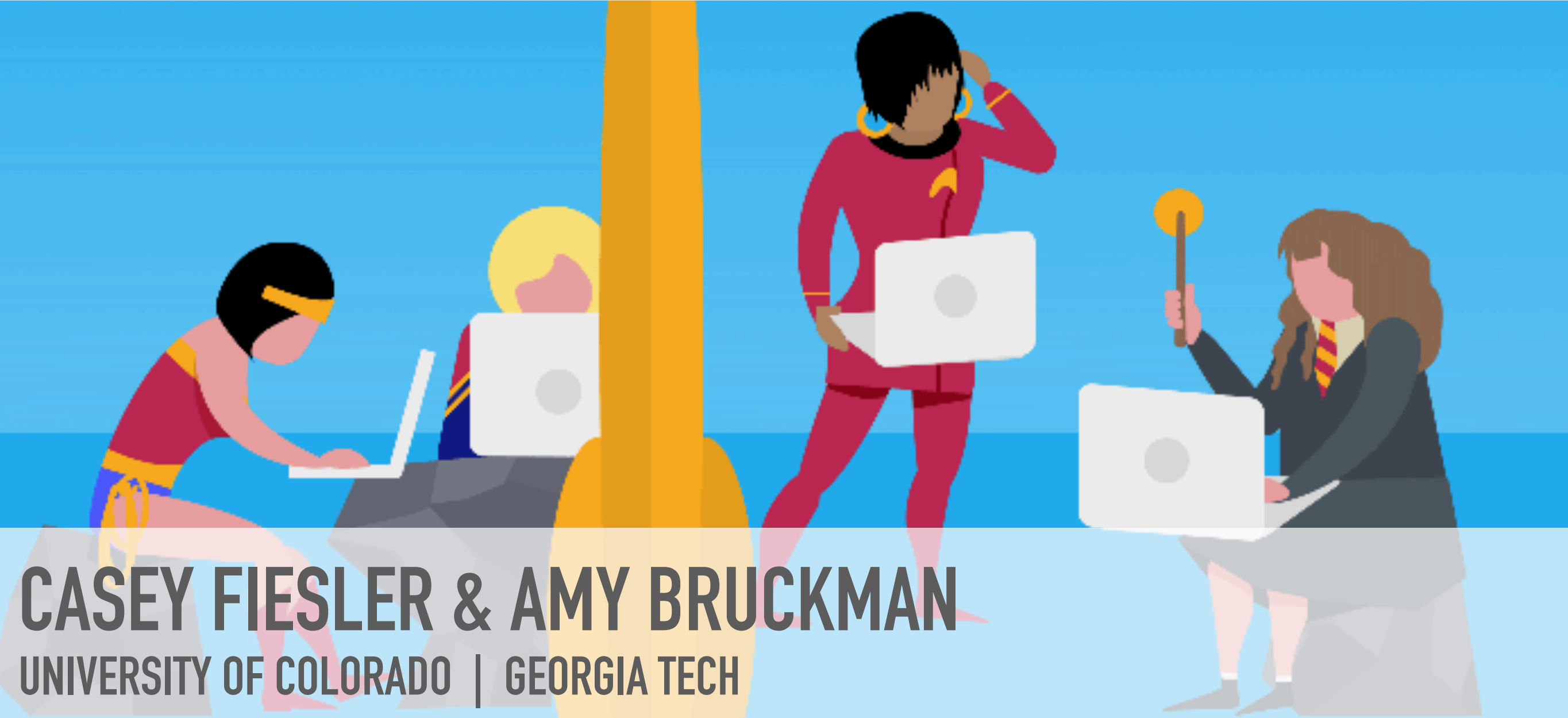




Image: Natalie Matthews-Ramo (for Slate w/permission)

COPYRIGHT, CREATIVITY, AND CLOSE-KNIT COMMUNITIES: A CASE STUDY OF SOCIAL NORM FORMATION & ENFORCEMENT



CASEY FIESLER & AMY BRUCKMAN
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@cfiesler



**HOW CAN WE CREATE HEALTHY, PRO-SOCIAL
COMMUNITIES IN NETWORKED SPACES?**





REGULATION

Negotiating competing interests; deterring inappropriate behavior; encouraging pro-social behavior





“Cattle” by Stijn (via Unsplash)

WHEN THE LAW IS UNCLEAR, SOCIAL NORMS PREVAIL.



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FAIR USE

REMIX

the legal doctrine that governs how
copyrighted content can be re-used under
certain conditions



TRANSFORMATIVE FANDOM

1. longstanding, technology-agnostic community
2. strong social norms around copyright
3. positive experiences with norm enforcement





Strauss Corbin Basics of Qualitative Research Second Edition

INTERVIEWING as QUALITATIVE RESEARCH

A Guide for Researchers in Education and the Social Sciences

490

METHODS

The Coding Manual for Qualitative Researchers

Semi-structured interviews

Thematic analysis w/ quick saturation





“condenser microphone” by Matt Botsford via Unsplash

PARTICIPANTS

15 participants

13 women, 2 men; age 19 to 39

majority U.S.



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COMMUNITY

ATTRIBUTION

“In fanfiction, plagiarism is... representing those words as words that they have written when they’re not. Authors have gotten pushback for doing what I’ve described.”



A close-up photograph of several US dollar bills fanned out. A lit match is placed on top of the bills, with a bright flame and melting wax. The background is a plain, light-colored surface.

COMMERCIALITY

“Once it becomes an actual “We’re going to make money off of that,” it’s fairly dicey... As a person in fandom, it leaves a very bad taste in your mouth, the idea that these people could use their fandom clout, if you will, and then just kind of be like, ‘Peace out, guys!’”



SECRECY

“That’s kind of scaring me a little bit, the disappearing barrier between the fans and the people who are making the thing that we’re fans of. Fans have to realize that they can’t keep shoving things in the creator’s faces or else they might take legal action.”





NORM FORMATION & EVOLUTION

1. emergent practice & observation
2. formalization
3. group identity





EMERGENT PRACTICE & OBSERVATION

“I lurked for about a year before I got a Tumblr. So, because of the people that I had sort of stalked and what I had experienced before I got one, I had sort of had expectations about the language, about how to use tags, about social norms of behavior that were and weren’t allowed.”

“When I first started writing, I would emulate the kinds of things that other people would do and people would always put a disclaimer at the beginning of their stories.”





FORMALIZATION

“WE BELIEVE THAT FANWORKS ARE TRANSFORMATIVE
AND THAT TRANSFORMATIVE WORKS ARE LEGITIMATE.”

– ARCHIVE OF OUR OWN

for more: Fiesler et al. CHI 2016



NORM ENFORCEMENT

1. fear of sanctions (disintegrative)
2. internalization of norms (reintegrative)



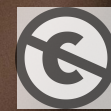


SANCTIONS

“When someone tries to plagiarize fan fic, generally they get called out. They get chastised. The community is made aware that someone is stealing someone else’s intellectual property, and they are shunned.”

1.





“person behind mesh fence” by mitch lensing via Unsplash

SANCTIONS

“A lot of times if you get called out on a post, it’s very easy for the rest of the community to see it, especially because the people who are oftentimes calling out stolen artwork are the big-name fans in the fandom. So, they have a lot of followers, and a lot of people see what they post. If they call out somebody, it’s very easy for the person who stole the artwork to be ostracized from the rest of the community.”



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INTERNALIZATION OF NORMS

“Fandoms are really aware of [copyright rules] in general. So, it’s not necessarily something you, in particular, have to be seeking out. At least in my experience, people will tell you. Then you can say, ‘Ah, I’ll stay away from that.’”





In a world of strong external monitoring and sanctioning, cooperation is enforced without any need for internal norms to develop. In a world of no external rules or monitoring, norms can evolve to support cooperation. But in an in-between case, the mild degree of external monitoring discourages the formation of social norms, while also making it attractive for some players to deceive and defect and take the relatively low risk of being caught.

– ELINOR OSTROM, “COLLECTIVE ACTION AND THE EVOLUTION OF SOCIAL NORMS”





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LESSONS FOR COMMUNITY REGULATION

- encourage community-based formation of rules
- encourage enforcement through reintegrative practices
- reinforce values through policy and design



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- encourage community-based formation of rules
- encourage enforcement through reintegrative practices
- reinforce values through policy and design



**NOW: WHAT HAPPENS WHEN NORMS
BEGIN TO BREAK DOWN?**





Fiesler & Bruckman. Remixers’ Understandings of Fair Use Online, CSCW 2014

Fiesler et al. Understanding Copyright Law in Online Creative Communities, CSCW 2015

Fiesler et al. An Archive of Their Own: A Case Study of Feminist HCI and Values in Design, CHI 2016

Dym & Fiesler. When Social Norms Fail, GROUP 2020 Poster



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