

Part II

In this part, I leave the legislative history and analysis of the DMCA for an analysis of important cases in the development of the digital rights movement and a description of its dynamics and structure. The cases are meant to illustrate examples of repression and activism that have come to define the movement and to show how the movement actors coordinated with each other. A few important points emerge.

First, significant arguments about the movement's legitimacy can be seen in the cases presented. Fair use is a powerful theme for the movement, and it is deployed in a user-centered manner, tied to arguments of free speech. The strategy of framing the movement as part of broader "rights activism" is important in that it translates an issue that at the time of the movement's beginnings only marginally affected average media consumers into an issue that broader publics could potentially identify with.

Second, the cases and analysis of movement tactics and structure show the importance not only of organizations and intellectual leaders, but of hackers and activists who design technologies to facilitate access and use. The equal importance of these two groups is significant because it suggests that activism and mobilization need not rely solely on the resources and coordinating efforts of organizations and leaders: a hack to a technological protection mechanism can have a mass effect when distributed online. A lonely committed hacker who gets thousands of people to download his or her circumvention software can have the same or greater impact as a large organization with significant resources.

Last, this part illustrates the importance of technology as a site of activism (the Internet), as the means of activism (hacking), and as the focus of

activism (technological protection measures). In all the cases described, technology plays this tripartite role. Activists often use the Web to organize themselves and spread information, use computer programs or hacks to work around and subvert technological protection measures on content, employ the Web to distribute those hacks, and target technologies and the laws that they find unjust.

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The Digital Rights Movement

The Role of Technology in Subverting Digital Copyright

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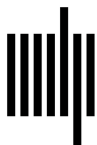
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