IIPA) concluded that, "the history of copyright enforcement in Ukraine the past few years has consisted of a series of missteps, undercutting effective enforcement" (IIPA 2003). Ukrainian requirements blocked the import of authorized disks while doing little to slow domestic piracy. The producers and sellers of pirated materials have rarely been prosecuted, and customs authorities did little to stem the flow of pirated materials across the borders. These actions have been attributed to the corrupt and inefficient nature of the Ukrainian government in general, and to the success of pirate producers in lobbying politicians and judges (Aslund 1998; Tannock 2002; Warner 2005). However, this also reflects Ukraine's Soviet legacy (Kaminski & Kaminski 2001). A report (Boulware 2002) in *Wired Magazine* suggested that, "the judges themselves don't view intellectual property theft as a crime." Given the many pressing problems faced by Ukraine, few citizens would have identified music piracy as a priority for law enforcement agencies.

Intellectual property and Ukrainian nationalism

Pressure on the Ukrainian government to eliminate commercial piracy has been coming almost entirely from foreign governments and powerful international lobbying groups such as the IIPA (International Intellectual Property Alliance), an umbrella coalition representing numerous U.S. trade associations), WIPO (The World Intellectual Property Organization, a specialized agency of the United Nations), the BSA (Business Software Alliance, representing the interests of the world's commercial software industry) and IFPI (The International Federation of the Phonographic Industry, a federation made up of various national recording industry associations).

These industrial and governmental bodies present piracy in straightforward terms as a crime, and emphasize links between music piracy and violent organized crime. The international struggle against piracy is seen as a straightforward matter of building a strong legal framework in developing countries and then making sure that local authorities enforce these laws. They assume that national development follows linear path from the lawless frontier of unchecked piracy to

the well-policed copyright regime evidenced in the United States (IFPI 2005). Their main leverage has come from Ukraine's desire to trade freely with the West. The initial push to enact IP protections in 1993 came from negotiations with the U.S. to receive trade benefits. At this time the United States offered low-tariff trade to countries granted what was known, under the rules of the General Agreement on Tariffs and Trade, as "most favored nation" status. (This status has been renamed to "Normal Trade Relations"). The Jackson-Vanik Amendment of 1974 had barred the Soviet Union from receiving most favored nation status, but its successor states were keen to normalize their trade relations with the U.S. Achieving and maintaining this status requires approval of the U.S. President and Congress, and during the 1990s American politicians often push to deny it to countries that committed human rights violations or flout the rules of international trade. After independence, Ukraine began receiving annual exemptions from the amendment's provisions. More recently, Ukraine has been negotiating to join the World Trade Organization, a process requiring the consent of existing member nations and a protracted series of negotiations. (Bihun 2006; Bodoni 2006)

The United States has not been shy in wielding its trading power in defense of the intellectual property interests of its music and movie companies. Trade benefits granted after independence were contingent on Ukraine's adherence to intellectual property measures, and the International Intellectual Property Alliance lobbied Congress with the message that Ukraine was not living up to its side of the bargain. In 2001 the United States suspended Ukraine's duty-free access to U.S. markets and imposed \$75 million dollars of trade sanctions in response to the rampant pirating of optical media products (Boyarski *et al.* 2001; IIPA 2001). This dramatic action produced some results in Ukraine, including a new 2005 law aimed specifically at optical disk piracy and a number of raids on pirate factories and warehouses. The threshold for criminal activity was lowered 150 times to 3000 hryvnias (\$600) (Peretyatko 2005). In exchange for these measures the United States lifted its sanctions on Ukrainian exports (Nynka 2005). In 2006 Congress voted to permanently end the Jackson-Vanik restrictions on Ukraine, and the U.S. agreed to support Ukraine's bid for WTO membership (Gentzel 2005; IFPI 2006).

For many Ukrainians, however, the heavy handed efforts of powerful foreign powers to re-write Ukraine's laws according to their own models seemed an unwelcome echo of a long history of foreign domination. Ukrainian national pride tends to focus on the so-called Golden Age of Kyiv during the tenth and eleventh centuries and on a period of semi-autonomous Cossack rule during the seventeenth and eighteenth centuries. From a nationalist viewpoint, however, the bulk of Ukraine's history been a sad story of partition between successive regional powers, followed by ever-closer integration into the Russian Empire. Ukraine enjoyed short period of independence from 1917 to 1921, when the Soviet forces crushed Ukrainian army and Ukraine was absorbed in the Soviet Union. During the last decades of Czarist rule the Ukrainian language and cultural identity had been harshly suppressed, and efforts were stepped up further during Soviet times. In 1932–1933 more than 7 million people perished of starvation as a result of disastrous agricultural policies Stalin introduced specifically to depopulate the Ukrainian heartland (Conquest 1986; Subtelny 2000). As Russification continued after World War II, by the early 1980s it seemed that Ukraine's fate was inextricably tied to Russia. But in 1988, during the *Perestroika* years, writers and intellectuals set up Ukrainian People's Movement of Restructuring (*Rukh*), beginning the public revival of Ukrainian nationalism. In 1991, Ukrainian independence took place as a by-product of the implosion of the Soviet Union, and came as something of a surprise to all concerned (Wilson 2002).

Unsurprisingly, Ukraine's national identity is still rather fragile, and relies on the active promotion of Ukrainian language, establishment of a pantheon of national heroes, and the celebration of liberation from hundreds of years of foreign rule. While Ukrainian nationalist sentiment is, almost by definition, anti-Russian, it does not follow that it is always pro-Western. The United States too can be seen as an alien power intent on imposing its own values and culture on the world. As small local businesses, pirates like to appeal to Ukrainian pride in their struggle against foreign copyright holders. One journalist wrote: "... As for 'authorship rights,' pirates categorically refuse to seriously acknowledge their significance at all ... For instance, one of the young entrepreneurs I got to know, declared that unlicensed software and

music tracks belong to the whole of humanity and that he, as a 'true Soviet person', does not want to recognize vile capitalist copyrights. ... Western legislations, with their 'protection of intellectual property,' protect interests of corporate monopolies, American capital, and all those dark forces, that they call... 'globalism'!" (Lykhovod 2001).

While campaigns against piracy often rest on the idea that copying will deprive artists of the livelihood, publishing in the USSR was never market driven. A system of royalty payments and copyrights was established under Soviet law, but the idea that artists made a living through the sale of their work was not a part of Soviet culture. Artists and writers were supported by the state and, in return for furthering its ideological agenda, were granted salaries, apartments and the other essentials of life (Newcity 1978; Swanson 1984; Garrison & Gans 1994).

As citizens of one of the poorest European countries (GDP \$1,773 per capita) (The Economist Intelligence Unit 2006) most Ukrainians are unable or unwilling to pay for legitimate copies of computer software, music, and movies. According to one opinion column published in the Kyiv Telegraph, software piracy can be justified morally because Western countries offshore software production to low-cost countries, but then charge prices that their own overseas contractors cannot afford to pay. Software pirates are restoring justice by making software available to the developing countries by the prices they can afford (Zcvkhediani 2004).

File sharing in Ukraine

In recent years, the focus of international intellectual property enforcement has turned toward illicit Internet distribution of music, movies and software, particularly via peer-to-peer file sharing systems. By the end of the 1990s the recorded music industry saw these systems as a major threat to its existing business model. The RIAA successfully closed down Napster, the first widely used file-sharing service (Evangelista & Egelko 2001). Newer file sharing services and networks, including Kazaa, BitTorrent, and Gnutella, have been harder for the industry to shut down (Ahrens 2003). Meanwhile, improvements to software and the widespread availability of high-bandwidth residential connections in many Western and Asian countries has made it increasingly practical

to share large movie and computer program files as well as musical recordings (Wang 2003).

But while Ukrainian peer-to-peer file sharing users are engaged with the same software and connected to the same global networks as their western counterparts their use of the technology and its social meaning are quite different. To some extent this is a simple result of economics. File sharing works very slowly over a dialup connection, and so its initial core user group in the West consisted of college students with high bandwidth access to the Internet via campus networks. Only later, with the spread of high bandwidth home connections, did it become possible to download very large files from home. The Internet came later to Ukraine than to western countries, and is still far less prevalent there. Internet access is readily available, with more than 270 Internet Service Providers (ISP) doing business. Broadband service is readily available in much of Kyiv, with packages priced at around \$20 a month. But with an annual per capita income of just \$1,200 {The Economist Intelligence Unit 2006, #1678} such services remain out of reach of most Ukrainians. Nielsen//Net Ratings (2006) estimates that more than five million Ukrainians are regular Internet users, representing just 11.4% of the population. This is significantly below the global average of 16.7% and well below the 51.9% penetration in the European Union (Nielsen//NetRatings 2006).

Because high-quality, low-cost pirated music and film disks are readily available in Ukraine while high-bandwidth Internet connections remain scarce, peer-to-peer file sharing fills a different niche here than in Western countries. For one thing, a downloaded file is more likely to substitute for purchase of an illicit physical copy than a legal one, simply because the majority of Ukraine's film, music and software sales are made by pirates. It follows that any loss of revenue would be felt by pirates rather than legitimate producers of music and video recordings, particularly since price-sensitive consumers are unlikely to be considering the purchase of an official disk in the first place.

But while file sharing has yet to enter the Ukrainian mainstream, an enthusiastic and rapidly growing community of Internet users has adopted Web and peer-to-peer technologies to share music and video files. I have been observing the activities of this community through one of its

online hubs, Muzon.com. This is a popular subscription-based Ukrainian language website with close to seven thousand registered users. Visitors discuss political, cultural, social issues, download songs, and view programs from Ukrainian television. Discussion forums host debates on piracy, music file sharing, and the development of the Ukrainian music. Like many community-based websites, anyone is able to view existing discussion items but users must establish a free account in order to post their own contributions. Because Ukrainian copyright enforcement remains lax, the site can offer its own unlicensed download service, whereby users can listen to low-quality streaming audio free of charge or pay a small fee to receive a high quality, downloadable version of a song.

One of the distinctive features of file sharing networks is their global reach. These systems build on the peer-to-peer nature of the Internet itself, in which (firewalls aside) any computer hooked up to a constituent network can send or receive data packets to or from any other computer hooked up to a constituent network. While Western users will generally find communication with computers in the same city to work faster and more reliably than those with computers located in other continents they need take no special steps or pay no special fees to communicate internationally. Indeed, few users of file sharing systems know or care where the computers they are downloading from are located. (The systems generally just display a numerical IP address, such as 199.239.137.200. An interested user could discover what network domain the number is assigned to, and hence what country the machine is located within, but this makes no difference to the operation of the file sharing system).

The situation is different in Kyiv. Unlike heat, gas or water, Internet bandwidth is usually metered in Kyiv. Znet (name changed), one of the leading ISPs in Kyiv, offers a standard package including just 750MB of international data exchange and 8GB of data transfer within Ukraine. Once this limit has been exhausted, downloading a 1GB compressed movie file from a foreign source via a peer-to-peer system would cost around \$50 – hardly an economic alternative to a market stall DVD. Still more alarmingly, uploads requested by foreign users could add thousands of dollars to the monthly bill if a program like Kazaa was left running. Even the \$4 to transfer a gigabyte within

Ukraine is a significant sum for most Ukrainians. But Znet also offers its own site for the exchange of films, music and software. Users are free to upload their files for others to enjoy. A download of the same file from Znet's own server would not count toward these traffic limits and might take place much more rapidly over the high-speed local network. Znet's only acknowledgement of copyright law appears to be a simple disclaimer which users must click before accessing the site. In the West, so-called "warez" Web and ftp sites for the exchange of pirated materials usually appear secretly and disappear rapidly once service providers discover their existence, but such sites appear to enjoy much longer, happier and more overt lives in Ukraine. Both Napster's original peer-to-peer model and the subsequent refinement of the model by other services to eliminate the central catalog of available files were inspired by the need to avoid legal liability for exchange of copyrighted materials. Downloading from a central server is more convenient and reliable than peer-to-peer file sharing for many kinds of file exchange (it is, after all, the model adopted by iTunes and other commercial sites) so, in the absence of effective legal enforcement, it is not surprising that services such as Muzon and Znet are a popular alternative to peer-to-peer networks.

File sharing and Samizdat

The social construction of file sharing systems within Ukraine has been influenced in several ways by the country's socialist past. The idea of "downloading communism" does not appear so ridiculous to Ukrainians as it might to Westerners, and neither it is necessarily undesirable to them. In the former Soviet Union, Communism meant a future utopian society where everybody would be free and equal, private property wouldn't exist, where the ruling economy principle would be: "For each according to his needs, and from each according to his ability" (Marx & Engels 1848). Sergey Rublev of the Russian language online publication Lenta.ru writes: "File sharing implies 'communism' – users allow their own internet channels and power of their computers to be used for the benefit of other users" (Rublev 2005). Bauwens goes further in positioning P2P as a new mode of property and production (Bauwens 2005). But file sharing and other forms of piracy in Ukraine can

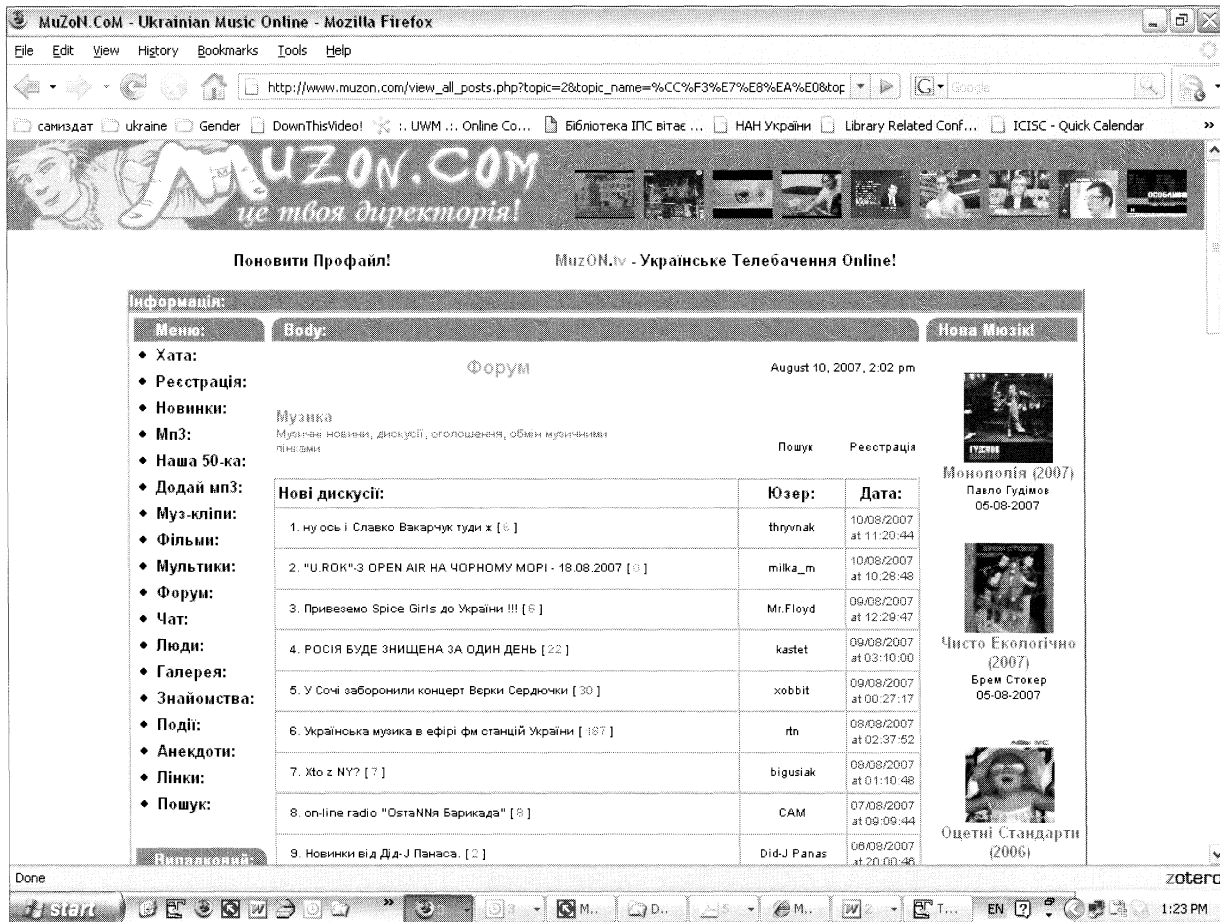
draw upon another powerful cultural tradition: *Samizdat*. Soviet authorities maintained a monopoly on the means of mechanical reproduction of printed and recorded works. Xerox machines were banned for general use, and Soviet citizens needed special permission to make any photocopies. The illicit reproduction of unsanctioned material was seen as a heroic act of resistance. Manuscripts were photographed, retyped or copied longhand and passed from person to person in a practice known as *Samizdat*.

The concept of distributing underground literature did not originate in the 20th century Soviet Empire. For instance, the Russian Decembrist movement of the 19th century used underground literature extensively. However, I focus on 20th century *Samizdat* in the former Soviet Union. Since its inception in the 20th century, Soviet *Samizdat* went through a number of transitions.

Ukraine's acceptance of the piracy of copyrighted works can be viewed as a continuation of this *Samizdat* tradition. Many Ukrainians continue to associate the unrestricted sharing of media materials with freedom, and attempts to restrict the technologies of information exchange with Soviet era repression. This topic receives much debate at Muzon.com (see URL: <http://www.muzon.com> and Figure 3). One user wrote: "... some [companies] have a KGB grip: they would dig to the last bone. 70 years of the Soviet Union did not pass without trace. They will do everything to prosecute, punish, close, fine ..." Another user, "opom," added, "Personally, I am against stealing in all possible forms. However, I am against limiting rights for information access: in our days, it is the same as trying to sell air" (Maxym 2006).

It is in the case of peer-to-peer file sharing that the parallels between Soviet era *Samizdat* and contemporary Ukrainian practices are most apparent. One similarity is in the mechanism of transmission: from one individual to another. The *Samizdat* distribution mechanism during the Soviet period very much resembled an anonymous peer-to-peer network: texts were passed from one reader to another along a chain, without the knowledge or permission of the original author or of any publisher. One of the most prominent *Samizdat* periodical publications *Chronicle of current events* contained the following instructions: "If you have materials to contribute to the dissident movement pass it to the person from whom you have received this is-

Figure 3. Muzon.com music forum (August 10, 2007).



sue. He or she will pass it to the person from whom they received the 'Khronika'. Don't try to follow the whole chain yourself" (Daniel 2005). Kathleen Smith (1996, 74) in her book *Remembering Stalin's victims* explains: "Constant pressure by the KGB spurred Khronika to invent a compartmentalized system of information gathering: a person with a news item had to pass it to his or her distributor of the paper, rather than attempt to contact the editors directly. This system hampered the formation of organizations but limited the damage done by individual arrests." Another similarity is that the political significance of peer-to-peer file sharing and of *Samizdat* comes as much from the act of sharing as from the content of the work being shared. Most often *Samizdat* is associated with the underground dissemination of the banned literature regarding human rights abuses in the Soviet Union during 1960s and 1970s. However the term "sam-sebya-izdat" (literally translates as "self-one-self-publish") was invented in 1940s by a poet Nikolai Glazkov. Glazkov's poetry and miniature

novels with half absurd content were well known in Moscow literary circle, but were almost never published during Glazkov's life. Glazkov started creating small typed collections of his own works on folded sheets, hand-sewed into notebooks and presented them to his friends (Daniel 2005). This practice spread as a means for the limited circulation of artistic work. Russian-Jewish dissident writer, Alexander Daniel (2005, 3) wrote in his book "Sources and Meaning of Soviet Samizdat" that:

At the end of 1950s samizdat becomes not only a channel for distribution of banned and half-banned texts, but also an instrument of "second culture", a culture that realizes itself by ignoring the restrictions of state censorship People started to write for samizdat. The manuscripts had mainly non-political nature. However, the mere fact of being outside of censorship these texts had an oppositional nature: if not opposition to the government, then opposition to the established system of prohibitions.

Later, and more explicitly political, work built on the existing distribution practices. In 1960s the

circulated texts started focusing mainly on issues of human rights, current social and political affairs. At the same time, the term sam-sebya-izdat got abbreviated to sam-izdat (Alekseeva 2005). But in the Soviet context even the act of distributing poetry outside official channels had been politically charged. As Daniel (2005) pointed out, "Samizdat is not a text itself, but the way the text exists. It is a specific way of creating and distributing socially significant texts: the copying of texts happens without their author's control. An author can only 'launch the text in samizdat', further distribution is out of his control."

Likewise, peer-to-peer enthusiasts (in both Ukraine and the West) often report feeling empowered by the act of sharing itself. They see a kind of ideological virtue in the free exchange of materials, whether the materials are copyrighted or not. In both cases, a statement is being made in favor of individual empowerment and against the effective monopoly on cultural exchange held by established media companies. One user of Muzon.com equated the unfettered distribution of music files with political freedom, insisting that, "pirates will always exist. If they will cease to exist, I myself will continue distributing CDs for a symbolic price or for free" (Maxym 2006).

In post-Soviet era, people may also see an echo between the measures taken by the Soviets to deter the spread of *Samizdat* and the efforts of Western record companies to target randomly chosen users of file-sharing software for dramatic punishment. The Soviet regime imposed a standard of five years in Siberian labor camps and seven years in exile for writing and distributing *Samizdat*. RIAA and IFPI intimidate P2P users with millions of dollars in fines (P2P Net 2004). Both can be seen as entrenched regimes fighting against long-term technological shifts that undermine their fundamental business models.

Samizdat and peer-to-peer networks both provided materials free-of-charge to all users. But at the same time, both systems were confined in practice to an educated elite. *Samizdat* was a grassroots activity, in which ordinary users deployed new technologies to circumvent the printing monopoly of the state. It started with cheap and accessible technologies for manuscript distribution. Handwritten manuscripts created with roller pens and carbon paper yielded three simultaneous copies. Copying with typewriting machines allowed

up to 5 copies simultaneously. Another form of samizdat publications became more popular at the same time: texts printed on mainframe computer matrix printers. Banned books were stored on tapes and magnetic disks for mainframes. The books were printed on peripheral printing devices that were intended for printing program code. An underground public library was organized in Odessa during the 1970s, stocked with films, photographs and microfilm copies of banned books published before the revolution of 1917 and abroad (Daniel 2005).

Such efforts continue to resonate today. Maksim Moshkov became famous throughout the Russian language Internet for his enormous online collection of literature from Russian and other former Soviet nationalities authors (<http://www.lib.ru/>). Moshkov admits that his collection is possible to maintain on the Web because current Russian laws on intellectual property allow it. However, when the Russian legislature will be aligned with international standards with more strict regulations and limitations on information distribution on the Internet, he foresees his library not disappearing, but rather "going underground" to the world of peer-to-peer: "I personally will be building a "Samizdat" system ... and other rebellious librarians will go underground as well, underground they feel themselves quite comfortable. There are number of foreign hosts that will be out of Moscow's reach. There are P2P networks that are impossible to control. The whole world has made this transition already, and we are the only ones staying visible" (Deynychenko 2006)

Like today's peer-to-peer networks, *Samizdat* distribution systems crossed national boundaries and did not always respect the rights of foreign copyright holders. For instance, the Russian translation of the Hemingway's "For Whom Bell Tolls" was part of the underground circulation initially before eventually transferring to a mainstream published circulation. This transition occurred in the other direction too: Solzhenitsyn's stories were banned and extracted from libraries after their publication by the Soviet state. Homemade copies were distributed after his books were extracted from libraries, in defiance of Soviet copyright law. By the end of 1970s, Europe's Iron Curtain showed enough signs of dilapidation for "*tamizdat*" (there published) became the most preferred form of underground literature. Eventually, most of the docu-

ments circulated in *Samizdat* were initially published abroad, and distributed internally either by photographic means or through the traditional *Samizdat* mechanisms of hand-written or typed documents (Alekseeva 2005). Today, file-sharing networks and websites provide not only a means for Ukrainians to access foreign music and films but also a way for first- and second-generation members of Ukraine's huge diaspora to remain immersed in the culture of their homeland.

Within Ukraine, *Samizdat* was vital to the preservation of nationalist sentiment. Ukrainian cultural works and political documents suppressed by the authorities spread through unofficial channels. Ivan Dzuba's book "Internationalism or Russification?" became one of the founding works of the Ukrainian Nationalist *Samizdat* (when Ukraine became independent, Dzuba served for 5 years as its minister of culture). There is certain continuity between Ukrainian nationalism of the 1960s and current efforts to spread of the Ukrainian music on the Internet. A number of Muzon.com users express their conviction that Muzon.com maybe illegal from the western law point of view, but it stimulates development of the Ukrainian music. This is seen as an important task even within Ukraine, because many Ukrainians listen primarily to Russian language music. User "Redsox" writes:

The spread of Ukrainian music on muzon.com does not reduce its sales. Those who download from the Internet (for instance, in the US I don't have opportunity to buy Ukrainian), would switch to Russian music. (Maxym 2006)

Conclusions, limitations & further research

This article has examined the history and culture of the intellectual property environment in Ukraine and also showed the technical and cultural similarities between peer-to-peer file sharing and *Samizdat*. My argument is that file-sharing practices in Ukraine reflect distinctive features of its cultural heritage, including its socialist ideological past, the indigenous tradition of *Samizdat* and its long suppressed but now ascendant nationalist movement. *Samizdat* and Internet file sharing both blur distinctions between providers and consumers of information, take place across international boundaries, involve a largely anonymous chain of distribution, take place outside the control of legal

authorities and turn the very act of sharing into a political statement regardless of the content of the work being shared. Copyright and piracy are bound up with national identity, language, and culture. Ukraine's current openness to the sharing of copyrighted materials is not simply the result of a primitive stage of legal development. To some Ukrainians, efforts to crack down on peer-to-peer networks appear less like the reasonable application of widely agreed principles of intellectual property and more as an act of imperialist hegemony. While suggestive, this article is an initial presentation of ongoing research. Several important questions remain to be addressed. Analysis of discussion within Muzon.com and other Ukrainian sources certainly shows widespread anti-copyright sentiment, which is sometimes linked to appeals to nationalism, freedom and the struggle against Soviet domination. The questions though remain: Are these views representative? And, in particular, are they fundamentally different from the various techno-libertarian ideologies espoused by hackers and open source software enthusiasts in the West? Free software pioneer Richard Stallman, creator of the GNU project, has often been called a communist because of his belief that computer software should be free (Mueller 2005). The relationship of Ukrainian file-sharing ideology to Western hacker culture is a complex one, and requires further research. I plan to address these questions through comparative Ukrainian and American surveys of attitudes toward intellectual property and file sharing, and through ethnomethodological in-person observation of Ukrainian Internet users.

There are also, of course, some real differences though between peer-to-peer networks and *Samizdat*. Powerful as the comparison is, this likeness remains more metaphorical than exact. *Samizdat* made banned materials accessible, whereas much peer-to-peer file sharing is conducted to avoid paying for readily available materials. Good data on file sharing practices in Ukraine is lacking, though anecdotal evidence suggests that peer-to-peer networks help Ukrainians, particularly those living outside major urban areas, to access materials which might be otherwise unavailable within the country at any cost.

These findings suggest that scholars concerned with the use and social meaning of Internet file sharing should not assume that a given technol-

ogy or network will have the same meaning for users in all countries, but should be prepared to integrate their studies of information sharing behavior within a broader analysis of the social and national milieus in which they take place.

Acknowledgements

The author expresses her gratitude to Dr. Trevor Pinch, Dr. Christine Borgman, Dr. John V. Richardson, Dr. Thomas Haigh, and the students in The National University "Kyiv-Mohyla Academy" Informatics Department, Kyiv, Ukraine for their comments on the earlier versions of this paper.

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Editorial history:

Paper received 1 February 2007;

Accepted 21 May 2007.