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Finalizing a journal volume during a global pandemic

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Where to begin? Since the beginning of the COVID-19 pandemic and the social restrictions that followed, our perceptions of and relationship to work have been shaken to their core. Indeed, we live in a society where consistent and constant production is part of our daily reality. However, the COVID-19 pandemic has acted as a mirror, showing us our obsession with productivity and exacerbating the dangers associated with a system that has been known to be dysfunctional for several decades: capitalism. The pandemic and what has followed have also resulted in the whole world living an experience of collective ambiguity. This experience of ambiguity is felt differently depending on our privileges, be they social, economic, political, or racial. Despite this ambiguity, our politicians across the political spectrum have continued to insist on the relaunching of the economy and incited the population to continue to produce in order to ultimately to save the capitalist system. Even at university, we continue to adapt—for good or bad—to this new reality that is supposedly "temporary".

At the time of finalizing this volume in March 2020, the government had just announced social distancing measures, including confinement. Like everyone else, *Stream* passed through a period of insecurity that slowed down the rhythm of our work. It indeed took us several months before we were able to finalize the evaluation of the articles submitted to us. Throughout this experience, we have learned an important lesson: listening and being compassionate to one another are two key practices to overcome traumatizing events such as the confinement in March. We have also learned that sometimes it is better to give deadlines a break and question the discourse of punctual productivity in favor of caring for the mental and physical health of colleagues in our team. Thus, yes, we are late. However, it was a necessary pause.

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I had the pleasure of being the guest editor for this edition of *Stream*. I find that the beauty of Communication Studies is in the diversity of subjects that our discipline examines, and this volume presents a collection of diverse articles by young researchers in our field. First, Kaitlyn Kribs' article studies how the music industry in North America responded to the changes that came with digitalization by creating a narrative around a piracy panic. Next, Jenn Mentanko shows us how blockchain technology is linked to the social construction of private life online by analyzing the discourse surrounding privacy in the blockchain community. Sugandha Agarwal's article reminds us of the importance of using oral history as a feminist methodology and how it can help us in rewriting history from a feminist perspective. Finally, Ofer Berenstein presents us with an analysis of the usage of the (x) mark in the "Get Out the Vote" campaigns by Elections Canada in order to question its usage in the future advertising campaigns.

In conclusion, I would like to first thank the authors of this volume for their contributions and their patience due to the delay in publication of this volume. I would like to also thank the team at *Stream* who gave me this amazing opportunity to work with them on this edition of the journal. In my own research, I work with the concept of ambiguity. What is interesting about this concept is that it is a "pharmakon", both a poison and a remedy. On the one hand, ambiguity paralyzes us by putting us in a position of existential incertitude. On the other hand, it is a force of productivity since it allows us to exit binary methods of thought by complexifying the subjects we study. In *The Flight from Ambiguity* (1985), Donald Levine shows us how, from the European Renaissance onwards, we have chosen to run away from ambiguity by treating it as either a threat or a problem that needs to be resolved. In these times of uncertainty, I would like to invite our readers to embrace ambiguity as a point of departure for the creation of fresh and new ideas that go beyond our comforts. On this note, I wish you a good read.

Finaliser un volume de journal durant une pandémie mondiale

Par où commencer? Depuis le début de la pandémie COVID-19 et les restrictions sociales qui ont suivies, notre perception et notre rapport au travail ont été bouleversés. En effet, nous habitons dans une société où la production constante et ponctuelle fait partie de notre réalité quotidienne. Pourtant, la COVID-19 a mis en évidence nos obsessions de productivité et a exacerbé les dangers qui y sont reliés dans un système que l'on sait dysfonctionnel depuis plusieurs décennies, le capitalisme. La COVID-19 nous a aussi projeté dans une ambiguïté collective. L'expérience de cette ambiguïté est ressentie différemment en fonction de nos privilèges qu'ils soient sociaux, politiques, raciaux, ou économiques. Pourtant, malgré ces ambiguïtés, le gouvernement canadien insiste sur la relance de l'économie et incite la population à continuer la production et donc à sauver le système capitaliste. Même à l'université, on continue en s'adaptant—tant bien que mal—à cette nouvelle réalité supposément « temporaire ».

Au moment de finaliser ce volume en mars 2020, le gouvernement a annoncé le confinement. Comme tout le monde, l'équipe de Stream a traversé une période d'insécurité qui a ralenti notre rythme de travail. Plusieurs mois se sont écoulés avant de retrouver nos forces pour finaliser l'évaluation des articles. Tout au long de cette expérience, nous avons appris une leçon importante: l'écoute et la compassion sont deux pratiques décisives lors d'un événement traumatisant comme le confinement du mois de mars. Nous avons aussi appris que, parfois, il est mieux de donner une pause à la production ponctuelle afin de favoriser la santé mentale des membres d'une équipe. Donc, oui, nous sommes en retard. Par contre, c'était une pause nécessaire.

De toute honnêteté, j'ai eu un grand plaisir d'être rédacteur en chef invité pour cette édition spéciale de Stream. La beauté de l'étude en communication est la panoplie de ses sujets et ses thèmes potentiels. De ce point de vue, ce volume présente une collection diversifiée d'articles écrits par des chercheurs et chercheuses en communication. Pour commencer, l'article de Kaitlyn Kribs étudie comment l'industrie de la musique en Amérique du Nord a répondu aux changements suscités par la numérisation en créant une narrative de panique autour du piratage. Ensuite, Jenn Mentanko aborde le discours sur la vie privée en lien avec la technologie du « blockchain ». Puis, l'article de Sugandha Agarwal

présente les récits oraux en tant que méthodologie qui permet la réécriture de l'histoire d'une perspective féministe. Finalement, Ofer Berenstein remet en question l'utilisation du symbole « x » dans les publicités Canadiennes « Get Out the Vote » d'Élections Canada.

En guise de conclusion, j'aimerais d'abord remercier les chercheurs et chercheuses pour leurs contributions, ainsi que pour leur patience face au délai de la publication de ce volume. J'aimerais aussi remercier l'équipe de Stream de m'avoir accordé cette opportunité unique de travailler sur cette édition spéciale du journal. Dans le cadre de ma recherche, j'aborde le concept de l'ambiguïté en tant qu'un « pharmakon »: à la fois un poison et un remède. D'une part, l'ambiguïté nous paralyse en nous mettant dans une position d'incertitude existentielle. D'autre part, elle est une force de productivité, car elle nous permet de sortir des réflexions binaires en complexifiant les sujets que l'on traite. *Dans The Flight from Ambiguity* (1985), Donald Levine nous montre comment, à partir de la Renaissance européenne, nous avons choisi de fuir l'ambiguïté en la traitant comme une menace, comme quelque chose qui doit être résolu. J'aimerais proposer, durant cette période ambiguë, d'entretenir l'idée de penser à l'ambiguïté comme un point de départ pour la construction et la création de nouvelles idées au-delà de nos conforts. Sur ce point, je vous souhaite bonne lecture!

Re-writing history: Oral history as a feminist methodology

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Abstract
Feminist historians (Kelly, 1984; Scott, 1998) have argued that documented History is inherently 'masculine' and marginalizes women's life experiences. In order to bridge this gap in History, feminist oral historians in the 1970s began collecting women's oral testimonies to highlight their subjective experiences (Patai and Gluck, 1990). Building on existing scholarship, this paper argues that oral history as a methodology is indispensable in a feminist re-writing of history. It analyzes oral histories conducted by Indian feminist historians with women survivors of India's Partition. The first section uses a gendered historical lens to argue that feminist oral history is crucial to writing a women's history. The second section outlines what constitutes as a feminist methodology to envision what women's history should look like. The final section examines the difficulties of working with oral testimonies. The objective of this study is two-fold: examining non-hierarchical ways of researching through feminist oral history and drawing attention to oral narratives in the global south.

Keywords
oral history, women's history, feminist theory, feminist methodology, Partition, India, memory/testimony.

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The recognition of Oral History as a feminist methodology emerged with the knowledge that women's lives have been obscured and excluded from traditional accounts of historical events. This idea was accompanied by the realization that oral history could be used as a tool to incorporate women in history, questioning the prevalent ideas of what is socially, politically and economically important in a society that functions to marginalize women's lives. The potential themes addressed by oral history: "the possibility of putting women's voices at the center of history and highlighting gender as a category of analysis; and the prospect that women interviewed will shape the research agenda by articulating what is of importance to them" (Sangster, 1994, 87) are all instrumental in challenging the dominant ethos of the discipline of History. Sangster (1994) argues that oral history is also a methodology "directly informed by interdisciplinary feminist debates…about research objectives, questions, and the use of the interview material" (87).

Following Sangster (1994), this paper argues the significance of oral history as a feminist methodology in documenting and surfacing the experiences of women. In the first section of the paper, I position myself alongside Joan Scott (1988) and Joan Kelly (1984) to highlight how women have been marginalized within the discipline of History; and that, in order to write a "her-story", historians need to consider 'gender' as a category of historical analysis. In the following section of the paper, I draw on Mary Maynard (1994) to outline the tenets of a "feminist" methodology and examine how feminist oral history fits within this framework. The final section of this paper closely examines some methodological and ethical issues inherent in working with oral history.

This essay was developed as part of my thesis research which analytically compares two distinct kinds of oral history projects of women survivors from India's 1947 Partition. My research contrasts oral histories conducted by grassroots Indian activists and feminists in northern India with the "1947 Partition Archive", an open-access digital repository of oral testimonies collected by volunteers and housed by Stanford University's Library. Concerned with the relations of power and research, my study examines how the use of grassroots, feminist methodologies can result in the creation of new forms of knowledge informed by women's experiences in comparison to the depoliticized digital accounts of the Partition gathered by the "Archive". Some questions that guided my study were: What forms of research have been used to understand women's experiences of the Partition? How did Partition

affect women's lives? In what ways oral testimonies given by women challenge official narratives about the Partition?

Emerging from these questions, this paper developed as a theoretical framework within which to situate my research. In terms of methodology, I draw on theories of gender by Joan Kelly and Joan Scott to analyze women's experiences of India's 1947 Partition. My corpus for this includes two texts: Borders & Boundaries: Women in India's Partition (Bhasin and Menon, 1998) and The Other Side of Silence (Butalia, 2000). As anti-colonial Indian feminists and scholars, Bhasin and Menon (1998) and Butalia (2000) were among the first to record and document the experiences of women survivors of the Partition. In their respective books, they argue on Partition's historicity and reveal its entanglement with unequal relations of power based on gender, religion, class and caste, as well as illustrate its connections with present-day social and political structures and practices.

While my research also explores women's stories of the Partition, I am primarily interested in the methodologies and research practices adopted by these Partition scholars, especially in talking to survivors of genocide and trauma. My objective is to examine the ways in which they use feminist oral history to conduct research in non-hierarchical ways. These include forming friendships with their research participants, negotiating their own positionalities reflexively, creating a safe space for their research participants, and working through an ethic of collaboration and co-production. Hence, in this essay, I conduct a literature review on feminist oral history and illustrate the ways in which Butalia, Menon and Bhasin fit within its methodological frameworks. Further, I also highlight some continuing debates on the theoretical and methodological challenges of using oral history in research.

Much of western scholarship on oral history focuses on the Global North with little emphasis on the Global South. The second objective of my research is to bridge this gap by bringing attention to oral narratives in a non-western context, especially those of POC women. Gendered modes of power operate in distinct ways in India, across multiple avenues. As I also explore in this paper, the state, the family and respective religious communities co-opt ways in which to control women ranging from the division of labour within families to the policing of women's bodies at the hands of the kin and the state (Das, 2012). By listening to accounts of Partition survivors within this contextually specific and gendered framework, it becomes

possible to understand their unique experiences and circumstances as individuals and women.

Gender as a category of historical analysis

Feminists historians in the 1980s have argued that men have authorized what constitutes as "history", deeming matters of war, politics, governments and science as worthy of documenting, and excluding women from such epochal events in time. Even when women were recognized in history, it was only as notable exceptions or popular figures. The everyday lives of ordinary women were completely obscured from History (Rowbotham, 1973; Kelly, 1984; Bennett, 2006).

Prominent among these feminist historians, Joan Kelly (1984) argues that "in redressing this neglect, women's history recognized from the start that what we call compensatory history is not enough" (2). Women's history then has a dual goal: "to restore women to history and to restore our history to women" (Kelly, 1984, 1). According to Kelly (1984), when women are understood as equal counterparts to men within humanity, an observable shift occurs in the way history is organized. Elaborating further, she states that when a feminist theorization of history focuses on "women's status" or the roles and positions women hold in society in comparison to men, what is revealed is "a fairly regular pattern of relative loss of status for women" in established periods of "so-called progressive change" (2). Feminist historiography then serves to disrupt widely accepted evaluations of history. Kelly (1984) gives the example of how liberal historiography falsely claims that men and women shared the same level of progress during the renaissance when in truth, women faced numerous hurdles. She establishes that a feminist rendering of history "has disabused us of the notion that the history of women is the same as the history of men, and that significant turning points in history have the same impact for one sex as the other" (3).

In the late 1980s, Joan Scott (1988) highlighted the importance of understanding the ways in which women's everyday experiences are vastly different from those of men. She argued that we need to theorize women as "historical subjects" in their own right in order to write a "her-story" (18). The creation of such a "her-story" involves a departure from the way traditional history was written to offer "a new narrative, different periodization and different causes" (Scott, 1988, 19) with the ultimate goal of unveiling how ordinary women lived their

lives, and discovering how their actions and behaviours were motivated by "the female or feminist consciousness" (19). The emphasis in this approach is exclusively on female agency and on the causal role women play in their own histories, with focus on "the qualities of women's experiences that sharply distinguish it from men's experience" (Scott, 1988, 20).

Further, Scott (1988) argues that the periodization of women's history is relational, meaning, it relates the history of women to that of men. Hence, it is essential to consider how major structural changes in society effect women as distinct from men. A women's history should, then, include an examination of women's actions, ideas and self-expression as articulated and interpreted "within the terms of the female sphere" (Scott, 1988, 20). This includes their personal experiences, the familial and domestic structures they are a part of and networks of female friendship they derive support from. In the Indian context too, scholars of women's history (Chakravarti and Roy, 1988; Basu, 1991) have insisted on viewing women as active agents with rich everyday lives. Likewise, according to Anderson et. al. (1987), oral history is an important methodology within feminist historiography that can be employed to achieve these feminist objectives by integrating "the previously overlooked lives, activities, and feelings of women into our understanding of the past and of the present" (104). They claim that when women voice their own experiences and perspectives, "hidden realities'' (104) are unveiled that pose a challenge to the legitimacy of official accounts and established theories. Thus, they argue that by conducting oral histories with women about so-called "private" subjects of reproduction, child-rearing and sexuality, feminist oral historians will able to explore how women experience these realities instead of learning what "experts" think about women.

The "her-story" approach has had an immense impact on historical scholarship. In recognizing the lives and roles women played in the past, it refutes the ideological message in conventional history that "women had no history, no significant place in the stories of the past" (Scott, 1988, 20). It also repudiates the historical dichotomies of 'private' and 'public'[1] by asserting that personal subjective experiences are as significant as "public and political activities," with the former

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[1] "Public/private" refers to the historical dichotomy that arises from the association of masculinity with the public (i.e. men belong 'outside' of the home in order to provide for their family) and of femininity with the private (i.e. women belong 'inside' the home as caretakers of the husband and the children) (Pilcher and Whelehan, 2004).

influencing the latter (Scott, 1988, 20). Further, it demonstrates the significance of conceptualizing not just gender, but also (as I discuss below) sex in historical terms (Scott, 1988, 20). It establishes that while narratives about women are important, it is also important to note how gender difference plays into conceptualizing and organizing social life.

Joan Kelly (1984) was among the first scholars to argue for "sex" as a fundamental category in analyzing the social order, citing it as crucial as class and race when it comes to studying social and political life.[2] She insists that in order to find the reasons for the historic separation of the two sexes, we need to re-examine the economic, political and cultural "advances" made in certain periods from which women have been excluded. Reassessing History's complex periodization reveals two things: "one that women do form a distinctive social group and second that the invisibility of this group in traditional history is not to be ascribed to female nature" (Kelly, 1984, 4). Arising from a feminist consciousness, these notions "effect another related change in the conceptual foundations of history by introducing sex as a category of social thought" (Kelly, 1984, 4). Joan Scott (1988), however, goes a step further in arguing for "gender" instead of "sex" as an important analytical tool if we want to investigate women. For her:

> "the term gender suggests that relations between the sexes are a primary aspect of social organization; that the terms of male and female identities are in large part culturally determined (not produced by individuals or collectivities entirely on their own); and that differences between the sexes constitute and are constituted by hierarchical social structures" (Scott, 1988, 25).

Scott (1988) further argues that the study of gender cannot be detached from the study of politics. Thwarting the distinction between the 'public' and the 'private' realms, she insists that "the private sphere is a public creation" (24) because all aspects of life, including public discourse, are inevitably shaped by political institutions and ideas. Thus, even the "non-actors" (Scott, 1988, 24), or those who are excluded from participating in what mainstream society identifies as "politics",

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[2] Kelly's (1984) articulates "sex" as the "universally distinguishing feature of all women" (6) and claims that women are a category in themselves. She irons over differences of caste, class, race and ethnicity to state that "we are a sex, and categorization by gender no longer implies a mothering role and subordination to men, except as social role and relation recognized as such, as socially constructed and socially imposed" (6).

are not only defined by the concurrent politics, but also act according to the rules established in political realms. Hence, even those missing from official historical records were a part of the making of public and political history. It is essential for historians to think about gender historically when examining the ways in which laws and policies are created and implemented as doing so implies a "social rather than a biological or characterological explanation for the different behaviours and the unequal conditions of men and women" (Scott, 1988, 24). According to Scott (1988), such an approach would "end…seeming dichotomies…state and family, public and private, work and sexuality" (26), and allow feminist historians to question the interconnections among the different realms of life and social organization – both private and public. This argument has been echoed in the works of a number of other feminist scholars who have also argued against this arbitrary distinction between the public and the private. In her book The Second Sex, Simone de Beauvoir (1949) challenges women's compliance and submissiveness towards the heteronormative society by arguing that the 20th-century woman is more restricted than ever to the confines of the private sphere. Massey (1994), in her book Space, Place and Gender, presents a similar argument, outlining the symbolic meaning attached to spaces and places and the gendered messages that can be deciphered from these. She makes a distinction between the traditional private or "domestic" spaces where women are confined or "safe" versus public spaces that might endanger their safety (for instance, by walking alone at night) and threaten the 'order' of society. In their oral history work, Bhasin and Menon (1998) also bring into focus the public-private dichotomy embedded within Partition history.[3] They examine how, despite an undeniable presence in the public sphere, official Partition histories continue to refer to women as "non-actors" that were primarily relegated to the private sphere of household and child-care. Despite stepping out to work in

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[3] In 1947, as the British crown prepared to exit colonial India after nearly hundred years of rule, various social, political and historical factors resulted in the division of the Indian sub-continent into the independent nation states of India and Pakistan. According to Bhasin and Menon (1998), the main factor was the colonial state's social, political and ideological manipulation and the mobilization of Muslims in response to the growing animosity and fear of increased Hindu hegemony in a post-independence India. Some scholars, however, point to the role of other determinants such as "class compulsions, the politics of power, and the pressure on the British to arrive at a negotiated settlement" (Bhasin and Menon, 1998, 6). Regardless, according to Gyanendra Pandey (1998), "the singularly violent character of the event stands out" (2). The end result was that by the year 1948, "more than fifteen million people had been uprooted, and between one and two million were dead" (Dalrymple, 2015), along with millions of people who were transformed into refugees (Pandey, 1998, 2).

large numbers, women were still written as victims and casualties in official records of the Partition. Therefore, listening to their accounts of their experiences, would enable a critique of political history and allow us to write it differently (Bhasin and Menon, 1998, 16).

Within feminist historiography, 'gender' and 'politics', unlike the mainstream articulation of these terms, were considered "antithetical neither to one another nor to recovery of the female subject" (Scott, 1988, 26). Feminists claim that by treating gender as a category of historical analysis, we can "challenge the accuracy of fixed binary distinctions between men and women in the past and present, and expose the very political nature of a history written in those terms" (26-27). Scott (1988) emphasizes the importance of rearticulating gender as a political issue and making it the departing point for historical analysis. She argues that by doing so women's history could potentially be used as a tool to rewrite history altogether by focusing on women's experiences and analyzing the ways in which "politics construct gender and gender constructs politics'' (27). Additionally, such a re-articulation of history could also reveal how gender continues to influence and organize societies in significant ways (Carroll, 1976).

Scott (1988) further argues that a study of women's history should not only involve the addition of new subject matter, but "a critical re-examination of the premises and standards of existing scholarly work" (29). Further, such a methodology would allow for the creation of a new history by redefining and expanding traditional notions of history to include women's subjective experience and their political and public activities. Scott claims that the manner in which this new history would both include and account for women's experiences would in turn rely on the extent to which 'gender', defined "as a way of referring to the social organization of the relationship between the sexes" (Scott, 1988, 28) by feminists, could be developed into an analytic category.

According to Scott (1988), the attempts made by historians in the late 1980s to theorize about gender remained within "traditional social scientific frameworks" (32). In these frameworks, knowledge about women was either generated only in relation to men, or in relation to systems of relationships that involved men and women such as families and children. No one questioned why these relationships are constructed, how they work and how they change. While feminist historians employed a variety of approaches to the analysis of gender, a concern with theorizing gender as an analytic category emerged only in the late twentieth century

(Scott, 1988, 32-33). Feminist scholars such as Rubin (1975) and Butler (1986) also made the distinction between sex and gender, arguing that while 'sex' was determined biologically, 'gender' was socially produced based on cultural practices and social expectations.

In her book Gender and the Politics of History, Scott (1988) rejects the historical binary opposition of 'male' and 'female' in order to conceptualize "gender" as "a constitutive element of social relationships based on perceived differences between the sexes" and as "a primary way of signifying relationships of power" (42). She further outlines gender in a two-part definition. The first half of the definition theorizes gender as involving four interrelated elements: the cultural symbols associated with gender binary; the ways in which these symbols are interpreted based on existing normative concepts; how gender is constructed and legitimized through social and political institutions; and the subjective identity of gender. The second part of the definition highlights how gender serves as the primary field within which power is articulated. Here, Scott illustrates how gender and power determine the ways in which society is organized and the role of state institutions in maintaining gender hierarchies. The paragraphs below outline the four elements of the first part of her definition followed by a brief explanation of the second part.

According to the first element, gender is defined by "culturally available symbols that evoke multiple (and contradictory) representations" (Scott, 1988, 43). These include socially constructed myths of "light and dark", "innocence and corruption" (Scott, 1988, 43), which serve to reinforce the gender binary. For feminist historians working with gender as an analytic category, the question to explore then is – which ideological representations are invoked, how, and in what contexts?

The second element refers to "normative concepts that set forth interpretations of the meanings of the symbols, that attempt to limit and contain their metaphoric possibilities" (Scott, 1988, 43). These normative concepts are legitimized by religious, educational, scientific, legal, and political doctrines and institutions, further strengthening the fixed binary opposition, and unmistakably asserting the meaning of male and female, masculine and feminine. Of these, "the position that emerges as dominant however, is stated as the only possible one" (Scott, 1988, 43). Further, these normative positions are treated as a "product of social consensus rather than of conflict" (Scott, 1988, 43) and determine how history is written. Following this, the objective of feminist writing of history in this

period was to interrupt the belief that gender binary was fixed and permanent and instead aimed to explore "the debate or repression" (Scott, 1988, 43) behind such notions.

The third element outlines the importance of studying gender relationships in tandem with political and social institutions. Scott (1988) argues that "gender is...constructed through institutions of kinship, economy and polity" (44). In doing so, she echoes Millett's (1971) claim that gender differences are culturally determined and are produced through the socialisation of individuals as men and women. Such a problematic articulation of gender-roles has been particularly evident in Partition oral histories where women's narratives reveal their complex relationships with the state, family and religious communities. Referring to the Indian state's Abducted Persons Bill[4], Butalia (1993) argues that restoring women back to their kin served two purposes for the state – that of restoring its own legitimacy by safely recovering "what had been lost: prestige, women and perhaps property" (Butalia, 1993, WS-19); and acting as the figure of the patriarch for the families and communities that came to it for help in a time of crisis. What also becomes apparent from Butalia's (1993) argument is that the state, family and religious communities operated under a normative consensus when it came to treating women as the figure upholding their collective 'honour' and how the threat of violence loomed over it.[5] For this reason, they presented women as being not only subjected to violence at the hands of the 'Other' but made evident that their own families and kin also killed them in the name of 'martyrdom' in order to defend their 'honour'. Further, they were also subjected to violence by the state in its efforts to forcefully recover them and their 'honour'.

In outlining the fourth element, Scott (1988) argues that gender is a "subjective identity", implying that historians need to investigate the various ways in which "gender identities are substantively constructed and relate their findings to

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[4] The Abducted Persons (Recovery and Restoration) Bill was passed in the Indian Parliament on December 15, 1947 to recover abducted Hindu women in Pakistan and Muslim women in India. It was arbitrary in the sense that it defined abducted persons as 'a male child under the age of 16 years or a female of whatever age'; and gave unlimited powers and absolute authority to the tribunal responsible for recovery with no legal mechanisms to question its decisions (Butalia, 1993, WS-4).

[5] Women were the prime targets of violence by the men of the 'Other' community because assaulting, raping and murdering women meant violating their 'honour', and by default, the 'honor' of the religious community they belonged to.

a range of activities, social organisations, and historically specific cultural representations" (Scott, 1988, 44). Similarly, as MacKinnon (1989) points out, gender is "constitutively constructed" i.e. notions of masculinity and femininity are determined by social and cultural factors. In the case of Partition, for instance, the oral testimonies collected by Bhasin and Menon (1998) reveal how women were viewed and situated within the Indian public sphere – as upholders of the sanctity, purity and honour of their respective religious communities, families and countries. Sexually violating women was seen as a direct attack on the sacredness of the institutions of the state, kin and community. The bursting forth of widespread sexual violence and mutilation against women in the face of communal conflict, therefore, was seen as a symbolic manifestation of familiar, everyday forms of violence that women were subjected to, pointing to the "precarious position of women in the patriarchal arrangement of society" (Chakraborty, 2014, 44).

Scott (1988) further theorizes gender in the second part of her definition, stating its function as the "primary way of signifying relationships of power" (44). She defines it as the primary field within which or by means of which power is articulated. Here, referring to French sociologist Bourdieu, she talks about his reference to "biological differences" notably in the "division of the labour of procreation and reproduction" (Scott, 1988, 45) as "the best founded of collective illusions" (45). Thus, according to her, "the extent to which these references establish differential distributions of power, gender becomes implicated in the conception and construction of power itself" (45). She, therefore, concludes that gender and power are linked, and gender plays a crucial role in the organization of equality and inequality. MacKinnon (1989) has also argued that genders, by definition, are hierarchical and underlined by sexualised power relations. According to her, males and females are socialised differently due to these underlying power inequalities leading to further power differences between men and women. This is made explicitly visible in the oral histories of Partition survivors where the inhumane treatment of women reveals how power was held by men in all forms; and by attaching notions of 'chastity', 'purity' and honour to women's bodies, the family, community and the state-operated in a patriarchal nexus to police, regulate and restrict the agency of women, both in their private and public lives. As also evidenced by Bhasin and Menon (1998), when historians explore the ways in which the concept of gender legitimizes and constructs social relationships, they develop an insight into the particular and contextually specific ways in which "politics constructs gender and gender constructs politics" (Scott, 1988, 46). By challenging

the dominant ideologies shaping women's worlds, feminist oral history allows us to listen to women's words and understand how they comprehend, negotiate and sometimes challenge these dominant ideals (Sangster, 1994).

Scott's definition of gender also notes the ways in which "changes in gender relationships can be set off by views of the needs of the state" (Scott, 1988, 46). She gives the example of authoritarian regimes and their control of women arguing that "emergent rulers have legitimized domination, strength, central authority, and ruling power as masculine (enemies, outsiders, subversives, weakness as feminine) and made that code literal in-laws that put women in their place" (47). The central motivation behind this kind of oppression can only be understood by looking at the state machinery's role in constructing and consolidating its power by forming policies that are grounded in sexual difference and domination of women in a clear assertion of the state's control on female bodies. Butalia, in her article, "Community, state and gender: on women's agency during partition" (1993) criticized the Indian and Pakistani state's involvement in the recovery process of abducted women on both sides of the border. She theorizes that during Partition, in their failure to protect women, men experienced an "emasculation of their own agency" (Butalia, 1993, WS-19) which compelled them to hand this task of defending 'their women' to "the state, the new patriarch, the new super, the new national, family" (Butalia, 1993, WS-19). Since women were viewed as representatives of national dignity, their abduction and conversion were a direct challenge to the country's honour and was the impetus for the state to "recover 'their' women, if not land"[6] (Bhasin & Menon, 1998, 116). Thus, India was seen as the "parent-protector, safeguarding not only her women but, by extension, the inviolate family, the sanctity of the community, and ultimately, the integrity of the whole nation" (Butalia, 1993, WS-8). It is under this pretext of guarding its country's women that the Indian state passed 'The Abducted Persons (Recovery and Restoration) Bill' that effectively stripped women of all control over their own bodies and reproductive agency. In their investigation, Bhasin and Menon (1998) reveal how during the recovery process, child-bearing women, regardless of their disagreement, were given a full state-mandated medical check-up – a euphemism for illegal abortions – before being handed over to their 'original' family or kin. Further, women whose children were born in Pakistan after Partition were ordered to leave them behind on the pretext

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[6] This refers to the dispute between India and Pakistan over Kashmir parts of which lie in both the countries.

that Hindu women bearing Muslim children and Muslim women bearing Hindu children would never be accepted in their respective families and communities.

In further defining gender, Scott (1988) states that "massive political upheavals that throw old orders into chaos and bring new ones into being may revise the terms (and so the organization) of gender in the search for new forms of legitimation" (49). Such a disruption could constitute changing patterns of employment, for instance, and creating new arenas of participation for women, especially in the public sphere. At the same time however, straying away from traditional gender roles is only encouraged to the extent that it benefits male interests. Further, it may also give way to additional state policing in the form of policies that seek to "safeguard" and highlight the significance of women's reproductive capacity and notions of motherhood. For instance, oral histories from West Bengal reveal that India's Partition on the eastern border (leading to the formation of East Pakistan) had a different outcome altogether. The Communist Party of India took over the city of Calcutta in West Bengal, transforming it from a metropolis for cultured upper-class men to an arena of leftist advocacy (Guha-Choudhury, 2009). Here, middle-class women, in protesting the Partition, were compelled to "come out of the private domain of domesticity and child-rearing to take up significant public duties" (Guha-Choudhury, 2009, 66). In this case, the Partition was central to the liberation of Bengali women who, in becoming the providers of their families, came to be seen as "a symbol of female emancipation" (66). There was a rise "in employment of (migrant) women in mills and factories and in administrative and miscellaneous services" (66); and eventually, as women's contact with the outside world gradually increased, "the houses in Calcutta became susceptible to the mobilisation of women into the political, economic, social and communal spheres" (67). Women increasingly took up more active roles in the economic, political and social arenas; and organised and participated in rallies and protests, demanding "the right to rehabilitation, compensation, employment and franchise" (68). However, this 'emancipation' was limited in the sense that it only benefited the upper-class 'bhadralok'[7] women. Additionally, even though women gained employment and participated in activism, it was either to fulfill positions abandoned by men or to provide support to the larger political efforts fronted by the men in their communities.

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[7] 'Bhadralok' (English translation: gentleman; well-mannered person) refers to an elite social class of upper-caste educated Bengalis that arose in Bengal during British rule in India.

What becomes clear from the above analysis, as aptly phrased by Joan Scott (1988), is that "political history has, in a sense, been enacted on the field of gender. It is a field that seems fixed yet whose meaning is contested and in flux" (49). Gender, therefore, not only refers to, but also produces, the male/female binary; and it continues to remain one of the persistent orientations through which "political power has been conceived, legitimated, and criticized" (Scott, 1988, 48). In this manner, therefore, the binary opposition and the social process of gender relationships both come to define the meaning of "power" itself; and "to question or alter any aspect threatens the entire system" (Scott, 1988, 49).

A "Feminist" Methodology

While there is a general consensus amongst feminists on the existence of a distinctive feminist mode of enquiry, no such agreement exists when it comes to what this might mean or involve (Maynard, 1994). The notion that "feminism has a method of conducting social research which is specific to it" (Maynard, 1994, 11) was introduced in the early stages of second-wave feminist scholarship and is still widely held by scholars such as Reinharz (1983) and Graham (1983). The central arguments that emerged from the debates about feminist methodology critiqued what were perceived to be "the dominant modes of doing research which were regarded as inhibiting a sociological understanding of women's experiences" (Maynard, 1994, 11) and instead championed a qualitative approach to understanding women's experiences over quantitative methods of enquiry (Oakley, 1997; Mies, 1983; Reinharz,1979; Graham, 1983). This was based on the assumption that quantitative methods were 'masculine' forms of knowledge preoccupied with "a value-free" form of collecting data. These methods were primarily concerned with measuring "'objective' social facts" by a researcher who was expected to be impartial and detached. In contrast, qualitative methods focused more on the "subjective experiences and meanings of those being researched" (Maynard, 1994, 11), making them appropriate for feminists in terms of the knowledge they wanted to produce (Oakley, 1997; 1998). Drawing on critiques by phenomenological sociologists, feminists have argued that research methods such as questionnaires and surveys produce "atomistic 'facts and figures" (Maynard, 1994, 11), abstracting a tiny part of people's experiences for analysis, and consequently, distorting the reality of their respective lives (Pugh, 1990). Scholars such as Graham and Rawlings (1980), Mies (1983) and Oakley (1997, 1998) have

also argued that methods that use pre-coded categories are based on the assumption that the researcher possesses prior knowledge about the object/subject of study. Such methods, therefore, can only assess the extent, distribution or intensity of that which is already being investigated. They are "neither exploratory nor investigatory" (Maynard, 1994, 11) and are insufficient when it comes to examining the complexity of women and their lives.

As feminist 'methodology' continued to develop, it became clear that women's historical experiences were largely invisible. Scholars such as Stanley and Wise (1983) and Graham (1983) emphasized the importance of listening to, documenting and understanding women's own accounts of their experiences. Further, as Maynard (1994) points out, it was assumed that "only qualitative methods…could really count in feminist terms and generate useful knowledge" (13) and they developed into a benchmark of sorts against which all feminist research came to be measured and judged (Kelly et al, 1992). This tendency to equate feminist research with the qualitative approach, according to Maynard, has persisted largely due to the prevalent belief of associating the doctrine of positivism with quantitative and empirical methods. However, citing Catherine Marsh (1979), Maynard (1994) argues that when it comes to crude data collection, methods such as surveys are not the problem, rather poor research or "naïve quantification" (13) is. Such an approach fails to take into account the fact that participants within social research are "conscious, language-speaking and meaning-creating" (Maynard, 1994, 13) and instead reduces them to numbers and figures. However, by rejecting quantification altogether, researchers were likely to overlook significant numerical data that would help enhance an understanding of women's larger experiences such as those associated with income and paid work (Westmarland, 2001).

An alternative way to do research then, as feminist scholars (Kelly et al, 1991; Westmarland, 2000) including Maynard (1994) have argued is the use of multiple methods or a mixed-method approach to research. Bhasin and Menon (1998) and Butalia (2000), follow a similar approach in their oral history projects. They use a multi-method feminist framework to research India's 1947 Partition from the standpoint of women. In picking women as the subjects of their study, they highlight the gross forms of institutional and communal violence that women were subjected to in the aftermath of independence. They use a "combination of commentary and analysis, narrative and testimony…to counterpoint documented history with personal testimony; to present different versions constructed from a

variety of source material" (Bhasin and Menon, 1998, 17). They refer to a multitude of data in their analysis ranging from detailed personal interviews with women survivors to an examination of government reports and records, as well as newspapers, legal documents and parliamentary debates. Additionally, they study other diverse material such as memoirs, autobiographies, letters, diaries and audio-tapes in order to allow a number of women's voices to emerge - voices that at times challenge pre-existing narratives about the Partition, and at times approve of official histories. Such a reading of women's stories allowed them a degree of control on their own narratives and compelled the reader to interpret the text through their gendered lenses.

In the book Researching Women's Lives from a Feminist Perspetive, Mary Maynard identifies some key elements of research that can be defined as "feminist". These are outlined in the following paragraphs.

Maynard cites Liz Kelly (1988) who argues that what distinguishes feminist research from other forms of research is "the questions we have asked, the way we locate ourselves within our questions, and the purpose of our work" (Kelly, 1988, cited in Maynard, 1994, 15). She, much like Duelli Klein (1983) and Oakley (1997), further argues that a "theoretical perspective, acknowledging the pervasive influence of gender divisions on social life" (Maynard, 1994, 15) is central to the study of women. However, she also points out that researchers might employ this idea differently depending on the focus of their given research – and each of these approaches will ask different questions and produce different kinds of knowledge. Further, it is important to note that a focus on women in research could mean a number of things – it could involve being concerned with women alone or understanding women's perspective of their experiences in a predominantly male world, or studying gender in relation to other forms of oppression such as race and class (Ramazanoglu, 1992).

A second characteristic of the feminist research process includes the ways in which scholars modify existing techniques to fit the gender-conscious agenda and politics of women's rights. For instance, those using qualitative methods such as interviewing, are "exhorted by [conventional] textbook guidelines to be emotionally detached, calculating and in control of collection of data" (Maynard, 1994, 15) where the research 'subjects' were seen as passive sources of information. However, feminist scholars using qualitative interviewing methods have rejected the hierarchical power relationship between the interviewer and the interviewee and

have instead argued for the importance of a non-exploitative relationship between the two, marked by a genuine connection between them (Yow, 1995, 1997). While Maynard suggests that one way to work around this could involve the researcher critically examining, reflecting and exploring their research process to "demonstrate the assumptions about gender relations which are built into a specific project" (Maynard, 1994, 16), she did not account for power imbalances of class, caste, race and ethnicity that are inherent in the interview encounter.

According to Maynard, a final distinction that feminist research practice involves is "its insistence on its political nature and potential to bring about change in women's lives" (Maynard, 1994, 16) and that it should be designed with the aim of "producing knowledge which would transform patriarchy" (16-17). Maynard suggests that this can be done in two ways - by making the knowledge produced from one's research accessible to the participants; and by democratising the research process i.e. allowing the participants to reflect on their experiences in a safe space. However, this again gives way to a slippery slope where a research project might not necessarily have positive outcomes for the participants; and is based on the presumption that research would necessarily benefit them. For instance, it might result in raised consciousness among research participants but fail to offer them the tools and channels needed to take action (Maynard, 1994, 17). It may also lead to re-traumatization among research participants especially if they are encouraged to recount painful memories. While Maynard points out these issues, she does not suggest what feminist oral historians can do to minimize harm to their participants. However, it is imperative that researchers take adequate precautionary measures and ensure, for instance, that appropriate resources are available for the participants.

In terms of epistemology, the feminist approach is guided by the questions – "'who knows what, about whom, and how is this knowledge legitimized?'" (Maynard, 1994, 18). According to Maynard (1994), historically, men have had the power to produce their own worldview as forms of knowledge and "truth", also referred to as the "male epistemological stance" by MacKinnon (23-4). MacKinnon (1982) further argues that while "objectivity and science represent supposedly neutral positions, they are, in fact, gendered and partial" (Mackinnon, 1982 cited in Maynard, 1994, 23-4). Feminist research then not only challenges this bias but also critiques the so-called "generality, disinterestedness and universality of male accounts" (Maynard, 1994, 18) viewed as superior to the subjectivity associated

with women's accounts. It is this concern regarding the invisibility of women in the writing of mainstream histories that compelled oral historians and activists in the 1970s to "place women in the historical record, to listen to women's own voices and to use oral history as a tool for feminist research" (Abrams, 2010, 156). By the late 1980s, feminist oral history as a methodology forged a link between women's past experiences and present lives, allowing researchers to make sense of women's lives based on a "knowledge and understanding of the oppressions of the past" (Abrams, 2010, 157). According to Abrams (2010), a key principle guiding this exercise was that women share common experiences by the virtue of being women. To this end, oral history emerged as a methodology that informs the development of shared experiences or a "female/feminist consciousness" (157) that unites women. However, it is important to note here that Abrams doesn't account for the ways in which these shared experiences vary based on the intersections of race, caste, class and socio-economic status. As Ien Ang (2003) argues, the initial assumptions made by early feminist researchers about all women being part of a "universal sisterhood" have been criticized by non-western, differently-abled, working-class and queer feminists for being elitist and ethnocentric. Building on the intersectional models of oppression developed by black feminists, postcolonial feminists too argue that oppression and power operate across the layers of gender, sexuality, ethnicity, nationality, religion, class and caste (Parameswaran, 2008, 410). Fobear has also pointed out that the normative assumption of women as universally being "western, white, heterosexual, middle-class, and cis-gendered" (Fobear, 2016, 63) is false and marginalizes women who do not fit into this mould. By the late 1980s, it could no longer be assumed that all women experienced marginalization homogeneously based on their 'gender' alone, rather it was argued to be "be relational and intersectional in regard to an individual's experience in their daily lives as well as their position in the research process" (Fobear, 2016, 63).

Based on her analysis, Maynard (1994) concludes that though there is no one specific model of feminist research, there are clear recurrent themes within this research process, such as the emphasis on women's experiences, ethical concerns regarding participants and the role of the researcher in a study; and the ways these themes are treated, combined and informed by "feminist theorizing about gender and feminist politics" (21). Scholars argue that as a methodology, feminist oral history is congruent with these objectives. By looking at social life through women's vantage point, the practice of oral history, according to Judith Wittner shows us "that we must change our theories of society to incorporate the activities and

perspectives of women" (Anderson et. al., 1987, 119). She, moreover, argues that in placing individual women and their experiences in specific social and historical contexts, oral history demonstrates "how women' s actions and consciousness contribute to the structuring of social institutions" (idem.). Further, taking the time to build a relationship with women allows us to learn about their invisible and neglected experiences and understand how dominant ideologies shape women's worldviews in their own words (Sangster, 1994).

Debates within Oral History

While oral history is certainly an important tool in feminist historiography, it is also ridden with myriad complexities. Referring to Judith Stacey (1988), Sangster (1994) argues that "feminist research is inevitably enmeshed in unequal, intrusive and potentially exploitative relationships, simply by virtue of our position as researchers and that of other women, with less control over the finished product, as 'subjects' of study" (93). Referring to the interview process, Sangster states that while a level of objectivity is possible, an equalization of the interview process is unrealistic because oral history involves researchers essentially availing their identities as women and professionals to "connect" with their subjects and obtain information to publish books and advance their own careers (93). Further, as interviewers in control of the research process, oral historians evaluate the material collected based on their own interpretation, which may or may not be in congruence with the consciousness of the interviewees, but regardless, would take precedence in the published results. Calling this authority over the data a "privilege", Sangster argues that "it is our responsibility as historians to convey their insights using our own" (93), while acknowledging the fact that it is, at this point in time, impossible to create a feminist methodology that is ideal and free of power imbalances (93).

In terms of theoretical concerns, Sangster (1994) delineates how the language we use shapes our writing and the meanings we attach to it. She argues that "attention to language and the way in which gender is itself shaped through the discourses available to us can offer insight as we analyse the underlying form and structure of our interviews" (95). A closer reading of interviews for instance may reveal a number of hidden themes and relations of power based on gender, class, culture and race. This reveals the complexity of conducting research with subjective experiences and writing about women across the divides of time, race, class, age and gender (96). It gives way to significant questions that reveal the implicit weaknesses

embedded within the practice of oral history: who can write and about whom? Is it possible to surpass boundaries of ethnicity, race, gender and class in research? How do we define these boundaries? Also, what should we consider when writing about women – aren't their inner lives a part of their 'subjective experiences'? Wouldn't it allow for more nuanced and enriched writing of history?

Didur (2000), in her essay "At a Loss for Words: Reading the Silence in South Asian Women's Partition Narratives" has explored the difficulties encountered by Butalia (2000) and Bhasin and Menon (1998) in gathering verbal testaments from their participants during their respective oral history projects. They were often confronted with silence when inquiring about women and violence during Partition. Referring to Butalia's experience with remembrance rituals in gurdwaras, Didur (2000) says that stories about women treat them as "either anonymous victims or celebrated martyrs" (57), glossing over the actual reality of their circumstances. She further recounts Butalia's meetings with women who, upon recalling painful memories from the past, would be rendered speechless in the face of overwhelming trauma which often left their conversations incomplete. In addition to this, some silences were rather ambiguous in nature – Gyanendra Pandey (1997), in his interviews with survivors of violence for instance, notes how "women especially were vague about the details of the event" (57). In the case of a particular Sikh family, he observed that the mother kept directing questions aimed at her, to her elder son and brother. She repeatedly asserted her lack of knowledge about politics and asked him (Gyanendra) to talk to her son. This incident indicates how testaments given by female survivors of Partition were influenced by the place and context in which they were interviewed, pointing to a glaringly obvious methodological difficulty in oral historiography.

Finally, it's important to note "the theoretical problems raised by the fact that many women who experienced sectarian violence died during or since that time without giving testimony" (Didur, 2000, 58). This creates enduring gaps in the Partition narrative of women and leads to a permanent loss of history. Didur further expands on two varying viewpoints – while, some scholars believe that imagined or literary accounts can be used to fill the gaps in testimonies of women who cannot be reached, others stress the need to acknowledge the "original incompleteness" of history and understanding 'loss as loss' (58-59). However, despite the complexities that come with the oral tradition, oral history projects such as those undertaken by Bhasin and Menon (1998) and Butalia (2000) have been instrumental in retrieving

and emphasizing women's voices and histories that have, in the past, remained hidden from the 'objective', official historical accounts.

Feminist oral historians are increasingly engaging in debates on the nature of oral history, especially in informal contexts, also referred to as "corridor talk" (Yow, 1997), that allows them to debrief and discuss the nuances of their work in a community-based space. Engaging in discussions on the nature of their work, however, has urged these scholars to be more reflexive and pay increased attention to their own positionalities within the research. Srigley et. al. (2018), in a follow-up anthology to the pioneering 1991 book, Women's Words, have argued that ongoing contestations about the ethical issues of working with oral history have encouraged feminist oral historians to continue reworking and developing methodologies and practices that are collaborative, inclusive and intersectional without abandoning their goal of listening to marginalized voices.

The ultimate goal for feminists is to potentially find newer ways to "empower women by creating a revised history 'for women', emerging from the actual lived experiences of women" (Sangster, 1994, 92); and as evidenced by the above discussion, oral history as a methodology is becoming indispensable in achieving these objectives. By incorporating oral history as a tool within feminist methodology, scholars work with the understanding that the distinct social and material position of women gives way to a unique, complex "epistemological vision which might be slowly unveiled by the narrator and historian" (92). In doing so, they resonate with Sherna Gluck's (1977) claim that "It (women's oral history) is the creation of a new type of material on women; it is the validation of women's experiences; it is the communication among women of different generations; it is the discovery of our own roots and the development of a continuity which has been denied us in traditional historical accounts" (5).

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The X-factors: Exploring the reception of the cross (X) in Get Out the Vote campaign materials

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Abstract
This paper asks to ground the scholarly knowledge about the role and reception of the X (or cross) as a visual cue for elections in Canadian political visual culture. While the character X (or the symbol of a cross as it is often referred to) is one of the most prominent visual cues used in visual voting encouragement materials in Canadian visual culture, little, if at all, is known about its reception by audiences. This paper asks to contribute to the understanding of the symbol and its reception by citizens. The paper is divided into three sections: 1) establishing the status of the character X as a symbol of elections in Canada, 2) examining ideal uses and occasional misuses of the X, 3) exploring the possibility of replacing the X with an alternative - the checkmark (✔). In conclusion, this work suggests that there is a growing need to reconsider the use of the X in Get Out the Vote posters, and it offers alternatives to it.

Keywords
Visual Culture, Political Culture, Get Out the Vote Campaigns, Audience Studies, Reception Studies, Human-Centric Design Research.

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HistoryX – The History of Using X for Elections Purposes and Elections Materials in Canada

The character X (or the cross) is one of the most prominent visual cues of voting in English speaking countries. It was first used in Australia in 1856 and is therefore known as the 'Australian/secret Ballot' (Newman, 2003). The secret ballot system, including the use of the X as a marker for one's choice candidate, became very popular globally soon after its inception, first in English speaking countries (the UK in 1872, Canada in 1874, the US in 1884) and soon after in various other countries (Newman, 2003; Elections Canada, 2007).

The association of the X with ballots made it a readily available symbol of voting and the frequency of using it rose in campaign materials, elections agencies' logos, and media coverage (Elections Canada, 2007). While being such a prominent element of voting encouragement graphics, globally and in Canadian political visual culture, little is known about the reception of the X by voters-audiences. Graphic designers and political marketers assume that, because of the symbol's reputation as a marker of elections, it is a useful and sensible choice. However, hand-me-down wisdom and passed-down-knowledge aside, it is high time some empirical effort is taken to ground these anecdotal thoughts in concrete research work.

Holtz-Bacha & Johansson (2017) distinguish between three different categories of election campaigns:

- Vote for Me / Attack Ads,
- Informational / Public Announcements, and
- Get Out the Vote / Non-Partisan Encouragement.

While the first category is inherently partisan in nature, the other two are usually non-partisan and relatively neutral. As such, the two latter categories offer better opportunities to conduct studies of specific contested topics without risking biasing the reliability of the responses by partisan leanings.

Informational Ads

Elections informational materials started appearing in the late 19th century in the form of election proclamation announcements, as the voting procedure

changed from open ballot voting to private ballot casting. Historically, these were mostly textual. However, with time and technological advancements, select graphic elements (color schemes, logos, and the like) were added to them. Informational ads are often dry, factual in rhetoric, and dull in design because these characteristics are attributed to elevate information retention and to ease resistance to the message (Environics Research Group, 2008). While being produced for various media – from printed forms to radio, television, and digital media – Canadian informational materials remain predominantly textual and are therefore of lesser fit for the purpose of conducting a visual culture study.

Get Out the Vote Ads

Get Out the Vote ads are the last type of campaign to appear on the cultural stage. The first attempts to campaign explicitly for non-partisan voting encouragement purposes are not well documented. However, the thought of, and use of, non-partisan Get Out the Vote campaigns, mostly in the form of posters, are often attributed to the American Women's Suffrage Movement and appeared in or around 1850 with demands to grant that right to women (Cooney Jr. & Project, 2005). The movement was also the first to use posters to call women, after receiving the right to vote, to exercise their right to vote. Multiple such posters appeared not long after the 19th amendment was passed in 1920 in the USA. The Canadian Women's Suffrage Movement, like its American counterpart, made frequent use of printed materials, including posters, to promote its struggle (Burant, 2009).

The history of Get Out the Vote campaigns in Canada is not well documented and is seldom mentioned by either Elections Canada through its publications (i.e. A History of the Vote in Canada, (2007) or the various issues of its Electoral Insights magazine), or by scholars who study voter turnout history. Perhaps Elections Canada's official stance on voting encouragement, which states that the agency considers executing informational ads within its purview while excluding Get Out the Vote campaigns from that mandate (Fekete, 2015), contributed to that oversight. While so, a search for past examples of Get Out the Vote campaigns in Canada reveals that their frequency and ingenuity increased drastically since the mid-20th century and into the 21st century, as voter turnout rates continued to decline and academic and government attention to it rose.

Despite that, non-partisan voting encouragement campaigns are a highly under-studied topic in both political communication literature and visual communication literature. The field is so understudied that in a review of 195 publications that dealt with the intersection of visual and political communication topics from 1956 to 2011, Barnhurst and Quinn (2012) did not find any work that studied the subject.

Method and Research Design

The purpose of this work is to study the use of the character X as an element in voting materials design, and to challenge current hand-me-down knowledge about it. To that end, the last category of non-partisan Get Out the Vote campaigns was selected as the preferred content type upon which this study relied. Printed posters were chosen as the choice media product for this research because they were easier to handle logistically, while on the road, they do not demand consideration of analyzing moving-image or audiovisual elements and were easy to locate and harvest from readily available public sources. A corpus of 21 Get Out the Vote ads that were used in Canada between 2000 and 2015 was gathered. Items in this corpus were produced by governmental agencies, NGOs, and art-school students in social service classes.

In addition, a decision was made to pursue an audience reception study via in-depth interviews and photo elicitation, rather than a personal analysis by a single researcher using semiotic approaches, in order to ensure that the work represents the public's knowledge accurately. Interviews were conducted in the summer and early fall of 2015 with 44 Albertans using an adaptable photo-elicitation model – a method that uses visual imagery to elicit responses from participants in ways that limit social desirability bias, selection bias, and visual perception bias (Berenstein, 2019, pp. 85-93). Responses were thematically analysed at face value, and no semiotic methods were used to assess responses, to ensure that the original intentions of the interviewees, and their original sense-making approaches, were kept.
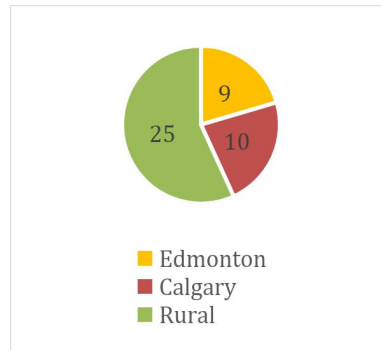
Research population[1]

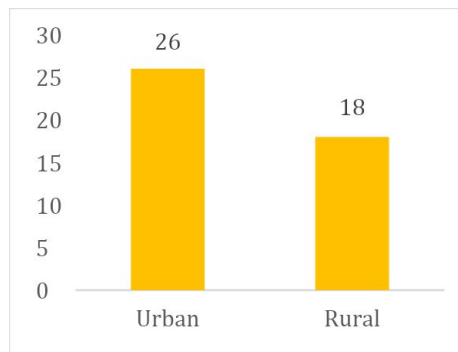Fig.1 - Number of interviewees born and raised in rural areas

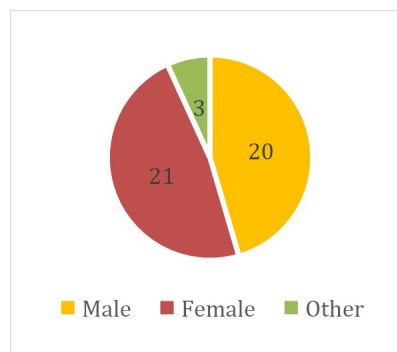Fig.2 - Number of interviewees currently residing in rural and urban areas

Fig.3 - Count of interviewees' self-identified gender

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[1] Based on self-reporting by interviewees. However, this data is consistent with elections Canada and previous research findings relating to prevalence of voting behaviour among Canadian citizens. For more information see Howe, P. (2010). Citizens Adrift - *The democratic Disengagement of Young Canadians*. Vancouver, BC: UBC Press.
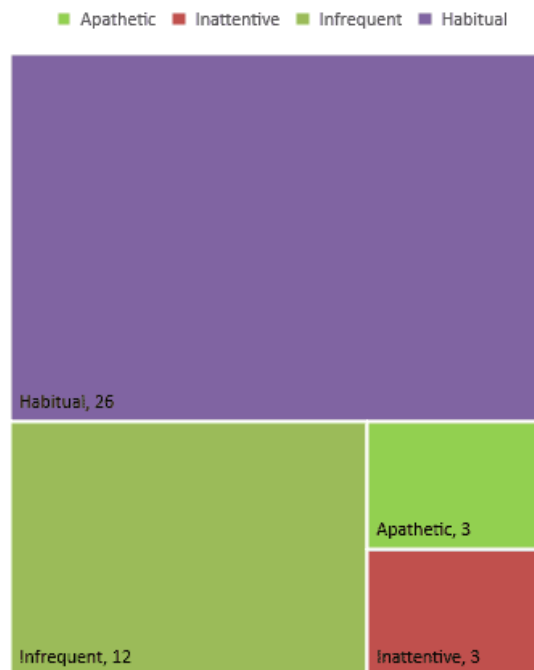
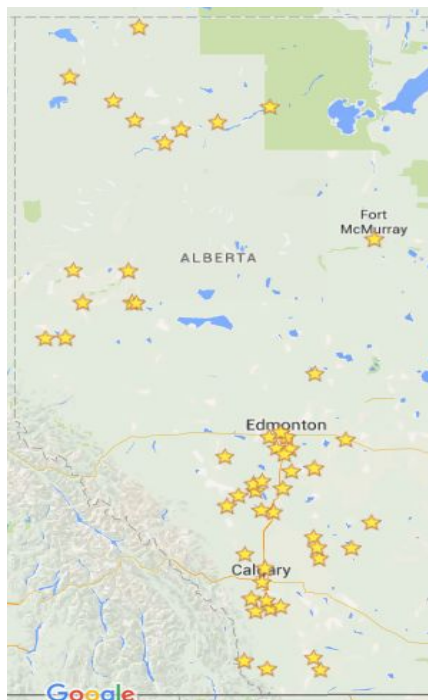Fig.4 - Participants' self-reported civic engagement habits

Fig.5 - Locations of interviewing in Alberta

What Does X Mark? Assessing the Practical Aspects of Using X for Communicating Elections

The character X has been identified, by all the interviewees without exception, as a distinct visual element that oriented them to consider a poster in the context of elections. This determination was noted both towards an X as a visual element in the design of the posters – such as in AIGA's Big X (Fig. 6) – and as the logo of election agencies, such as Elections Manitoba's logo (Fig. 7).

The identification of X as related to elections cuts across various demographics with little relation to class, gender, religiosity, education, or profession. Safia, a 20-year-oldfirst-generation Canadian undergraduate student from urban south-central Alberta, commented: "I would probably pay attention to it just because I have an interest in politics, so if I saw an X or the Elections Manitoba [logo] that would probably catch my eye." Alison, a 46-year-old northern Albertan high-school graduate, said: "[It's elections-related] because there is an X that marks the spot". Ann, a 69-year-old, high school graduate and retired farmer from rural eastern-central Alberta, agreed, saying: "Oh yeah because you always put an X to where you're going to choose- to whoever you are going to choose to vote for."

Fig.6 - *Design for Democracy campaign* - Big X / Designed by Kelsey Allen, AIGA, 2014

Fig.7 - *You Count campaign - Senior Citizen* / Produced for Elections Manitoba

When asked to tell how interviewees learned about the elections-related context of the character X, they suggested either: 1) the instructions on the ballot form, 2) school, or 3) explanations by their parents. The explanations interviewees provided as to the origin of their understanding are both in line with and reasonable in light of political socialization literature (Jennings, 2007).

Amy, a 28-year-old daughter of a government worker from urban southern Alberta was a graduate research student at the time of interview. Amy believes she learned about the meaning of the character X in the context of elections from the instructions on the ballot itself: "You put an X on a ballot. …I have voted before. …They're very clear on their instructions."

Several interviewees credited school as the source of their knowledge about the relationship between X and elections. Evan, a 30-year-old university graduate student from an urban central Albertan background, testified that "In Grade 1 class elections the teacher's told us to put an X- …put an X on the ballot…" Parents were also credited with teaching some interviewees about the linkage, as part of their decision to take their children to experience elections, while the parents themselves went to vote. Jeremy, a 39-year-old tradesperson from urban southern Alberta told of one such time:

> I guess in terms of my first like ever seeing an X put in a …in Alberta,
> we use a circle… my parents took me in the voting booth when I was a
> little kid. But that's just an X with a pencil or a pen…But in terms of
> the broad stroke X, I mean that's ingrained through um popular

culture imagery of voting. So, just over time I probably maybe became more aware or made that connection at some point during high school that that broad stroke X, that's the voting. If it was just a thin pencil line.

Jeremy, in this testimony, remembered being aware, to some degree, of the cultural significance of marking an X on a ballot. However, he distinguished between recognition of a symbol as a narrowly framed technical process of voting and deeper socio-political understanding of the meaning of elections and the way the X stands to represent the entire process of elections.

To conclude the point, as demonstrated in the responses, the X has an irrefutable connection to elections in the minds of the interviewees. The recognition of the X as the means by which one states their preferences when filling a ballot is shared by people of various demographic backgrounds and from different walks of life. It is grounded in Canadian political and visual cultures as a historical marker of elections, and therefore it frequently appears in elections related materials.

X-Rated: Assessing the visual perception of the cross

This section addresses three phenomena that govern the visual perception of the X, and testifies to the technical aspects of using the X as in the context of elections:

- The location of an X in the box (or in the square as some called it),
- Conditions for a political understanding of the X (or the limits of the X), and
- Alternative ways of marking ballots (the X vs. ✓ category).

X in the box

X in the box refers to comments that interviewees made about the nature of filling ballots by marking an X in a specially designated space – either a square or a circle (Fig. 8). When seeing Elections Manitoba's Your Power to Choose poster (Fig. 9), Hockley, a 46-year-old software engineer from a central Albertan urban background, said: "Well the Elections Manitoba is a bit of a giveaway, but the big X in the box is definitely speaking to a vote and largely to a political ballot."

Fig.8 - Polling station entrance signage / Elections Alberta

Fig.9 - *Your Power to Choose* / Produced for Elections Manitoba

According to Hockley and other interviewees, the box or circle in which the X is marked gives the combination of elements the elections-related meaning.

The limits of the *X*

The limits of the X category collects instances in which the X did not get associated with voting or elections. Comments that fit this category appeared when:

- The space in which the X was found was not a clear-cut square,
- When interviewees did not find another verbal element (such as a slogan or elections agency's name and logo) that directed them to think about the poster in a political manner, and
- When the X was not found in a recognized space.

Evan commented about the shape of the space in which the X was located in Elections Manitoba's Your Power to Choose poster when the agency logo was omitted (Fig. 10):

> I don't think that's the message they're trying to send [that this poster is about elections]… Because the ballot box, the X in the square it's not just a square it's like a speech bubble as if it's this person's talking.
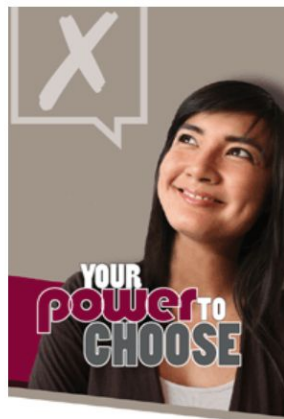

Fig.10 - *Your Power to Choose* / Produced for Elections Manitoba

Evan differentiated between the simple square that could be found on a ballot and the square shaped like a speech bubble found in the poster, that he considered to be a speech balloon and thus a different symbol than an X in the box.

The specificity in which he saw the two shapes is furthered by the lack of another cultural reference (such as the name or logo of the agency) in the poster when the bottom part is not visible. However, when the name of the agency and its logo were present, Evan agreed that there are hardly any other plausible alternative readings to this poster.

Several interviewees referenced the difference in reception of that same Elections Manitoba poster with and without the agency's logo at the bottom (Fig. 9 and Fig. 10). For example, Ann, a 69-year-old retired farmer from rural eastern-central Alberta, said that "without that [the Elections Manitoba logo], you don't know what they are asking you to vote for." Ann compiled her understanding of the poster based on two elements: The X in the box and the agency's name. The slogan, in this case, seemed to have a lesser impact on her because of its ambiguity.

Such responses stress the importance of multiple cultural anchors, both visual and verbal in posters' design.

The last kind of response regarding the limits of the X relates to the presence of an X without a designated marking space, or at the center of an ambiguous shape. Interviewees who were faced with such imagery found it hard to arrive at a politically oriented reading of the posters.

Consider, for example, the following response by Amanda, a 31 year old female high school graduate from a religious rural southern Albertan background, to Student Vote's Learn. Discuss. Vote. poster (Fig. 11):
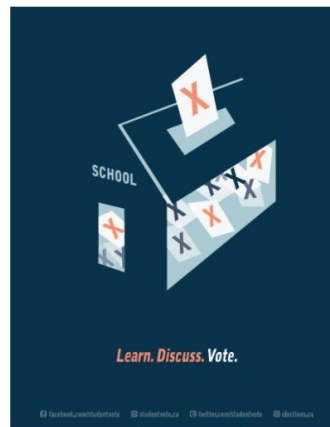
Fig.11 - *Learn, Discuss, Vote* / Produced by Student Vote

Amanda faced uncertainty when the X was not positioned in any discernible square or a circle. Instead, the X was positioned inside an awkward, white-out, obtuse trapezoid space to depict what may be associated with ballots. Furthermore, the white-outed shapes do not have an outline. Finally, to complicate the reading of this poster even more, the shape of the school-house/ballot box is only partially hinted at and confused interviewees' ability to arrive at the intended meaning.

Rose, a 36 year old French-Albertan woman with a post-graduate degree and of an urban central Albertan background, provided another example of a difficulty to decode a poster when there was no concrete X in a box when she was presented with the Elections Canada Your Vote Is Your Say poster (Fig. 12):

This is going to sound totally off the wall, but the first thing I see when I see this hand … this feels like an apartheid protest poster. …I think it's terrible because it says your vote is your say but then the hand is reaching up which has nothing to do with saying anything and the X is clearly applied afterwards [points to the upper section of the shape near the index finger], so then it's like, what is it reaching for? It's just a bunch of mixed up junk on a page.

Fig.12 - *Your Vote is Your Say* / Produced for Elections Canada

Rose identified the X quickly and recognized the ideographic and textual value of the word "vote" in the slogan. However, as she pointed out, the X did not fit the standard visual conventions of the symbol in political contexts, and the rest of the imagery did not provide enough anchoring to associate the imagery with an elections-related message.

Indeed, the X in this poster is drawn in an unevenly fractured line; the edges of the line have sharp edges that do not match either the physiology or the color scheme of the hand. Therefore, instead of arriving at the intended meaning, Rose opted for an alternative meaning of the poster altogether.

In conclusion, interviewees demonstrated a strong tendency to associate the character X with election-related messages when the symbol appeared in manners that followed grounded cultural conventions:

- *X* has to be presented in a clear square/circle.
- *X* has to be presented in an outlined space.

- *X* has to be accompanied by other cues that prompt to its elections/political context.

Divergence from these resulted in difficulty to arrive at the intended message. That difficulty, in turn, often led to a negative response to the posters.

Affect reactions had an important role in the reception of the posters altogether. Negative responses skewed the reception of some posters' message and contributed to the development of resistive opinions towards the voter turnout encouragement effort. Therefore, even though the two X-factors detailed herein did not reflect directly on the perception of democracy or elections, they indirectly contributed to the matter.

X vs. ✔

The third phenomenon relating to the reception of the X references the use of ✔ (or checkmark) as alternative to the X. Several interviewees made specific comments about their dissatisfaction with the X and preference for the ✔. References to the ✔ in this category reflect uses of both right-pointed and left-pointed checkmarks, by both left hand dominant and right hand dominant interviewees, as dominant hand had no influence in the matter.

Charles, a 55 year old businessman from northern Alberta, may have been the most extreme in his opinion against using X to communicate personal preferences in written form. In response to the first poster he saw, in which an X appeared (Elections Manitoba's Your Power to Choose/ Fig. 9), Charles stated:

> Personally, I have never put an X in the box anyways - I put a checkmark in the box. [Why?] Well [because] X is 'NO' [stressed tone], and checkmark is 'YES' [stressed tone], right? Why would I want to mark 'no' in a box? … I never put an X in those boxes.

Ian, a 40 year old high school graduate and government worker from rural central Alberta, was also very clear in his rejection of X as a written marker of one's approval in the context of filling the ballot:

> The X is negative because when you get a test back or something, … There's a red X [to mark a mistake]… on tests. So… the only time I

have used this is for provincial or federal elections. And I honestly can't think if I do. I just yeah, I think I put checkmarks. If I had to guess, it would be a checkmark.

The X, according to Ian, had a stronger association with educational contexts, of correct or incorrect answers in exams and quizzes, than it had with elections. The negative feelings that one has when they see an X as a mark of failing to answer correctly in an exam surpasses the otherwise neutral association with going to vote.

The association of X as a symbol of mistake or failing, in an educational context, was as prevalent in other interviewees' minds as it was in the minds of Charles and Ian. In fact, about ten interviewees (roughly a quarter of all) mentioned their strong association of X with failing in a test, as with voting. Furthermore, several of these interviewees noted they would have preferred a ✔ over an X and did not use the ✔ because they were not familiar with the legislative change that took effect in 2000 and allowed to mark ballots with signs other than an X (House of Commons, 2000). Potentially, now that these interviewees know that marking a ✔ on a ballot is allowed, they will start using it and will abandon the X.

Following the responses related to the practice of using ✔, instead of X, for marking ballots, there are strong reasons to surmise that, at least for some people, the association of X and negative affect is so strong that they try to refrain from using it at nearly all costs. Having stated such strong negative emotions towards a sign, since early childhood, leads one to wonder whether the association may translate into unintended readings or reception of official election-related communication as well. These could be either negative readings, or, in some cases, even subversive readings (as demonstrated earlier in the limits of the X section).

Another mention of using the ✔ was related to interviewees' wishes to replace the X (or other symbols) with a ✔ as means of changing the appeal of posters to a more positive one. The most common of these references were made with regards to AIGA's Big X (Fig. 6).

Ian, who, as mentioned earlier, is a staunch supporter of using a ✔ over an X, said:

?Why an X, why isn't it a checkmark, but I think it's an X because it's negative than a checkmark, and that ties into the negativity that I feel

about this poster. I get this idea, but it almost feels like the people
have to rise up against this negative background…

Ian, in this quote, referred to the X in the box convention as both a visual
convention inherently associated with voting, and when combined with other
design elements, as a design ploy intended to make viewers feel uncomfortable on
purpose.

The intended result, in his opinion, is one in which people are swayed to
action by feeling guilty. In other words, had the designers used a ✔, Ian would have
been more content, but the message would have been diluted. Furthermore, and
indirectly, Ian voiced criticism not against the poster, but rather against the cultural
perception of elections (and, by extension, politics in general) as having a negative
appeal that creates hostility among people and demands an aggressive action.

Gwen, a 69 year old former federal government worker with a graduate
degree from rural central Alberta, reported similar preferences in the use of X in
Student Vote's Learn. Discuss. Vote. poster (Fig. 11): "A checkmark to me, like when
you're in school, you get a checkmark, you get an X if it's wrong. …the whole
concept- an X is wrong, a checkmark is right."

Gwen was not amongst the interviewees who had a strong aversion against
using an X on ballots. However, when presented with the dual visual meaning of the
X, across the educational and political domains, Gwen felt the tension between the
two. Yet, unlike interviewees who preferred ✔ over X, Gwen saw the negative
subtext of the situation only because it was explicit that the poster attempted to
allude to both a ballot box and a school building. It is unclear if she would have had a
similar reaction should the word 'school' be omitted from this poster.

On the other hand, Jeremy, who was another staunch supporter of using a ✔
over the X, saw the positive potential power of the ✔ as means of breaking apathy
even in posters devoid of both symbols altogether. In response to the visual logic
behind Apathy is Boring's Tic Tac Toe poster (Fig. 13), he commented:

Checkmarks are very well associated with voting. I'm kind of confused
almost [laughs] 'cause there's no Xes and Oes. …? Maybe if it was
checkmarks and Xes, there might be something.

Indeed, the visual logic of the Tic Tac Toe poster (Fig. 13) was not clear to many interviewees. However, in an attempt to make sense of the reasoning behind the use of a tic-tac-toe grid, Jeremy suggested to include the X vs. ✔ convention in it, instead of the maple leaf silhouettes, thus negating the poster's nationalistic sentimental appeal and refocusing it on elections.

Fig.13 - *Politics made easy campaign - Tic Tac Toe* / Produced for Apathy is Boring

That said, there is hardly enough evidence to suggest interviewees appreciated the positive affect of the ✔ as much as they appreciated the negative affect of the X. George, for example, was indifferent to the use of the ✔ in AIGA's You don't VOTE. They win. (Fig. 14). When asked a concluding question about this poster she dryly replied: "You got a checkmark there instead of an X …[but] it doesn't matter to me."

Fig.14 - *Design for Democracy campaign - You don't VOTE. They win.* /
Designed by Ben Rush, AIGA, 2012

Several other interviewees commented about the use of a ✔ instead of X in this poster, especially in light of the negative appeal the background and rhetoric of the poster communicated in their opinion. However, they, too, did not ascribe a concrete positive affect to the ✔ in specific, nor did they suggest the use of the ✔ contributed to the poster's reception became more positive.

Elections Ontario's Voting Rules (Fig. 15) was the only poster in the corpus that used both X and ✔. Various interviewees supplied ample opinions and responses in reaction to the poster, including elaborated analysis of the different social subtexts it communicated about multiculturalism and racial affairs, in their opinion. However, only one interviewee (Lucille, a 51-year-old French-Canadian northern Albertan Metis) saw fit to comment about that dual use of symbols when she stated: "…and obviously that is the X for ballot. I'm assuming. And it's also a ✔, So they've got a lot of mileage out of that [element]."

The lack of comments about the dual use of X/✔ in this poster from most interviewees could be attributed to various reasons. It might have been overshadowed by attention to the multicultural social commentary or the artistic looks, from visually triggered interviewees, or by the tongue-in-cheek wording of the slogan from textually triggered interviewees. These aspects received the majority of interviewees' attention, and mostly in a cynically critical manner. However, that does not change the main point in this case, which is that

interviewees paid much less attention to the positive effect of the ✔ than they did to the negative effect of the X.

Fig. 15 - *Voting Rules* / Produced for Elections Ontario

From analyzing the subtext of the responses above, a strong message arises regarding the reception of X in X vs. ✔ cases, by at least some of the interviewees. In the mind of such interviewees who commented about the issue, politics might not be a pleasant and beautiful thing, and using negatively associated symbols such as the X only helps to intensify these opinions more. In that regard, and similar to the other two phenomena recorded earlier, the X vs. ✔ category strengthens the conclusion that affect response, in addition to concepts of democracy, plays a vital role in the reception of the posters.

On a practical level, the X vs. ✔ phenomenon demonstrates an additional understanding that is of importance for communication specialists. Through the analysis, this section documented a process of cultural change in perception of visual cues; where, traditionally, the established cultural norm was of using X as an agreed sign of voting and elections, newly emerging norms prefer the ✔ for these functions.

Summary

The X (the cross) is perhaps the single most identifiable pictogram cue of elections in Canadian political visual culture. The extent to which the

election-related association of the X is solidified in the minds of Canadians is deeply rooted in socialization from their early childhood experiences to their early adulthood exposure to voting regulation. Yet, while the X, as a pictogram in and on its own, is so entrenched in citizens' minds as a symbol of elections, there are concrete and immediate limits to a successful reception of its context and relevance for elections purposes. The X must be presented in a very specific visual convention, either in a square or a circle. The X must have clear outlines and preferably be accompanied by other logical anchors – such as the word vote, or elections agency's logo – to ensure its effective reception.

However, and more importantly, the study found that the cultural status of the X is under threat and deteriorating. Other potential meanings of the X, mostly in education-related life-spheres, muddle the meaning of the pictogram and at times, lead people to develop negative affective reactions to it. Such people highlight the power of the checkmark (✔) as a culturally ingrained viable alternative to the X and prompt them to conclude that it is favored. This later finding bears importance for political marketing purposes, both partisan and non-partisan alike, as the last thing wanted by practitioners is to encourage citizens to develop negative reactions to election campaigns.

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Same as it ever was: The Canadian and American music industries' responses to digitization and the circulation of "piracy panic narratives"

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Abstract

In this paper, I outline how the "piracy panic narrative" (Arditi, 2015) has repositioned the fan/musician dynamic in the digital era, from one between maker and listener to one between labourer and thief. The paper questions if the press has fairly assessed the fan/musician dynamic in the digital era and examines who has directly benefited from the reorganization of the relations between producer and consumer. The article provides a contemporary history of the American and Canadian music industries' response to file sharing, crisis and piracy. Drawing on data from the 2017 Music Canada report on the Value Gap, the essay ultimately concludes that those most affected by the repositioning of the producer/consumer dynamic are not the various stakeholders whose voices are most frequently heard, but actually the musicians. The piracy panic narrative is thus nothing but an exercise in creating smoke and mirrors; music industries depict themselves as victims, all the while quietly rearranging their business practices to maintain a long-held position as gatekeeper.

Keywords
Digitization, Music Industries, Value Gap, Piracy, MP3.

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On May 27, 1997, *USA Today* published what is now known to be the first media account of the unauthorized downloading of MP3 music files. In the article, journalist Bruce Haring (1997) recounts the ease with which young people enter queries into an "internet search engine" and locate websites offering (free) sound files "using a technique called MPEG Audio Layer 3". He reveals that the popularity of such sites has "mushroomed on the Net" over the past few months, particularly among college students. Yet in spite of widespread industry misgivings about the circulation of MP3s (which to many key players at that time signalled a burgeoning sect of pirates-cum-entrepreneurs), Jim Griffin, then-director of technology at Geffen Records, is quoted as commending the MP3, arguing that despite current limitations, the online circulation of MP3s represents the "future of music distribution" (Haring, 1997).

So, what went wrong? In the intervening decades, scholars and critics have engaged in lively debates regarding the central post-Napster proposition: "the recording industry is dead." In 2002, Steve Jones urged readers to consider why claims about the death of the Music Industry even seem possible, and to reflect on why such claims are often made with relish. As music industries rallied against file-sharing platforms and their alleged ability to supersede their long-standing gatekeeping initiatives, discourses from popular, trade, and critical press were chiming the death knell of the industry, and decrying fans as bootlegging thieves. This widely circulated "piracy panic narrative" reconfigured the relationship between producers and consumers, from musician and fan to victim and criminal (Arditi, 2015). But is that really a fair assessment of the fan/musician dynamic in the digital era? Who actually stands to benefit from this reorganization of the relations between producer and consumer?

In what follows, I provide a close examination of the American and Canadian music industries' responses to digitization and, more specifically, their hostile aversion to the availability and free circulation of MP3 files via peer-to-peer file-sharing networks. To begin, I define the Music Industry, and provide a brief overview of the history of panic and piracy in contemporary music industries. The remainder of the article explains David Arditi's (2015) "piracy panic narrative" and assesses the implications of its repositioning of the fan/musician dynamic.

Overall, this essay[1] charts the decades wherein the MP3 went from internet novelty to mainstay format. It begins with the American context because Napster is *the* emblem of the digital zeitgeist of the 1990s, and because it is in the United States that Napster was created (and ultimately dismantled). The remainder of the article conceptualizes the various industry responses to digitization as a play in three acts. Act One covers the period where the piracy panic narrative emerges and when efforts to quash file sharing begin in earnest. Act Two focuses on the moment those efforts turned from stopping the sites that enable peer-to-peer file sharing to suing citizens characterized as prolific pirates. Finally, Act Three sees the revivification of the piracy panic narrative in Canadian cultural policy after several years of dormancy. Drawing on on data from the 2017 Music Canada report on the Value Gap and the 2019 Shifting Paradigms Report from the Standing Committee on Canadian Heritage on remuneration models for artists and creative industries, I ultimately conclude that those most negatively affected by the repositioning of the producer/consumer dynamic continue to be musicians. The piracy panic narrative is therefore nothing more than an exercise in creating smoke and mirrors: music industries depict themselves as victims, all the while quietly rearranging their business practices to maintain their long-held position as gatekeeper.

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[1] This article is an early iteration of what has since developed into two chapters of my dissertation. In one chapter, I offer a more detailed account of the legal proceedings surrounding industry efforts to quash file-sharing practices between 1997 and 2007, in both the United States and Canada. I begin with the proceedings initiated by the Recording Industry Association of America (RIAA) that followed the popularization of Napster mentioned above and then cover the Canadian Recording Industry Association's (CRIA) venture at an RIAA-style shutdown of peer-to-peer file sharing. This includes the BMG Canada Inc. v. John Doe lawsuit, Judge von Finckenstein's contentious ruling, the CRIA's appeal, and the CRIA's eventual takedown of BitTorrent Tracker Demonoid. The second chapter is an in-depth examination of the key policies and reports that emerged in Canada between 2008–2019 to address changes wrought by digitization. In addition to the documents already mentioned in this article, I examine the Creative Canada Policy Framework (2017); Music Canada's report on Closing the Value Gap (2019); and the Statutory Review of the Copyright Act (2019). The key themes discussed include copyright, safe harbour exemptions, the definition of a sound recording, and the radio royalty exemption.

Defining the Field

Jacques Attali's (1985) core argument in *Noise: A Political Economy of Music* is that music, as a cultural form, is intimately tied up in the modes of its production. These modes, he argues, are bound to structures that both enable and constrain creativity, and these structures shape the conditions of production experienced by the musician as well as the conditions within which relationships are created between musicians and audiences (Attali, 1985, p. 9). Jonathan Sterne (2012) explains that it is *through* the industrialization and commodification of music that the aforementioned relations are transformed from that of musician and fan into one between records and cash (p. 190). This relationship, of course, is exemplified by the Music Industry/musician/consumer dynamic.

Ordinarily, evoking the term "music industry" conjures a mental image of a giant corporate monolith, one fixed in form and function—but it's far more complex than this. Trying to make sense of these complexities, Matt Jones (2012) helpfully delineates the nuanced differences between three specific yet interrelated concepts: music industry, music industries, and the Music Industry. For Jones (2012), it is important to distinguish among these three ways of conceptualizing the production, circulation, and consumption of recorded music. *Music industry* is the "unstable mixture of entrepreneurial instinct" combined with "industrial and business latitude" held together by a "legal framework of contract and intellectual property law" (Jones, 2012, p. 5). The term "music industry" best captures "the mass or repeated actions made by record companies, music publishers, and live agents" (Jones, 2012, p. 5). It is, in essence, the business *practices* and procedures that make up the industry devoted—at least in some way—to music production, distribution, and consumption. The term indicates the doing of actions and processes by music industries *and* the Music Industry (Jones, 2012).

Narrowing his focus somewhat, Jones (2012) uses *music industries* to recall the specific practices and products of the music industry. The term encapsulates recording, publishing, and live performance; music commodity forms that can, and do, vary; and licenses (Jones, 2012). Music industries thus refers to the particular *businesses* involved in producing and distributing music commodities, and also those involved in licensing music and putting on shows.

Finally, Jones (2012) characterizes the commonly shared perspectives and practices among industries involved in the publishing, recording and live

performance of music as *the Music Industry*. This term expresses the interactions and interdependencies among these three distinct industries as both necessary and commonplace. Echoing what Max Horkheimer and Theodor Adorno long ago recognized, Jones (2012) argues that "the Music Industry exerts a standardizing cultural force" (p. 175); its impetus is the preservation of the Music Industry "standard" of expertise and the maintenance of the formulae that demonstrate guaranteed returns on investment.

Some scholars attempt to eschew the invocation of such an ambiguous term by focusing on what they deem "the recording industry"—that is, those industries concerned exclusively with the sale and circulation of recorded music. However, within the era of 360-degree contracts and a waning dependence on physical music commodities, the notion of "the recording industry" fails to fully capture the complex actions and interactions concurrently taking place (Meier, 2017). Consider, for example, this shift in Canada: during the early aughts, the pre-existing Sound Recording Development Program changed its name to the Canada Music Fund (CMF); and the Canadian Recording Industry Association likewise changed its name to Music Canada. While seemingly minor semantic differences, these changes speak to a wider shift in the understanding and expectation of what constitutes music commodities: the recordings, the performer, and the licensing rights.

Music Industries, Crisis & Piracy

The history of music industries reveals battles over playback formats and tensions between recording companies and consumers who demand cheap or free music (Sirois & Wasko, 2011). These battles tend to disrupt the status quo, receiving an exorbitant amount of media attention and are regularly framed as moments of crisis.[2] In 1983, for instance, *Rolling Stone* printed an article titled "The Digital

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[2] The concept of moral panic fits logically enough into a conversation about the piracy panic narrative, especially when considering the role of the news media and popular press in circulating these narratives. Indeed, the piracy panic narrative could be read as a form of moral panic, as the press and relevant corporate stakeholders consistently frame the issue of piracy as a matter of morality (e.g. "stealing music is theft and theft is bad"). However, moral panics are most often generated from issues that incite fear in the public (e.g. fear of muggings, terrorism, gangs, shootings, tainted Halloween candy, etc.); by contrast, the piracy panic narrative generates fear of the public. The piracy panic narrative is the most effective way to understand this particular issue because it recognizes the fact that, in this so-called crisis of industry, it's the public who are characterized as "pirates" of intellectual property—a faceless mass to be feared.

Revolution: Will the Compact Disc Make LPs Obsolete?" (Knopper, 2010). Swap the words "MP3" and "CD" for "compact disc" and "LP", and the article could easily be read as if it were written in 2003 — even 2013. Cognizant of the industry's flair for the dramatic, Simon Frith (1988) argues that "there is more to be learnt from the continuities in pop history than from the constantly publicized changes" (p. 12). Similarly, David Hesmondhalgh (2019) stresses the importance of recognizing contradictions within the cultural industries, of recognizing the presence of continuity *and* change; of structure *and* agency; and of exploitation *and* pleasure. While it is undeniable that change within cultural industries—including music industries—regularly occurs, it is important that we ask the extent to which these changes are actual epochal shifts, as there are many continuities that remain alongside much-celebrated change. Hesmondhalgh urges that scholars be wary of falling into a neophilic trap of innovation idolatry and, like Frith, encourages his fellow researchers to stay grounded by keeping a strong eye toward patterns of continuity *and* change throughout the history of specific cultural industries, such as music industries.

Most often, these so-called crises are nothing more than the industries' failure to respond to the ebb and flow of industry and innovation. It is understood that changes in technology are what incite much of the piracy panic narratives that circulate in and among popular discourses about technology, digitization, and the music industry. Despite the music industries' ability to overcome and adapt to many of the changes they've faced, technology nevertheless remains a steadfast contradiction within music industries as it simultaneously helps to propel the music commodity to the far reaches of the globe at the same time as it seeks to "destroy it from its material core" (Sirois & Wasko, 2011, p. 338). While technological innovations have never fully or fundamentally reconfigured the interdependencies of music industries, digitization has arguably been the most transformative (Jones, 2012).

Digitization has had significant repercussions for the nature of the music commodity, and the Music Industry is therefore reconfiguring itself around the distribution, circulation, and presentation of digital music via online retail outlets, file-sharing services, and streaming platforms (Morris, 2015). Digitization therefore demands a sea change in the modes of selling music and compensating artists, as well as the policies and regulations for managing sound recordings. A key issue that

repeatedly inspires panic among the music industries, but one that has come to a head in the digital era, is their ability to maintain a monopoly over the means of distribution (Jones, 2002; Sirois & Wasko, 2011). Because music industries profit greatly by intervening in the exchange of music commodities—while at the same time investing little into the creation of those commodities—they have amended their approaches in the digital era to ensure they maintain their rent-seeking[3] returns. As Leslie Meier (2017) explains, "the business logics and tendencies inherited from the old music industries still play a vital role in shaping the asymmetrical distribution of risks and rewards found in the contemporary music industries" (p. 53). They have reinserted themselves in the supply chain by shutting down or buying up existing (illegal) distribution platforms, receiving exorbitant licensing fees to allow access to their catalogues (i.e. Spotify), or by creating entirely new platforms (i.e. Tidal or Vevo).

Ultimately, the technological changes undergirding the production, distribution, and consumption of sound recordings have not profoundly disrupted the steadfast economic practices of the old recording industry (Meier, 2017). Consequently, while the Music Industry spent significant resources decrying file-sharing and digital distribution for posing a threat to the value of recorded music, the reality of the situation is that inequalities have intensified in the presence of digital distribution, and that it's often the musician that suffers, not the industry (Morris, 2015). As such, the Music Industry is still a field of—and site for struggle over—power: "the power to decide who controls effort and decides what efforts are appropriate to market success" (Jones, 2012, p. 204).

Piracy Panic Narrative: A Play in Three Acts

Simply put, the piracy panic narrative suggests the following: file sharing is piracy, piracy is stealing, and stealing hurts artists and labels; ergo, fans who download shared files are not simply accessing free music but rather stealing potential revenue from their favourite artists (Arditi, 2014). "By labelling file sharers as property thieves," Arditi contends, "the piracy panic narrative constructs a

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[3] Ursula Huws (2016) explains that, under the structure of platform capitalism, capital intervenes by taking a rent. That is to say, it takes a small percentage of profits from the exchange of goods on its platform. The platform is therefore an intermediary that links producers to consumers, but one that does very little active work beyond facilitating this link (e.g. Uber, Apple Music, Postmates, etc).

victim—the artist—and a victimizer—the fan" (p. xxii). But in so doing, musicians are pitted directly against their audiences, fans, and consumers; "that is, the people who already support [them]" (p. xxii). Meanwhile, the Music Industry assumes the role of empath, and positions itself as speaking to the needs of the affected parties—musicians. In reality, however, musicians are put in the uncomfortable position of, on the one hand, being forced to condemn the actions of fans who are freely (though illegally) circulating their music—and, on the other hand, being required to actively cultivate a monetizable fanbase via social media platforms in order to make a living. If the music industries hadn't been given a platform by news outlets to lambaste file-sharers and denounce the illegality of file-sharing, "the discourse over whether file sharing is illegal may be different structurally. The problem is that the idea of piracy has become naturalized" (Arditi, 2015, p. xxiii).

These digital production, distribution and consumption systems have actually enhanced, rather than undermined, the commercial position of most music industries firms; this reality directly contradicts the music industries' claims, reflected in the "piracy panic narrative", that they are experiencing financial turmoil. Arditi (2015) suggests that the piracy panic narrative was put forth by the Recording Industry Association of America (RIAA) in an effort to create political will for the state to regulate cultural production in favour of big business and was widely and uncritically circulated by mainstream news outlets. In the proceeding section, I describe the two major litigious initiatives undertaken by the RIAA to thwart the free circulation of MP3s and unpack some of the implications that have arisen as a result of the Value Gap this has generated.

Act 1: RIAA vs. Napster

On June 1, 1999, Shawn Fanning debuted Napster, an independent peer-to-peer file sharing service that allowed users to upload and download MP3s via a user-friendly interface (Witt, 2015). That same summer, Frank Creighton, then-head of the RIAA's anti-piracy division, was first within the organization to officially recognize online file-sharing after being shown Napster at a board meeting. By October 7, 1999, there were 150,000 registered users trading 3.5 million files, and by October 27, Hilary Rosen, then-head of the RIAA, instructed the association's lawyers to draft a complaint to Napster (Knopper, 2010). The RIAA then filed its first official copyright-infringement lawsuit against Napster in the US District Court in San Francisco on December 6, 1999. For its defence, Napster attempted to use the 1992

Audio Home Recording Act[4] and the 1984 Supreme Court precedent, Sony Corp of America v. Universal City Studios, "The Betamax Case"; if Sony can sell VCRs for people to record TV, Napster argued, the same logic should apply to their case. Judge Marilyn Hall Patel, however, disagreed with their argument, and Napster lost the case (Knopper, 2010).

By July 2000, Napster was hosting almost 20 million users, and by October Fanning had struck a deal with German media giant Bertelsmann for $60 million dollars (Knopper, 2010). In the meantime, while Napster continued to face litigation, the company attempted to appeal Judge Patel's verdict. In February 2001, the US Court of Appeals for the Ninth Circuit upheld Patel's decision and the site was officially declared illegal (Knopper, 2010; Witt, 2015). Napster engineers then began blocking file names according to a list provided to them by the RIAA in March 2001, and by May 14, 2002, Napster had officially declared bankruptcy (Knopper, 2010).

Throughout this time, the RIAA was given uninterrupted access to mainstream media to circulate their piracy panic narrative. Napster, unsurprisingly, was not. Without adequate opportunity to meaningfully engage with the RIAA, Napster was silenced out of the debate—and so, too, were fans and musicians alike. Without a competing voice in the argument, the RIAA received staunch political and legal support. Yet, after pushing around its weight to block the largest file-sharing site from continuing to operate, the RIAA hadn't grown tired. Instead of adapting or amending their business models according to the technological changes occurring in front of them, they continued to rail hard against this cultural movement; the RIAA then shifted its attention from file-sharing sites to the individuals responsible for sharing them.

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[4] The Audio Home Recording Act 1992 was designed to prohibit the unlawful recording of media by consumers, but lawyers for computer companies demanded an exemption, stating that consumers should have the right to back up material via CD-Rom. The exemption was fiercely opposed by the Music Industry but the lawyers representing them realized that the AHRA wouldn't pass without the compromise, so they made it. Therefore, IBM and its ilk pay no royalties to the music industries for enabling users to record media files on their devices, nor did they install a chip to restrict the number of copies one can make. This was a crucial oversight, of course, and can be pointed to as one of the key reasons the Music Industry temporarily lost its stronghold over music circulation/distribution/consumption (Knopper, 2010, 160).

Act 2: RIAA vs. Consumers

When Apple debuted iTunes on January 9, 2001 at MacWorld San Francisco, it created a viable space for record labels to sell digital music to eager consumers. Yet, in March of 2002, just five months after iTunes' stable release date, the RIAA began suing its own customer base (Knopper, 2010). Uncomfortable with the turn that the war on piracy was taking, Hilary Rosen openly disagreed with the lawsuits, refusing to be the face of the campaign, and on September 7, 2003 she resigned in protest after 16 years of heading the organization (Witt, 2015). The RIAA then proceeded with "Project Hubcap," a series of "educational lawsuits" designed to teach file-sharers that music piracy hurts the industry and, most importantly, musicians (Knopper, 2010; Witt, 2015).

The lawsuits were futile, misguided and unproductive, doing little to deter piracy and recoup supposed losses. The RIAA initially targeted 261 individuals, requesting damages of up to $150,000 per song (Witt, 2015). These individuals included: single mothers, families without computers, senior citizens, children, the unemployed, and "people who'd been dead for months" (Witt, 2015, p. 160). One case in particular received significant media attention: Brianna LaHara, a 12-year-old girl who lived in a New York City housing project, downloaded the theme song to *Family Matters*, and was then subsequently sued and forced to settle for $2000 (Witt, 2015). These educational lawsuits were brought against a total of 16,837 people, almost all of whom were average citizens with absolutely no connections to elite or entrepreneurial pirates (Witt, 2015).

As of 2006, the industry had settled approximately 6000 suits, each averaging $3000-$4000 (Knopper, 2010, p. 351). While the RIAA and IFPI (the International Federation of Phonographic Industries) were publicly blaming file-sharing as the cause for a dramatic decline in CD sales, as early as 2005, the IFPI's own annual report acknowledged that the "free market," a recession, and a buying cycle were what contributed to the overall decline in revenues (Arditi, 2015). By forcefully shutting down peer-to-peer file-sharing programs and suing the average citizens who used them, the RIAA demonstrated that what was at stake was not the availability of music online and the fair compensation of artists, but rather maintaining the existing "structure of profit-making in the recording industry" (Arditi, 2015, p. 116). Stephen Witt (2015) argues that the war on piracy ended up looking a lot like the war on drugs: "costly and probably unwinnable, even in the face of felony prosecutions" (p. 226). In the end, the lawsuit campaign had little

impact on the amount of copyrighted music that is illegally downloaded (Knopper, 2010).

Act 3: The Value Gap

Steve Knopper (2010) suggests that it was the piracy panic narrative and the American industry's litigious responses that were the real causes of the 2000s crash, reflecting a common pattern of resistance to change within music industries. "If we are to reimagine an alternative, better world for musicians and listeners," writes Jonathan Sterne (2012), "we will need to look past both the old monopolies over distribution and exciting practices of peer-to-peer file-sharing for new models that support a robust musical culture, one not just based on buying and selling" (p. 28). He argues that piracy was a productive economic force and, while the recording industries frame it as a threat to capitalism, other industries benefit handsomely—consider consumer electronics, broadband, internet service providers, and other kinds of intellectual property rights holders (Sterne, 2012). The industry's inaction up to 1997 is crucial, he continues, as it allowed other industries such as Apple to develop and organize around the online media environment. "In many respects," notes Leslie M. Meier (2017), "the power structure inherited from the 'old' music industries remains intact in the era of digital distribution" (p. 154). In other words, while the industry cried poor, citing declining CD sales and the widespread circulation of illegally downloaded music, the music industries more broadly continued to reap the benefits of a system rigged in their favour. The piracy panic narrative actively pitted musicians and fans against one another, obfuscating the ways in which the Music Industry quietly benefited from the chaos.

According to Jonathan Sterne (2012), the short-term loss of compact discs as property was overcome by music industry players who sought to maintain ownership and control over the means of distribution; after all, distribution is the main model for profit generation (Sterne, 2012). By 2009, the global music industries were in complete disarray, but at the same time were also beginning to capitalize on digital distribution. Sirois and Wasko (2011) identify this as yet another example of the Music Industry following rather than leading trends. In our current day, music industries actively exploit "new music through digital sales, including satellite radio and webcasting, ringtones, iTunes sales and subscription services" (Sirois & Wasko, 2011, p. 350). As artists and labels seek new directions

for revenue, the importance of viral videos, publishing rights, streaming services, and the festival touring circuit continue to grow (Witt, 2015).

It is now commonly understood that streaming has become the official alternative to physical music sales and downloading; and as of 2018, streaming accounted for 60% of the music marketplace in Canada (Music Canada, 2019). Consequently, streaming platforms are fundamentally changing the way that consumers use and access their music by limiting users' ability to share music and stopping them from playing it on an unlimited number of devices. While the industry is enthusiastic about the potential for the closed circulation and revenue generation offered by streaming, it has become quite clear that streaming didn't solve everything. According to Stephen Witt (2015), music streaming platforms remain "perpetual money-losers," spending unsustainable amounts to license content to attract early users. And despite all this spending on licensing, artists with millions of plays earn royalty cheques only in the hundreds of dollars—this is a Value Gap (Witt, 2015).

According to Music Canada (2017), the core problem of the Value Gap is "a failure to provide fair compensation to creators for the use of their work", and this has a significant and direct impact on the livelihoods of all musicians. "The Value Gap," they continue, "is the result of how government policies were implemented around the world as part of [the] early digital landscape two decades ago" (p. 10). In other words, the rule books that govern the contemporary digital marketplace were drawn up "when it was virtually impossible to foresee how [things] would unfold and what consequences the new rules would have" (Music Canada, 2017, p. 10). Ultimately, Music Canada argues that there remains a gulf between the revenues derived from online platforms/services and the revenue returned to recording artists and labels. Their major complaint is not with illegal downloading services, however, but rather with services that enable user-uploaded content for streaming: YouTube.

The most salient issue raised by Music Canada (2017) in its Value Gap report is that of the Safe Harbour Laws and Protections. The 1996 World Intellectual Property Organization (WIPO) treaties introduced Safe Harbours to exempt internet service providers (ISPs) and online service providers (OSPs) from liability when third-party users infringe on copyright through their services. The Safe Harbours were adopted in the 1998 U.S. Digital Millennium Copyright Act (DMCA) and in the 2012 Canadian Copyright Modernization Act. These provisions were put in place to

protect an unwitting ISP/OSP from being sued for enabling copyright infringement, as they are unaware of what takes place via their services. Ultimately, sites like YouTube and the internet providers that enable them to argue that they cannot be held responsible for what takes place on their networks/sites. In reality, however, they are fully aware that these practices are taking place, and they are more than happy to reap the benefits. YouTube, for example, allows user-uploaded copyright-infringed material to freely circulate on its sites, and it thereby generates massive advertising profits. Likewise, the ISPs selling high-speed bandwidth capabilities for the uploading, downloading, and streaming of copyright-infringed material also yield significant revenues. Music Canada (2017) rightly insists that these provisions possess the unintended consequences "of allowing a massive relocation of economic value from copyright ownership to ad-supported online platforms that purport to qualify for the hosting exemption" while in reality functioning as streaming services (p. 74); musicians forego copyright royalty payments to which they were entitled.

Music Canada (2017) stresses that despite the fact that "more music than ever is being streamed", musicians and other rights holders "are demonstrably worse off than they were in the pre-digital marketplace" (p. 12). In the 1970s, for example, roughly 4000–5000 new albums were released per year; by 2008, at the height of the Music Industry's cry for help, approximately 105,000 new albums were released (Meier, 2017). A 2011 study conducted by Nordicity on behalf of the Canadian Independent Music Association (CIMA) found that individual artists in Canada earn an average of $7,228 per year from 29 hours per week of music-related work—that's less than $4.80/hour (Music Canada, 2017). Therefore, despite an exponential increase in the output of new music, the average Canadian musician—and musicians more broadly, we can assume—continue to receive measly, unlivable wages.

A large part of the problems stemming from the Value Gap are attributed to the adoption of digital media policy long before the digital media environment had fully crystallized. For example, consider WIPO's 1996 Copyright Treaty and Performances and Phonograph Treaty. These treaties translated longstanding copyright protections for the digital environment but did so more than two years before either Google (1998) or Napster (1999) existed; YouTube didn't even come along until 2005 (Music Canada, 2017). Additionally, the 1997 Copyright Act poses significant problems for musicians, and Music Canada (2017) has proposed that it be amended. The Radio Royalty Exemption, carved out in the Copyright Act, frees

commercial radio stations from paying royalties (other than a $100 nominal fee) to artists and/or record labels for "the public performance and communication of their sound recordings" on the first $1.25 million in advertising revenue they make (Music Canada, 2017, p. 7). Music Canada estimates that between 1997 and 2016 the exemption cost artists and labels in Canada close to $140 million on lost potential revenue, and these losses will continue. Additionally, the definition of a sound recording as currently defined in the Copyright Act, "effectively exempt royalty payments to performers and creators (other than songwriters, composers, and the music publishers they partner with) when the recordings are included in a television or film soundtrack" (Music Canada, 2017, p. 7). As such, artists and record labels in Canada lose approximately $45 million in annual revenue as a result of this "legislative anomaly" (Music Canada, 2017, p. 7). It is important to note, however, that both the radio exemption and the contested definition of sound recording are indeed problems contributing to the Value Gap, but that these issues existed before the rise and fall of Napster and have little to do with digitization or file-sharing.

But whose interests does Music Canada really represent? While it often sounds as though they're coming from a position of artist solidarity, giving a voice to the otherwise voiceless musician, the input from and experience of the average Canadian musician is largely absent from these discussions. Over the past year, the Standing Committee on Canadian Heritage conducted a study on remuneration models for artists and creative industries, including rights management and the challenges and opportunities provided by new points of access for creative content. While it's promising that artist remuneration models are getting their due attention, it was largely industry perspectives represented in the report. According to the Cultural Capital Project —one of the few non-industry participants actually invited to speak to the Standing Committee on Canadian Heritage—the evidence and perspectives of participants outside of the industry were not well represented (de Waard, 2019). The Cultural Capital Project (CCP) report insists that the critical ethos of their submission was largely absent from the Shifting Paradigms report, a report that the CCP maintains "prioritizes the status quo recommendations that were collectively put forward by music industry representatives and lobbyists" (de Waard, 2019). The interests thus being served by the recommendations made in the report are, by and large, those of the industry. And let us not forget: as Michael Jones (2012) explains, the impetus of the Music Industry is always to preserve its standard of expertise.

Finally, and, to me, most troublingly, is the revivification of the piracy panic narrative that has been circulated in these contemporary industry accounts. The Shifting Paradigms (2019) report paints the portrait of an industry still very much in crisis. It contends that "the rise of illegal file-sharing software and the advent of online streaming platforms have changed the ecosystem", and these changes require action. It also insists that there is a somewhat urgent "need to combat piracy" within music industries, but also within the cultural industries more broadly, "by creating new rules and enforcing those already in place in the Copyright Act" (Canada, 2019, p. 16). I find it more than flummoxing that the powers that be are still flagging the issue of piracy more than 20 years after the RIAA began their fruitless litigious battles. Despite the report's thoughtful reflection on the need to amend existing policy structures to support the creation and remuneration of Canadian music, its conception of the core problems appears deeply flawed. So, while the Value Gap is a very real issue for musicians, the solutions put forward by the likes of Music Canada and the Shifting Paradigms report unfortunately reflect a desire to maintain the deeply entrenched gatekeeping mechanisms that the industry has used to create exorbitant profits for decades.

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The social construction of blockchain privacy platforms

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Abstract
Our current internet environment is characterized by online conglomerates, predictive computing and data mining. With this, there is a growing concern among users on how to protect their privacy and manage their identities online. Advocates for blockchain, the newest large-scale wave of internet based platforms, argue it is highly useful for privacy protection. Blockchain is an encrypted and decentralized public ledger that verifies and stores information through a peer-to-peer network. Using the social construction of technology (SCOT) as a theoretical framework, I deploy a comparative discourse analysis of three blockchain platforms - Brave, Civic and Oasis Labs - along with user discourse on Reddit and Medium. This paper explores how users socially construct this emerging technology by comparing privacy discourse between blockchain platforms and motivated social agents. I found blockchain privacy platforms and its users both value data ownership, ad-blocking and safety and security. However, there is also friction and disagreement about themes of trust and ethics as well as usability.

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Much of the scholarship on privacy begins by acknowledging how difficult the concept is to define (Powers, 1996; Lane, 2009; Craig and Ludloff, 2011; Gellman and Dixon, 2011). It is ambiguous, abstract and can fluctuate depending on who you talk to. Also,new technology can shift the meaning of privacy, as demonstrated by Web 2.0 and the rise of social networks. Users must balance self-censorship with social sharing as social media platforms encourage us to publish the minutia of our day-to-day life. In doing so, we provide online conglomerates such as Facebook and Google with our data, which has become a valuable resource. Perhaps privacy has become so difficult to define because it stands for something outside of itself. Privacy discourse has become a symbol of resistance against the data mining activities of these major corporations. It has given governments and legal institutions the ability to create policy and regulation in an attempt to reign in the power of these major corporations, as seen in the European Union's General Data Protection Regulation (GDPR). In conjunction with law and regulation, it provides users with an ethos to reject the increasing centralization of the internet and a way to discuss privacy rights and data sovereignty on the internet. One such way users are negotiating the meaning of privacy and data sovereignty is through blockchain. Blockchain is an emerging technology that has the potential to restructure the internet into a more equal, decentralized space, harkening back to the original community-centered space of Web 1.0. This article explores the ways in which users negotiate the technical code of blockchain through privacy discourse. Using a social construction of technology (SCOT) framework, this article compares and contrasts notions of privacy between users and blockchain platforms in an attempt to understand how users negotiate online power structures through technology.

Online privacy concerns have grown in conjunction with the internet. Researchers began linking computers to privacy loss as early as the 1970s when government bodies used computer matching - a technique that compares different sets of personal data - to detect patterns and cases of interest at the risk of revealing personal information (Clarke, 1994). Today, privacy risks are evidenced by the deluge of large-scale data breaches reported in the media such as the Equifax data breach that exposed sensitive and personal information of 147 million people and the Cambridge Analytica Scandal that affected 50 million Facebook users (Federal Trade Commission, 2020; Cadwalladr & Graham-Harrison, 2018). The Cambridge Analytica scandal was particularly salient as it demonstrated the nefarious consequences that data manipulation can have on democracy. In an attempt to reaffirm trust between corporations and users, privacy has become a buzzword in

marketing, like Apple's "Privacy, that's Iphone" campaign that was released a month after a FaceTime privacy bug was discovered (Gartenberg, 2019). While there are top-down approaches to protecting user privacy, such as company initiatives like Apple's, and the European Union's GDPR implemented in 2018, there are alternative options for users that want to take back control of their data, one of which is blockchain.

Blockchain has the potential to be a solution to the privacy problem and what it stands for. Blockchain is a decentralized ledger that verifies and stores information either publicly or privately through a peer-to-peer network, without the need for a third party intermediary. Information on the blockchain is encrypted and invariable, so no user can alter the information recorded. Blockchain is imperative in the facilitation of cryptocurrency, but has been adapted for a variety of uses including smart contracts, supply chain management, privacy and security and more. According to a systematic review on blockchain for business literature, 7% of the articles collected focused on privacy (Frizzo-Barker et al, 2019). The driving force behind blockchain platforms for privacy is data confidentiality and data sovereignty. For instance, Brave Browser, which will be discussed further, is a privacy-centric browser built on blockchain. Advertisers can only view users' data if given permission and users are rewarded with cryptocurrency if they do. The goal of this article is to understand and compare how these blockchain platforms construct privacy to the ways in which a particular group of users understand the same concept. To inform my research, I present the following research questions, followed by an exploration of theory:

1. What is the relationship between privacy discourse and technical code in reshaping power structures online?
2. Are blockchain platforms solving the privacy problem according to users?
3. What are the affordances and constraints of using blockchain for online privacy protection?

Theoretical Framework

The primary theory that informs this investigation comes from Pinch and Bijker (1984) and their analysis of economic, political and social conditions, along with motivated social agents help to shape new technology. In this article, the social

construction of technology (SCOT), works to explain how blockchain privacy platforms are developed, interpreted and perhaps altered or adapted by groups of users. SCOT comes to fruition in Pinch and Bijker's analysis of the development of the recumbent bicycle. As the recumbent bicycle emerged, different social groups had an impact on how the bicycle took shape. For instance, as the number of female riders increased, safety became a priority over speed. The definition of the recumbent bicycle eventually came to a close as core social groups agreed on an air-tired, low wheeler as it was both safe and fast. Latour (1992) further invigorates this theory of social constructivism by outlining how social values and political goals are realized through the development of technology. A vehicle for instance, alarms the driver when his or her seatbelt is not buckled, forcing the driver to comply with a set of safety standards. This way, the vehicle has safety ingrained within its architecture. Latour goes one step further than Pinch and Bijker and suggests humans and technology both have agency and exist in a constantly shifting relationship. Feenberg (1992) applies SCOT to the Internet age in his theory of technical code - the incorporation of societal demands in technology. To Feenberg, technology is not simply engineered by an isolated team of experts, rather, society aids in shaping technological design by encoding meaning within artefacts. Increasing societal representation in technological design represents democratic rationalization, an improved reflection of human needs in technology.

The development of blockchain is an example of SCOT in itself. The origins of the technology come from a person or persons under the pseudonym Satoshi Nakamoto. In the 2008 white paper, Nakamoto described a paperless currency called bitcoin that operates on a peer-to-peer network, without the need for third parties such as banks and governments. Nakamoto reframed currency, a construct deeply ingrained in modern society, to better represent social values such as decentralization, individual ownership and agency. Swartz (2018) analyzed the initial emails surrounding the launch of bitcoin and surmised that early bitcoin discussion represented anti-government and cryptopunk values made popular in the early 2000s. Bitcoin was a collective effort, an amalgamation of years of crypto discourse, which was revealed in an email connected to Nakamoto that read: "We are all Satoshi" (p. 6). The creation of bitcoin was no singular feat, rather, a representation of social values held by groups of motivated social agents.

Shortly after bitcoin disrupted the financial sector, blockchain began drawing attention of its own. There was a surge of blockchain research beginning in 2016,

with the majority centered around finance, but included other fields such as business, law, governance, healthcare, urban planning and privacy (Frizzo-Barker et al, 2019). Swan (2015), in her early commentary on blockchain, saw blockchain as a disruptive force for current Internet trends such as increasing centralization by major corporations like Google and Facebook. She described blockchain as an "equality technology, one that can be used to expand freedom, liberty, possibility, actualization, expression, ideation and realization for all entities in the world both human and machine" (p. 42). Just as the bicycle was a solution for fast and safe transportation, blockchain could be a solution for increasing centralization online and diminishing data sovereignty that comes as a result. Whereas the riders negotiated safety and speed in an effort to alter the bicycle's technical code, social agents are negotiating privacy to ensure blockchain represents their social, economic and political values.

Methodology

This article employs a comparative discourse analysis to understand how a particular group of technically savvy users negotiate meaning about privacy through blockchain. I first analyze privacy discourse on three blockchain privacy platforms and compare this to how users discuss these platforms in regards to privacy protection. I chose three emerging blockchain privacy platforms to analyze: Brave, Civic and Oasis Labs. Brave is a blockchain-based browser that automatically blocks ads and trackers, providing users with ownership over their data. Additionally, if users give Brave permission to view their data, Brave rewards these users with cryptocurrency called Basic Attention Tokens (BAT) (Brave, 2019). Next, Civic is a secure identity platform that offers decentralized, verified identity solutions through blockchain. Civic aims to make online identity safe and secure while making users in control (Civic, 2019). Lastly, Oasis Labs is a privacy-focused cloud computing platform that provides users with the tools to share data without risking privacy or losing control (Oasis Labs, 2019).

Step one involved capturing the homepage and the features page of each website using Nvivo12 software. Next, I generated an initial coding scheme based on a broad definition of informational privacy: "the ability to determine for ourselves when, how, and to what extent information about us is communicated to others" (Westin, 1968, sec. 1). In step three, I used Nvivo12 to code inductively for themes, meaning, I began with privacy generally, then moved to more specific

themes of privacy such as safety and security and ad-blocking. For instance, much of the content on Brave pointed to advertisement blocking as a theme of privacy such as "Brave blocks unwanted content by default and keeps count" (Brave, 2019). Or, Civic as a "Secure Identity Platform" was coded for the theme "Safety and Security" (Civic, 2019). Overall, five themes were coded for in regards to privacy: ad-blocking, data ownership, decentralization, safety and security and general privacy.

Next, to analyze the ways in which users evaluated these platforms, I turned to two user-generated content (UGC) platforms, Reddit and Medium. I chose these two platforms because they host a thriving community of technically savvy and innovative users. Because blockchain is an emerging technology, it was important to analyze UGC platforms that were technology-focused and featured users that were motivated in testing out and evaluating blockchain platforms. Medium is a platform that publishes content from amateur and professional writers on topics of technology, science, culture and more. Writers must create a profile and submit their work to an editorial team before it is published. On the other hand, Reddit users are anonymous. Reddit is a UGC platform that is organized into communities based on interest where users can post content or leave comments. These posts and comments are ranked via the "upvote" or "downvote" button that indicates users' support or disapproval. A Reddit user's "karma" fluctuates depending on the upvotes or downvotes they receive. A user with a large amount of karma points indicates they are relatively active or well-supported. Much of the content that was coded came from privacy-related subreddits such as r/privacy and r/privacytoolsIO. To search for discourse regarding Brave, Civic and Oasis Labs in conjunction with privacy, I used a private browser to Google particular search terms. Search terms included variations of "Brave, Privacy and Reddit," or "Brave, Privacy and Medium." Discourse was inductively coded into themes using Nvivo12 software. All content was from the years 2017-2019. The same rationale for themes was used when coding discourse on UGC platforms. For instance, on Medium, a user discussed Civic's identity attestation model as beneficial over centralized systems in terms of security. This discourse was coded under the theme Safety and Security." Privacy themes on Reddit and Medium included: ad-blocking, data ownership, safety and security, trust and ethics and general privacy.

Findings

This discourse analysis revealed important themes in relation to privacy and the overall ethos it represents. The coding revealed blockchain privacy platforms and this particular group of social agents have similar constructions of privacy, which bodes well for the representation of user values in its technical code. For instance, safety and security were significant themes for both parties: 68% of content on blockchain platforms and 34% on UGC platforms. Reddit users often sought recommendations for the most secure platform to use, which would turn into a discussion on the affordances and constraints of particular platforms. For instance: "This is why companies like civic are using Blockchain; because you can secure personal identity data" and

> "I don't think you understand how Civic works (or at least tries to) solves the problem of identity theft. Facebook is centralised and can't scale validation of all sorts of information like your government licenses nor do can your trust them to store that information" (AI-girl, 2018; chongkwongsheng, 2018).

Data ownership was also a theme shared by both blockchain platforms (10%) and users (7%). instance, Brave states: "Our servers neither see nor store your browsing data - it stays private until you delete it. Which means we won't ever sell your data to third parties" (Brave, 2019). In a Reddit discussion titled "How private is Brave Browser's privacy?" a user came to Brave's defense in regards to data ownership: "I will repeat what I said in #1, Brave does NOT collect, monitor, or store user data. Period" (10gicbear, 2018). Additionally, both blockchain platforms and UGC platforms featured ad-blocking discourse with 5% and 9%, respectively. The data comparison suggests the construction of privacy is similar in both platforms as both felt safety and security, ad-blocking, and data ownership were crucial features in the movement for online privacy.

While blockchain privacy platforms seem to encapsulate a shared privacy ethos, there is an important distinction that became apparent when comparing themes. According to this particular group of users on Reddit and Medium, trust is an important factor in the evaluation of blockchain platforms. When evaluating the affordances and constraints of a blockchain platform, users pay careful attention to the overall trustworthiness of the organization and the team behind it. According to the data, 38% of privacy discourse on Reddit and Medium involved trust and ethics,

the largest theme overall. Oftentimes, users would question the trustworthiness of the team or technology behind the blockchain platform. For instance, when evaluating Brave, users were leery of its ties to Google because it is based on the open-source chromium software: "...it just kinda scares me that it uses chrome as a base because I don't feel like you could ever truly remove everything google is hiding in there…" (Imillonario, 2018). There was also mention of the team behind Brave, particular the CEO and former Mozilla co-founder, Brendan Eich: "In addition to Brendan Eich the team has some great names with each of them being a pro in one critical feature of the project" or "brave browser is a cryptocoin-crank snake oil and this should be surprising to nobody also brendan eich is a loser" (NK, 2018; sapphirefragment, 2019). This theme suggests that when considering the viability of blockchain platforms to further the privacy movement, users take the organization and team behind the platforms into consideration as well.

Broad themes outside of privacy proved valuable to this examination as well. Findings revealed both boosters and skeptics in the evaluation of blockchain platforms. According to Everett Rogers (2003) diffusion of innovations theory, those who are more apt to adopt emerging technologies are innovators - venturesome cosmopolites that can cope with uncertainty, have the financial resources to cope with potential loss and can understand and apply a high degree of technical knowledge (p. 264). Reddit and Medium are important platforms to study in this regard as their user-base hosts a budding community of technophiles (StartEngine, 2018). By examining discourse between users, it is clear they are technically savvy and understand the significance of blockchain in the fight for overall privacy and rejection of current Internet trends such as centralization and data mining. Typically, users are optimistic about blockchain's potential, but usability issues create skepticism about the practicality of blockchain platforms. Users often expressed frustration over the beta issues that come with new technology. For instance, users became irritated when a feature failed to work properly, despite being in beta[1]: "I just checked how to install extensions on Brave. The support is 'experimental' at best. If I cared enough to deal with that, I might as well go and compile IceCat60" (a version of Firefox) (FeatheryAsshole, 2018). Even users who are enthusiastic about these innovations become exasperated at their usability issues:

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[1] Beta software refers to computer software that is undergoing testing and has not yet been officially released (Tech Terms, 2013).

> "I'd use brave but the lack of sync between desktop and mobile is a
> large roadblock for me. I do like the idea of tokens going to the sites
> I'm visiting, hopefully when it's more developed I'll come back to it"
> (SirLambda, 2019).

While usability issues come with the territory of beta versions of emerging technologies, it seems that even innovator groups find it difficult to fully accept blockchain platforms if they do not experience ease of use. On a positive note, by examining the latest releases from each blockchain privacy platform, new beta versions attempt to work out notable usability issues. For instance, Oasis Labs released the Oasis Gateway in September 2019, an improved version of their software for decentralized applications. In the release, the Oasis Lab team states:

> "But to compete with centralized applications, decentralized apps —
> or DApps — must provide more than just the intrinsic properties of
> blockchain — they must meet the same usability standards of the
> popular mobile and web apps ubiquitous to today's users"
> (Auge-Pujadas, 2019).

In this way, blockchain privacy platforms are actively reimagining their technical code to meet the cultural code of its users.

Conclusion

This research sought to discover how a subset of innovative users on Reddit and Medium negotiate power structures online through blockchain privacy platforms. By examining privacy discourse, we can understand how users are participating in the reimagination of the Internet's technical code. A comparative discourse analysis shows that both blockchain privacy platforms and users hold similar views on what constitutes privacy. Both blockchain platforms and users consider ad-blocking, safety and security and data ownership to be important features in overall online privacy. Where these two parties differ is in the importance users place on the trustworthiness and ethics of an organization and the team behind the platforms' development. For users to adopt blockchain platforms in the fight to reimagine the Internet's centralized architecture, users must trust the individuals behind its creation and not just the technology itself. Furthermore, usability issues can become a roadblock in the adoption of emerging technology.

Fortunately, blockchain platform developers are receptive to this feedback, and are actively working to rearrange their platform's technical code to meet the needs of its users.

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