Dict
11/5/09

41 0640283 4



ProQuest Number: 10183445

All rights reserved

INFORMATION TO ALL USERS
The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



ProQuest 10183445

Published by ProQuest LLC (2017). Copyright of the Dissertation is held by the Author.

All rights reserved.
This work is protected against unauthorized copying under Title 17, United States Code
Microform Edition © ProQuest LLC.

ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 – 1346

328425
THE NOTTINGHAM TRENT UNIVERSITY LLR
Short Loan | PHD/ACC/05
REF | GUT

Power Over Publishing:
organised publishing's strategic suppression of the trade e-book

Richard Guthrie

School of Arts, Communication and Culture
University of Nottingham Trent, Nottingham
Submitted for degree of Doctor of Philosophy, December, 2005

Table of contents

Abstract 4
Acknowledgments 5
List of Figures 6
List of Tables 6
Introduction 7
1. Research Scenario, Question, Area and Aims 15
1.1 Research question 16
1.2 Research area 17
1.3 Methodological approach to theory and evidence 23
1.4 E-book definitions 27
1.4.1 The legal status 29
1.4.2 The p-book and the e-book 30
1.4.3 Early e-book definitions 33
2. Some Theoretical & Historical Considerations 37
2.1 Foucault's 'theory' of the 'intentional non-subject' 38
2.2 Interpellating the subject 39
2.3 Productive power & domination 41
2.4 Foucault v. the Frankfurt school 42
2.5 Media and messages 44
2.6 Messages in new technologies 46
2.7 The e-book and technophobia 52
2.8 Is the e-book a paradigm shift? 54
2.9 Issues of power, culture, economics & e-book discourse 61
3. The Rise and Fall of the Consumer e-book 74
3.1 Empathies and antipathies 1998 – 1999 77
3.2 The e-frenzy of 2000 91
3.3 Paradigm hiatus 114
3.4 Lean times 129
4. Corporations, Entrepreneurs & Strategic Competition 138
4.1 Competitive strategies 143
4.2 Suppression of technology 147
4.2.1 AM v. FM – (invention v. innovation) 149
4.3 Absorption of rivals, market pre-emption & price strategies against the e-book 152
4.4 Murdoch and Gemstar – absorption of a rival 159
5. Legal Strategies of Control 172
5.1 Copyright and consumers in the digital era 178
5.2 Copyright or copytheft – the corporations v. Nancy Stouffer 186
5.3 The DMCA 193
5.4 Fair use 199
5.5 First sale 202
5.6 Confronting piracy 203
6. Power and the Cultural Industries 211
6.1 The AOL Time Warner merger: online future or cross-media flop 215
6.2 The power of entertainment in the digital scenario 228

6.3 Content versus connectivity 234
6.4 The case of Google's book search 238
7. Power and Publishing – Theoretical and Practical Considerations 244
7.1 Real-world publishing power conflicts: *Michael Moore v. HarperCollins* 251
7.2 *Chris Patten v. HarperCollins* 258
7.3 Publisher-consumer power relations & the e-book 265
7.4 E-books and power messages 271
Appendix 1 – Transcript of Interview with Jason Epstein, December 2004 284
Appendix 2 – e-book title search on the Zetoc database 296
References 316

Abstract

Following the growth of interest in the e-book as a solution to many of the Anglo-American trade publishing industry's perceived problems, this study examines how and why the trade e-book, in the period 1998 – 2004, did not develop as many predicted it would, examining how the e-book could has been suppressed to protect existing trade print book interests, and as a consequence, how and why Anglo-American trade publishers have denied consumers basic technological and informational rights and freedoms. Reviewing the historical, technological, economic and legal foundations of power relations distributed throughout the trade book industry, technologies of control emerge demonstrating how defences have been organised against the e-book. Concentrating in the main on the U.S. scenario, where e-book developments have been the most significant, this study focuses on power relations within the trade book industry in order to analyse and understand key economic, technological and legal events, statements, documents, and recent and past historical accounts of trade publishing leading up to and including the e-book. Positing and contrasting theoretical and historical accounts of power helps uncover prevailing issues and contradictions generated and exacerbated by competing agents.

Power Over Publishing leads to conclusions on how corporate publishing power functions and maintains its position within the trade book industry, how trade publishers and parent media and entertainment conglomerates within the wider cultural industries interrelate, showing for the first time, how and why the development of trade e-book and e-reader technology has been manipulated by established print book power centres, in order to absorb, counter and nullify this disruptive new digital rival.

Acknowledgments

My sincere thanks to the Arts Humanities Research Council for granting me a scholarship to carry out this research and for all their help, support and assistance throughout and with my research and field trip to the United States. In particular, I would like to thank John Watts and Dr. Michael Jubb.

I have been privileged to have as my supervisor, Professor Chris Rojek, writer and publisher, and my sincere thanks to him for his support, incisive advice, help and generous comments. I would also like to thank Professor John Tomlinson for coming to my aid with help in organising my field research, and Basia Filipowicz at the Graduate School for all her assistance whenever I called or wrote.

The British Library requires a special mention for providing me with books, documents, and space, in my home away from home for the last three years.

I also owe particular thanks to Jason Epstein, former trade publisher and writer, Professor Noam Chomsky at MIT, Carl Bromley of Nation Books, Nic Bogarty of the OeBF (now IDPF), John Schline of Penguin U.S., and Darren Bischoff of E-Ink, for granting me interviews while I was in New York and Boston.

Finally, I owe my partner, Valentina, too many thanks to be recorded for reading passages and for her comments and insights.

List of Figures

Figure 1 - The Softbook e-reader displaying 'e-book' text 29
Figure 2 - Book Sales - UK Consumer Bookselling Market by Value in 2002 71
Figure 3 - Zetoc e-book/ebook article, book, report etc. database search 75
Figure 4 - The print book concrete apparatus 277
Figure 5 - The e-book scenario - the ideological apparatus 279
Figure 6 - The e-book scenario - the concrete apparatus 280

List of Tables

Table 1 - Book Sales (estimates) 2002–2003 ($ in millions) 70
Table 2 - UK Publishers Sales (Incl. all trade and some professional & education etc.) 71
Table 3 - Zetoc e-book/ebook article, book, report etc. database search 75

Introduction

The arrival of the e-book into the trade book publishing scenario is problematic on many levels, economic, cultural and technological. The e-book is a disruptive force.[1] Its very presence brings to the fore and highlights issues of power, each relation of which carries significant social and cultural meaning for the future of both the print book and e-book, even if the latter has yet to have a 'market significant' impact.[2]

It is now well over fifty years since Helene Hanff diarised her delight at receiving a book "so beautiful" in all its "gleaming leather and gold stamping" that it belonged in the "pine-panelled library of an English country home" (Hanff, 1976 p17). And the book she received was itself a relic from a distant past at the time she was writing in 1950, a first edition sent to her in New York from an antiquarian bookshop in London, one that went out of business over thirty years ago.

The trade book industry has moved on from past rear-view ideas and expectations of it.[3] In today's world of trade publishing books are commodities designed to sell as quickly as is possible. Today most trade books are made from paper and binding products that are the cheapest the market will allow. This may be an unpalatable truth to those who revere the print book as an object, and there are still exceptions to this, of course—rare

---

[1] The term 'disruptive technology' originates with Professors Joseph L. Bower and Clayton M. Christensen and their article 'Disruptive Technologies: Catching the wave,' published in Harvard Business Review (Jan-Feb 1995) and later Christensen's book *The Innovator's Dilemma* (1997). Their model is based on whether a new technology disrupts or sustains business practices.

[2] "For now, e-books are an afterthought in the publishing world. Less than 500,000 electronic books were sold in the United States in 2002, compared with more than 1.5 billion printed books, estimates research firm Ipsos-Insight in Chicago." (Reuters, 2003a http://www.wired.com/news/business/0,1367,60435,00.html)

[3] McLuhan's rear-view mirror description of our conceptualisation of technology is apt: "We move into the future with our sight on the past." We have moved on, yet we continue to look back instead of forwards in order to get our bearings. (Levison, 1999 pp14-15)

book collectors and libraries still exist. But the global book market has been rationalised by large mixed media conglomerates, and the major trade book publishers show little sign of being more interested in rare books than a profit-first trade book business.[4]

The top ten trade U.S. publishers control more than sixty percent of the trade book sales (Thompson, 2005 p61).[5] "[F]ive major conglomerates control 80% of American books sales,"[6] with book publishing "becoming increasingly engulfed in corporate media structures, where individual companies are worth more than the entire book market" (Schiffrin, 2000 p2). And these corporations—the new 'owners of the trade book'—rarely, if ever, allow nostalgia to interfere with the potential for sales in any part of their empires.

And apart from the way the conglomerates run the trade book business, there is no indication that consumers would prefer a leather bound volume to the cheap card and paper product of trade publishing's prolific seller, the paperback. There seems to be little general public interest in turning back the clock. Consumers seem relatively content with what publishers are offering them. Otherwise they would stop buying books. Otherwise they would be demonstrating outside bookshops demanding better-produced books. They are not demonstrating for two simple reasons: they want books at prices at which they are prepared to buy and can afford; and they are, above all else, interested in and seem content to

---

[4] In his memoirs, Schiffrin describes the new CEO of Random House, brought in the early nineties to make the company more profitable, as not having a single book in his office, only pictures of his boat (Schiffrin, 2000).

[5] In 1980 the total US Book market was worth around $7 billion, with the top ten publishers accounting for 46% of market sales; in 1994 it was worth $19 billion with the top ten accounting for over 62%; in 2002 the market had climbed in worth to $27 billion, with the top ten responsible for close to 70%; in 2002 the top 20 publishers accounted for 82% of sales (Thompson, 2005 p57). The top twenty accounting "for 93% of sales" (Schiffrin, 2000 p3).

[6] Schiffrin's big five are *Time Warner*, which owns Little Brown and Book-of-the-Month Club, the biggest in 2000 with $31 billion in sales (1999 figures); *Disney*, with Hyperion, had revenues of $24 billion; *Viacom/CBS*, owners of Simon & Schuster earned $19 billion; *Bertelsmann* with Random House made $16 billion; and *News Corporation*, with HarperCollins earning $14 billion in 1999 (Schiffrin, 2000 p3).

purchase in the main according to the content of a book. 'Content is king' we keep getting told[7] and for the majority of readers this seems mostly to be true. And in any case, aside from a relatively few collectors who value the well-bound books of antiquity 'who in today's world needs a leather book?'

In a publishing world where profits and content are paramount, it seems logical therefore to assume that a practical cost-effective digital reading solution would be appreciated by, even dominate the thinking and plans of publishers and consumers. The e-book and associated e-reader technologies should be what publishers are concentrating their time and resources on. The e-book has a host of special attributes and devices to make publishing, reading and storage of information easier for all. The e-book should be just what the majority of readers would support with enthusiasm. Yet, quite the reverse seems to be the case. The e-book in its short life has created alarm, has been subject to ridicule, and has inspired the hatred and scorn of established print publishers, so much so it barely even registers as an option with the majority of readers and book consumers.

Henke claims that the "predicted demise of the paper book" is wrong because it ignores the fact "that users have been trained, since childhood, to read books, not chunks of information" (Henke, 2003b p2). Still, it seems probable that at least some of this firmly pro-print book scenario will change in the coming years, given the extended effect of the computer revolution, the rise of the Internet and Web, digital television, and video games. Rational analysis does not support a continuing strident antipathy towards the e-book.

Perhaps the e-book is only in a difficult phase of early growth. On the surface, the reasons are part technical, part economic and part cultural: the e-book has yet to reach

[7] *Content is King*, an online essay by Bill Gates 1/3/1996, posted on the Microsoft website.

acceptable technical standards; it has failed to be commercially successful; and culturally, it is not widely accepted as an alternative to the print book.[8]

The e-book is not a mature technology, even if some observers have expressed the belief that the e-book is capable of figuring in, if not designing, traditional publishing's demise. The market, in mass terms, is not ready. Publishers have not come up with a way of making money out of it. So what good is it? The transition from the current methodologies of print publishing to technologies associated with digital publishing practices is at best a paradigm shift still in the process of happening.[9] So, what is happening? To paraphrase Michel Foucault paraphrasing Immanuel Kant's questioning of the Enlightenment: What is going on with the e-book? What is happening to publishing? What is happening to print and e-publishing in this period, this precise moment in which we are living? What are *we* in relation to the e-book and what is *it* in relation to us?[10]

Trade e-books were heralded in the mid 1990s as the beginning of the end for trade print book publishing. The e-book, it was said, threatened to undermine not only the lives and livelihood of all those associated with traditional trade book publishing practices, but the culture of reading itself (Enos, 2000) (Smith, 1999) (Frase, 2000).[11]

---

[8] In the field of trade books, the e-book (in real economic terms) is in the process of 'being trounced in the marketplace' by its main rival and competitor, the trade paperback. Yet recent figures from the OebF show e-book sales have continued to grow rapidly from a zero start, growing 46% in the first quarter of 2004. *'Demand for virtual books becomes a reality'* The Independent, London, 25/9/04

[9] "During a paradigm shift, the new paradigm first emerges in outline. Kuhn talks about a pre-paradigm period, and I think this also applies during a paradigm shift...The new paradigm will establish itself when a synthesis is produced that is sufficiently attractive to a large number of people in the community" (Capra, 1986 pp11-12) *(See section 2.8 below).*

[10] Foucault wrote: "When in 1784 Kant asked, Was heisst [sic] Aufklärung? [What is Enlightenment?] he meant: What's going on just now? What's happening to us? What is this world, this period, this precise moment in which we are living? Or in other words: What are we?...Kant's question appears as an analysis of both us and our present"— from *The Subject and Power* (Foucault, 2001 p335).

[11] Best-selling fiction author Stephen King's two trade e-book groundbreaking market experiments in 2000 showed what is possible. The first carried out with his publisher, Simon & Schuster, and the second on his own, provided hope to those positive on e-books (Einstein, 2000) (Enos, 2000) (Rose, 2000c) (Rose, 2000d) *See section 2.2 'The eFrenzy of 2000'*, for more details on King's e-book ventures.

So it is fair to assume, if only as a starting point for discussion, that the e-book was not ever going to be an easy sell to print book publishers. And readers who haven't yet 'gone electronic' will probably be perplexed if not irritated, if seriously faced with the prospect of having to change reading habits that have literally taken centuries to form. Readers will have to learn how to start pressing buttons, adjust to staring at text on screens, all while worrying if their e-reader's battery will last to the end of the chapter, let alone to the end of the book. Who wants and needs change when it comes at such a price, especially if it is going to ruin the culture of reading as we know it[12] and fatally damage a culturally important industry?[13] What would such a change achieve? Do publishers and readers need to 'buy into' this idea?[14] Or do publishers, readers and lovers of the print book need to mount a rear-guard defence of a cultural artefact that has been with us, more or less in the same form, since the mid-fifteenth century?

Yet, underlying any defence of the print book is the idea that trade book publishing has no need of reform. Such a defence assumes that trade book publishing is meeting readers' wants and needs. Any defence of the print book also assumes that there are no contradictions of power relations or hidden disputes within the publishing industry, that in some way distort the scenario and conditions of trade book publishing, enough to potentially limit our perspective of these contradictions or problems, preventing us from seeing the truth of the situation before us.

Trade publishing, on the surface, is not overly difficult to understand in practice or operation, but there are many areas that just simply do not make much sense. In the late

---

[12] Frase quotes Birkets in a speech: "It's not just slow and immersive reading we're losing.... We're metamorphosing from individual and private people to fungible, Web-linked brain connectors in a bright, buzzy, gregarious info-hive" (Frase, 2000).

[13] "Modern society is unthinkable without printed books" (Hillesund, 2001).

[14] The idea of buying into an ideology stems from Althusser's ISA (Ideological State Apparatus) (Althusser, 1984 p17). Althusser claimed "ideology exists as a unified set of beliefs that masquerade as common sense" (During, 1992 p133). Althusser's ISA (Ideological State Apparatus) is modified here to be simply an Ideological Apparatus, an ideology that emerges from any and all social activity.

1990s, Greco wrote of an industry in a perilous state, with analysts believing it is "in disarray, dangerously weakened by steep returns, stark sales figures, a fickle and price sensitive consumer base, the 'rise' of chains and superstores and price clubs and the concomitant 'decline' of independent bookstores, a population more interested in watching television than reading books, paper thin profit margins, staggering technological challenges, and author advances that dumbfound even seasoned industry veterans" (Greco, 1997 px).

The eternal conundrum of trade sales and returns alone, which in some cases and for some publishers have risen to 40% of sales, means "substantial numbers" of unsold books are returned to publishers by booksellers (Thompson, 2005 p71), often for pulping or to be remaindered and sold off at a fraction of the list price.[15]

Returns are not only problematic for the trade book business; in the age of digital delivery they are stupefying to the uninitiated. Then there is the cost of book production and distribution itself.[16] There is the capital intensive continuing 'trade war' between publishers and authors on the one hand, and publishers and booksellers on the other. As veteran trade publisher, Jason Epstein, laments: "Publishers are in terrible shape in this business. They're squeezed between the agent asking for more and more guarantees and the

[15] In a DTI report released in 2002, the UK returns rate is reported as "a lot better than in some international markets, notably the U.S." with returns to net sales of consumer/trade books running at just below 15% (Pira International, 2002 pp30-33). In the total U.S. book industry, returns from 1984 to 1989 amounted to $7.8 bn, "23.87 percent of all books published during those years," a period free from recession, with the mass-market paperback segment "topping the $2.9 billion mark and generating 36.83 percent of all returns" (Greco, 1997 p28). Book retailers are able to return books for a full credit if they don't sell, a practice not unique to publishing in retailing, but with returns rising from "20 percent twenty years ago to nearly 40 percent" by 2001, the high level of returns makes trade books significantly different from other consumer businesses. The 'returns' practice began in the depression in order to keep bookstores trading, but then became general practice, with many publishers saying it would now be "disastrous" to change as "booksellers are naturally risk-averse and would only stock titles they felt confident they could sell" (Fister, 2001 p514). As well, the "high levels of returns" do "not simply…significantly reduce net sales and introduce higher levels of uncertainty into the publishing process: they also increase administrative and handling costs" (Thompson, 2005 p172).

[16] In the UK publishing distribution costs run at "13% of sales, compared with an average 6% in industry overall" (Pira International, 2002 p30).

retailers asking for more and more discount. And they have to pay for the privilege. In effect they're hired servants; they're hired by the author to service these functions, but they have to pay to get the job and risk losing. It's insane" (Epstein, 2004).[17]

This scenario applies to major brand name authors who are able to include exacting terms in their agreements with publishers.[18] According to Epstein, trade book publishing used to be about the creation of backlist, but not any more (Epstein, 2004). Today's trade books are dominated by the twin strategies of star-authors and bestsellers. If diversity and consumer choice were the ultimate goals of the trade, it would seem to be entirely counter-productive to manage the trade book market in this way. On the surface, it must be concluded, that the trade book business continues this way because it suits the owners of publishing to maintain the status quo, even though the e-book offers a potential solution to many industry problems. And if the e-book is truly a solution to many problems what then are the main objections to it in trade publishing?

On the surface the reasons are economic. The economic case for e-books replacing print books is not compelling enough, or else e-books would be replacing print books right now. But it seems also that consumers do not want to buy the e-book in sufficient numbers for cultural reasons. But are consumers sufficiently aware of the e-book to make this decision? Who is deciding the market, consumers or publishers? How can we measure the effects of competing interests between publishers and consumers over the e-book?

In an article in the E-Commerce Times in 2001, a journalist asked: "Do we need e-books? Do we want them? Can we curl up at night with a digital book the way we do with some of our favorite traditional books? No, no and no" (Greenberg, 2001). Greenberg put

---

[17] Interview with Jason Epstein in New York, December 2004 (Epstein, 2004) – *see Appendix 1.*

[18] Epstein has strong opinions on the trade best seller: "I think the bestseller business is a separate business and will be handled as a separate business. My guess is that the agents will become the de-facto publishers of those authors and make much more money. They get plenty now as guarantee. They'd get plenty and a half if they just hired the publisher, which is in effect what they do" (Epstein, 2004).

and answered the question for us almost in the same breath. His questionable journalism and analysis of matters is far from unique. The e-book in its short recent history has had many similar detractors.[19]

To borrow a term from Foucault, could it be the case that consumers have been subject to, even victims of, technologies of control, often in the form of propaganda methodologies?[20] Have the powerful owners of trade book publishing used technologies of control to block the e-book's entrance into the trade book field,[21] leaving consumers with little choice but to go along with that decision? Have powerful publishing interests manipulated the trade book market systems, crucially guiding and managing consumers, which in turn has had a major cultural effect on how consumers view the e-book?

---

[19] With reference to e-book use on e-readers, a 2001 PhD thesis research by Miriam Schcolnik seems to refute Greenberg's comments, at times strongly. Schcolnik gathered data from 105 people worldwide using e-readers (the majority of which were Gemstar products – also used in usability test below), together with "a case study in which five subjects were observed and interviewed." Schcolnik's main finding was that "[a]ttitudes towards e-readers are clearly positive among respondents" (Schcolnik, 2001).Though as they were all e-reader users there seems to have been a clear pre-existing bias towards the e-reader products.

In a usability research carried out at City University on two Gemstar e-readers in 2001, before their planned release in the UK (a decision Gemstar later rescinded) a small sample of potential e-reader consumers showed themselves generally positive towards e-readers and the reading experience of e-texts on screen (Guthrie, 2001).

[20] That is, intentional and unintentional market methodologies, put in place or which grow into being and are maintained within the publishing process, system and marketplace. Foucault's technologies of control are often associated with his statements on prison management and discipline, yet his ideas can be interpreted in and for other circumstances and situations. Technologies of control in this context simply means any social mechanism that has the effect of structuring a social circumstance, either effecting a consensus opinion, placing people in or pushing people towards a way of being.

[21] Field is used in the way Thompson describes in *Books in the Digital Age (p30)*—from his borrowing from Boudieu's field as a "structured space of social positions." Reducing Bourdieu's definition, Thompson defines a publishing field as "a space of positions occupied by different publishing organizations", related to the use of key its economic, human, capital, symbolic (accumulated prestige, recognition and respect of a firm), and intellectual resources. In effect, the use of the resources in trade publishing differs to those of journals, reference etc., thus defining the field, which can though, and often does, overlap another's publishing field's market territories, its pre-prescribed, defined, understood market area and ways of practice.

1. Research Scenario, Question, Area and Aims

Focusing in the main on the period of e-book development from 1998–2004 in the Anglo-American trade publishing scenario and field, the objective of this study is to establish whether the trade publishing industry has considered (is considering) consumers fully with regard to the development of the e-book—and if not, why not.

As an area of research the analysis of the dynamics of this new reading technology has not yet matured fully, presenting a major challenge for researchers. Established markets such as the trade print book market have a history and established guidelines, which the main actors and participants (authors, publishers and consumers) are familiar with.

Most significant e-book evidence comes from and is present in the American sphere of the Anglo-American trade book scenario, and hence the focus of this study is largely on the trade book and e-book scenarios and developments in the United States—the world's most active e-book 'laboratory.' Other places, such as Japan, are active too, but it is the United States that the trade e-book scenario initially developed.

Digital reading technologies and the trade e-book markets are still both in the process of forming and to an extent at least, therefore, stand outside establishing market experience, norms and rules by which the trade industry book industry operates. This factor helps clarify the parameters of this research, raising economic, legal and sociological issues in the areas of trade book business practices, raising issues such as 'connectivity,' 'the identity and meaning of the digital book' and digital publishing networks, all of which all are in contention and require close and continued analysis.

1.1 Research question

Has the Trade Publishing industry opposed the e-book, and hampered its development thereby denying consumers full access to and enjoyment of e-book and associated e-publishing product alternatives to the print book?

The key proposition of the research question is that publishers have actively participated in the prevention of this growth and hence have acted against the interests of consumers. Much of the answer to whether this is true or not rests not with empirical evidence, because the e-book market has not yet happened, in many diverse ways. There is not enough clear market history to be examined, certainly not in comparison to the facts, statistics and knowledge accumulated in relation to the trade print book sector and industry. And what there is on the e-book is problematic, partly because the trade book industry has a vested interest in not revealing its 'true' hand in the matter. Hence direct questions to publishers, either by survey or interview, are not likely to elicit reliable answers, enough to make the data significant, relevant or useful. Consequently, the collection of empirical survey and interview data will not service, in itself, an answer to the main research question.

The overall approach of this study therefore is to attempt to answer this question by examining power relations, revealing the strategies in operation and employed by various entities involved in trade publishing, who have dealt and are dealing with this new phenomenon of publishing, the e-book. This study sets out to research how strategies of power relations have developed, have been produced and devised, what they mean, what power has been exercised and what effects have accrued. In examining three key areas—cultural history, economic strategy; and technological growth—surrounding the e-book, the

objective is to arrive at answers to how and why power relations in publishing may or may not have been brought to bear on the development of the trade e-book.

1.2 Research area

This study on the e-book examines the trade book segment of book publishing. Trade books, also known as consumer books, is an area or field of activity that involves the development, production and distribution of print and now electronic books, to be sold from traditional bookshops, or via specialised, independent, aggregated or individually and/or publisher-owned and managed websites, or borrowed from libraries. In short, trade publishing produces book-content to be read, in the majority of cases, for the purpose of leisure.[22]

This research also takes into account developments, policies and practices within the wider sphere of cultural industries, as developments in cinema, television and radio etc. either have had effects on trade books, or provide a paradigm for what is happening. While trade publishing is a separate field it is not so separate that it obeys its own laws exclusively and exists all by itself.

Trade publishing does, however, have it own imperatives, which in general exclude other publishing fields such as Reference, Education, Academic or Textbook publishing, Professional, Legal, Journal, Science, Technical & Medical and Children's.[23]

---

[22] "The term 'trade publishing' is normally used to refer to the publication of books (both fiction and non-fiction) which are aimed at the general consumer, although in practice this broad domain is differentiated into a variety of more specific fields with their own distinctive characteristics... '[V]isibility' is a high priority and marketing budgets tend to be high" (Thompson, 2005 p149). And in terms of defining the area of study covered by the research question, as mentioned above, Thompson's adoption of Bourdieu's concept of the 'field' (Thompson, 2005 p30) also helps define and create an understanding of the nature of what lies within boundaries of what is called 'trade publishing.'

[23] Trade only includes Children's insofar as books such as the Harry Potter series fall under the umbrella of the trade book publishing scenario.

Trade is a field, unlike other areas, where "a new book has a much shorter window of opportunity…to prove itself in the marketplace" (Fister, 2001 p514).[24] Trade is also a hybrid field and can include sub-fields such as Trade Reference or Trade Professional and so on, whenever these books are somehow in some way marketable to a general reading-for-leisure consumer.

Trade is a showcase of general publishing as everyday book consumers know it, often associated with "bestsellers and high profile authors" that inspires the attention of the news, television, magazine and radio media. It is the publishing field most involved in the production of books marketed to "general readers." The trade book field has over the centuries built "a complex array of networks and relationships …with authors, agents, suppliers, printers, wholesalers, retailers, review media, etc…[with] its own forms of reward and recognition, including prizes which are unique to it (Nobel, Pulitzer, Booker)…a key mechanism by means of which both authors and publishers can accumulate symbolic capital" (Thompson, 2005 pp10, 38).[25]

In the United States trade books are what most Americans read, accounting in 1995, at the very beginning of the 'electronic publishing revolution' for 30.33% of all U.S. book sales, accumulating revenue of over $4.6 billion, of which hardcovers represented near two-thirds of sales ($3.02 billion), and paperbacks a little over one third ($1.63 billion) (Greco, 1997 pp22-23).

In the late twentieth century the trade book field, like many areas of publishing, experienced "profound changes" and "is likely to undergo further changes as information

[24] Trade books have from a few to twelve months to prove themselves, whereas other segments such as academic and education may have several years. High profile and bestselling trade books usually make their mark in the marketplace in the first six months after publication.

[25] Coser, Kadushin and Powell describe "[g]eneral trade publishing—that is, adult hardcover and paperback books" as "the most publicized and talked about sector of the industry" consisting "of three components: hardcover trade books, 'quality' trade paperbacks, and mass-market paperbacks" (Coser et al., 1982 pp59-61).

technologies evolve" (Agger, 2002 p453). Agger describes trade book publishing as part of the rationalisation of the culture industries, which in the last decade, in particular, of the twentieth century became "increasingly centralized and vertically integrated in vast empires", owned and run by conglomerates, some run by single and high-profile proprietors, "such as Rupert Murdoch," who runs an empire which includes the "film industry, television, newspapers, mass-market magazines," alongside his trade book publishing assets (Agger, 2002 p453).

Identifying the decline of trade publishing under corporate conglomerate control, Agger critiques a scenario in which the new owners of publishing have altered "editorial agendas almost beyond recognizability", with editors more expert now "in market research and marketing" than in the intimate understanding and "development of manuscripts under their stewardship." Gone is the "[o]ld-fashioned substantive editing, where acquisitions editors contribute to the intellectual development of their authors' projects." Manuscripts are now products, "and authors are, at best, independent contractors seeking the path of least editorial resistance" (Agger, 2002 p453).

Jason Epstein, a veteran publisher, and now a writer and commentator on the industry, takes up the same point but goes even further by stating that trade book publishing is now beyond repair (Epstein, 2001a p32). Epstein describes a slide that began decades earlier than Agger's 'decade of decline', when corporations began the process of acquiring independently owned trade publishing houses.[26]

[26] Epstein believes that trade book publishing having "depended on the generosity of patrons and the under-compensated devotion of employees and owners" was a false buy for the "entertainment conglomerates-CBS, ABC, RCA, MCA-Universal" and in acquiring "such distinguished houses such as Henry Holt, G.P. Putnam, and Random House, including Alfred A. Knopf, in the 1970s and 1980s, deluded by the false promise of synergy, eventually found them a burden on their balance sheets and disgorged them." A few brand best-selling authors "led these conglomerates to believe incorrectly that general book publishing is a mass-market business, like selling soap or razor blades or movies" (Epstein, 2001a p33).

Agreeing with Agger's point that editorial practices have altered dramatically, Epstein is more emphatic, claiming that the way trade publishing houses are now run has deeply affected staff: "It's very demoralising for the people who work in the business now, for most of them, from top to bottom. The young ones, many of them don't know any better, they do what they're told and they think that's how it's meant to be, but the ones who understand what's going on, who actually publish pretty decent books—we're publishing as many good books as ever, and they see what happens to them as they disappear after a few months—are discouraged and should be" (Epstein, 2004).

Quoting John Baker, editorial director of *Publisher's Weekly*, who dismisses Epstein's rear-view image of the industry as a revisionist picture, Fister queries this 'pessimistic' viewpoint, implying any "nostalgia for the 'gentleman's profession'" is a "golden-age myth." Trade publishing in the past, Baker maintains, was a "small business producing a comparatively limited number of books for a cozy elite readership whose access to bookstores was limited by geography" (Fister, 2001 p511).[27]

Fister claims trade publishing (if not all publishing) has always been "primarily a for-profit industry" (Fister, 2001 p511). Greco supports this: "[A]nyone familiar with the business knows that publishing is first and foremost a business" (Greco, 1997 px). Perhaps in the U.S. the picture has been in the main always like this.

There is also as Greco writes, "the cultural-mission theory" of publishing, the idea that book publishing is a sacred duty and that books must be published and preserved for the good of society (Greco, 1997 pxi). Whichever way holds sway over trade book publishing, and it seems that the economics of the industry trumps all other considerations,

[27] Thompson is also dismissive of Epstein and Schiffrin, though less emphatically, writing that both that their views were "inextricably entangled with their own personal experiences and career trajectories" (Thompson, 2005 p7).

all cultural industries from the mid-twentieth century onward—particularly in the United States—have been considered strategic industries, if not in name, then in substance. Even a cursory glance at publishing history demonstrates that the book industry is more important to society than only for the business and revenues it generates.

While the Anglo-American publishing model, in particular, emphasizes that publishing is a business, political intervention into the book trade goes back to Tudor times—from the time when books were placed under the direct supervision of the Privy Council during Henry VIII's reign to the policy of consolidating and incorporating this authority in the Stationers Company.[28] Even after the demise of the influence of the Stationers Company at the beginning of the eighteenth century, the tradition of 'books as different' continued right through to the late twentieth century. Books have always traded as if they were different from all other commodities. The book industry, while allowed and encouraged to trade freely, never quite lost the aura of difference. The 1900 to 1997 instigation then abolition of the Net Book Agreement demonstrates just how 'culturally regulated' the trade has been, and how the 'profit first' motive, in the UK at least, has been a mixed economic and cultural affair.[29]

---

[28] Philip and Mary in 1557 "granted a charter for the incorporation of the Stationers Company, giving it a firm monopoly over printing and publishing in England for the next 150 years" (Bettig, 1996 pp17-18), with the company controlling publishing through to end of the 17th century.

[29] *Books are Different* (Barker and Davies, 1966) recounts the 1962 court proceedings to decide the fate of the Net Book Agreement (NBA). The court judgment by Mr Justice Buckley of the Restrictive Practices Court 30 October 1962 found in favour of the NBA, maintaining net pricing of books as 'a cultural imperative'. In writing that "no two literary works are the same or alike in the way in which or the extent to which two oranges or eggs may be said to be...the production and marketing of books involve problems that are different from those which arise in connection with most other commodities," (Barker and Davies, 1966 p4), Justice Buckley was making a cultural as well as economic statement in favour of the NBA's retention. Later in the same judgment he wrote: "The combined effect of price-cutting competition and the loss and reduction of library business would be that many stockholding booksellers would be driven out of business" (Barker and Davies, 1966 p30). The court's statement was, in effect—books are 'good for our culture'. The NBA lasted until 1995 when publishers abandoned it, followed by the Restrictive practices Court making it illegal in 1997.

The Net Book Agreement was controversial at the time that it was introduced, and has been subject to much historical debate since. Three differing views from commentators: Ian Norrie in Mumby's Publishing and Bookselling in the Twentieth Century saw in the NBA a worthy activity "necessary for strengthening cultural place of the booktrade in society" (Davis, 2005 e-s); John Feather viewed the issue as primarily economic: "[P]ublishing was firmly enmeshed within the wider world of business and industry, and it had to

Tunstall identifies two recent periods of the Anglo-American publishing partnership: the era of the "gentlemen's cartel" (1890-1960) and the "era of *commercial integration* (since 1960)" [orig. italics] (Tunstall and Machin, 1999 p105). After 1960 "US Mega Publishing" arrived, with "IBM, ITT, Litton, RCA, CBS, Raytheon, Xerox, GE, and GTE" buying up publishing companies in the expectation that a "'convergence' between book publishing and computerized learning" was about to happen (Tunstall and Machin, 1999 p107).

In trade publishing, RCA's purchase of Random House in 1965 for $40 million set the trend of buying and selling trade publishing assets. RCA sold out to "the Newhouse family-controlled Advance magazine and newspaper company" in 1980,[30] the new owner buying up a series of foreign (UK) imprints, including "Jonathan Cape, Chatto and Windus, The Bodley Head and Hutchinson." Other U.S. magazines, such as Time Inc., also moved from magazines into book publishing during this period (Tunstall and Machin, 1999 p108).

U.S. trade book industry grew from 700 publishers in 1947 to 40,000 by 1992. Sales went from under "half a billion to over 20 billion." (Fister, 2001). Fister helps makes Epstein's case. By her own description, the industry has expanded and altered beyond all recognition. Which begs the question: *has it changed for the worse?*

---

follow conventional business practices if it was to survive. [It was] a recognition of the commercial realities of the book world: publishers and booksellers needed each other and both needed to make adequate profits if they were to continue trading" (Feather, 1988 p179, Davis, 2005). In contrast, Richard Altick was scathing: "By clinging to protectionism at a time when free trade sentiment was at its peak, publishers gave fresh substance to the belief that theirs was the most reactionary of businesses" p304 (Davis, 2005).

[30] Tunstall writes that RCA "soon became bored with Random House" (Tunstall and Machin, 1999 p108), but Epstein provides a more incisive reason—the corporations (without similar/synergistic publishing interests) found to their dismay that 'trade publishing' was not the lucrative business they thought they were acquiring (Epstein, 2004).

1.3 Methodological approach to theory and evidence

The methodological approach centers on discourse,[31] critical discourse[32] and historical analysis of statements and accounts of power issues[33], taking a multi-faceted view of the e-book's development.[34]

The approach is transdisciplinary (Nowotny, 2003) (Kellner, 1997), multiperspectival[35] (Best and Kellner, 1991) (Kellner, 1997) (McGuigan, 1997a), concentrating on the publishing industry as a scenario (Nowotny et al., 2001), including many factors and recognising that strict boundaries between areas, even if they exist, often share histories and existing conditions. Tracing journalistic accounts that demonstrate attitudes, beliefs and discourses on the e-book, a great deal of the analysis comes down to commonsensical interpretation. While discourses can be attributed to various open or hidden agendas, they may not easily be categorized simply. Clear-headed commonsensical day-to-day analysis of positions must be applied before balanced 'truths' can be elicited from the examinations of a statement or text (Ritzer and Goodman, 2003 pp377-399). At least some journalism on the subject of e-books can be classified as breezy, knee-jerk, and poorly conceived; and much of even the best is often conversational in substance and tone.

---

[31] Discourse here being "the technical term for the tacit knowledge which informs particular ways of making sense of the world" (Foucault, 2002 p185), together with Krug's reworking of Edwards' definition that discourse is "the entire field of signifying or meaningful practices: those social interactions - material, institutional, and linguistic - through which reality is interpreted and constructed for us and with which human knowledge is produced and reproduced" (Krug, 2005 p133).

[32] "[A]n ideological approach that examines the purpose of language in the social context, and reveals how discourse *reflects and determines power structures* (italics added)" (Cutting, 2002 p2).

[33] "[P]ower circulates in and through the production of discourses in society" (Fraser, 1995 p136).

[34] "Discourse..is so complex a reality that we not only can, but should, approach it at different levels and with different methods" (Foucault, 1970 pxiv).

[35] It is posited here that "knowledge is perspectival in nature, requiring multiple viewpoints to interpret a heterogeneous reality," but a note of caution is also needed in using a multiperspectival approach. While capable of combing several theories and theoretical discourses, "[m]ultiperspectival analyses do not rule out strong and focused analyses of specific phenomena or development of a specific perspective.. detailed and concrete uniperspectival analysis [which often] can be far more illuminating...than a highly abstract multiperspectival analysis... [M]ultiperspectival analysis cannot be used indiscriminately...and here the postmodern emphasis on difference and incommensurability is valuable. Rather, multiperspectivalism has to judge in specific cases [and instances] which aspects of competing theories are or are not useful" (Best and Kellner, 1991 pp266-270).

Trade book publishing is currently an area/scenario riven with many competing strategies, between traditional and innovative approaches. The e-book broadly speaking can be described as an invasive threat or a reforming opportunity for the trade book industry. And this inspires and underscores a powerful conflict, making the approach to power relations relevant and perhaps one clear way of understanding what is at the heart of the conflict.

As Foucault argues "truth" is not "outside power...Each society has it regime of truth, its 'general politics' of truth; that is, the types of discourse which it accepts and makes function as true, the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned, [and] the status of those who are charged with saying what counts as true" (Foucault, 1980b p131).

We have to visit the evidence and theorise the truths, because in the realm of the e-book the empirical evidence, what there is of it, is not enough. We have to trace the power relations to the source of the discourse and question the meanings we find. There are two distinct possibilities offered by the e-book—it is a new empowering futuristic tool which could alter the way we use, manage and think of information; or it is a threat to established orders and practices. Kellner describes a "new world order of technology, culture and politics in contemporary global capitalism...marked by more multiplicity, pluralism and openness to difference...but...[also] controlled and limited by transnational corporations which are becoming powerful new cultural arbitrators who threaten to constrict the range of cultural expression rather than expand it" (Kellner, 1997 p22).[36]

[36] Kellner identifies "the *networked infotainment society*" as central to "the emergent technocapitalist project" synthesising "entertainment and information" as part of the "global restructuring of capital" and warns against the ideological positioning/acceptance of technology as "an autonomous force." Borrowing Debord's idea of "society as a spectacle" Kellner foresees/identifies "a culture of the technospectacle" combining "computers... information and multimedia extravaganzas" all brought to consumers via the Internet, "competing with television as the dominant medium of our time," with digitisation transforming culture fundamentally "producing new modes of spectacle and new domains of technoculture" (Kellner, 2003b p14).

With this conflict at the heart of this study's research question and methodology, the task is to uncover and examine prevailing truths from within the various discourses, to evaluate their power effects, to learn how to sift through the evidence in order to learn how to 'trust' the main 'voice' inherent within them.

As with the Internet, the e-book is a "contested terrain", as yet not fully formed or fully under control, with vested and other interests still in process of competing for the territory economically (Kellner, 1999 p199), as well as over what can be said to be the 'truth', facts and significance of the whole e-book/Internet scenario.[37]

Equally, what seems to be an economic issue might on closer analysis turn out to be more political than economic, or a 'charged technological' debate may in turn inform a cultural position and vice versa. How can a useful and clear analysis be made under these conditions? As McGuigan argues, writing on Kellner's approach, a good part of this sort of analysis can be approached through "complementarity... reconnecting cultural analysis with political economy of cultural and media industries." For this to happen "the material powers of multinational business and politics must also be taken into account," together with an examination of issues present in "the production and political economy of culture" (McGuigan, 1997b p3), and with regard to this study, how this affects the ultimate recipient and destination, the consumer of cultural products. In summary, this study is an examination of power relations in the cultural context of and surrounding the e-book within an overall politicized economy.

Even limited as it is currently as a cultural force, the e-book potentially is an integral part (negatively and positively) of this transformation.

[37] It is perhaps superfluous given all the commentary on the subject, to say the Internet has been described as a worldwide network of computer networks exchanging information (Stone, 1997 p185). But such a clinically technical description highlights immediately what is absent in terms of its political, economic, social and cultural meanings and impact.

This study on the publishing industry's relationship and reaction to e-books seeks a multiperspectival practical and theoretical conjunction, based on complementarity, [38] between differing ideas on power relations, including: the Frankfurt Schools analysis of the culture industry and commodification of cultural products[39]; power relations, effects and strategies as outlined by Foucault; Althusser's ideas on ideology; Porter's Competitive Strategy theories; and offers up a diagnostic tool, power messaging, based on Foucault ideas on power and Norbert Wiener's system of information messaging from his theories and ideas contained in his theories of 'Cybernetics.'

"The implications of information and communication technologies are not unilinear ...We are both objects and subjects of new discourses and regimes" (Downey, 1999 p208).

[38] Lemke informs us that physicist Niels Bohr created the 'complementarity principle' (Bohr, 1934, 1958). Bohr recognised that "quantum theory presented us with a view of experience in which different interactional arrangements resulted in complementary perspectives that need not be logically consistent, compatible, or commensurable, and in many critical cases could not be so. The reductionist trick was predicated on the assumption that the different 'pieces' or views from different perspectives could always somehow be neatly fit together." This is particularly relevant to cultural issues. As Lemke recounts, "material processes cannot be comprehended, cannot be exhaustively described within any one single self-consistent formal discourse" (Lemke, 2000a).

[39] On this issue Kellner sums up what is perhaps closer to the case than the cultural domination theory as outlined by Adorno and Horkheimer. The "media culture was never as massified and homogeneous as the Frankfurt School model. One could argue that the model was flawed even during its time and origin and influence...Yet the original Frankfurt School model of the culture industry did articulate the important social roles of media culture during a specific regime of capital and provided a model, still in use, of a highly commercial and technologically advanced culture that serves the needs of dominant corporate interests" (Kellner, 1997 p15).

1.4 E-book definitions

What is an e-book? From the outset, the term 'e-book' (written as e-book, E-book, ebook or eBook) has created confusion, in the minds of many observers, the informed as well as the ill or uninformed. At the heart of the conundrum is whether the term e-book refers to content or the e-reading container; in effect, the problem resides in whether the textual or other content should be emphasized over whatever container or device is used for reading the content.[40] The leading dictionaries tend to ignore the dilemma. The Oxford English Dictionary online definition compiled in 2001 reflected the above ambiguity this way:

> **e-book**, *n.*
>
> *Brit.* /ˈiːbʊk/, *U.S.*/ˈibʊk/
>
> Forms: 19- **E-book**, **e-book**, **eBook**, **ebook**. [< E- + BOOK *n.*]
>
> A hand-held electronic device on which the text of a book can be read.
>
> Also: a book whose text is available in an electronic format for reading on such a device or on a computer screen; (occas.) a book whose text is available only or primarily on the Internet.[41]

Apart from emphasising the physical reading device, the OED also adds the concept of 'a book' published online, saying it is available on the Internet. In truth it is available on the World Wide Web (www), with the Internet the network used for transmitting and receiving

[40] The early misdefinition of e-books seems to have led to confusion in consumers' minds, leading to a lack of comprehension over what e-books and e-readers actually were, which could well be responsible for dampening consumer enthusiasm. Problem of definitions may be a natural occurring factor or a self-created and perpetuating barrier, 'a cultural stand-off device', if not constructed, at least promoted by those sceptical over the benefits of the introduction of e-books to publishing and reading culture.

[41] www.oed.com Oxford English Dictionary - Online, New edition: draft entry Sept. 2001.

digitised information in various forms. For anything like a book to be published online, it must perforce use the Web for document display and the Internet for distribution.

The Merriam-Webster online dictionary is more concise.[42]

Main Entry: **e-book**

Pronunciation: 'E-"buk

Function: *noun*

: a book composed in or converted to digital format for display on a computer screen or handheld device

Webster's Online Dictionary (The Rosetta Edition)[43], carries a much more detailed definition, answering the questions raised about the confusion over content and container:

E-BOOK
Specialty Definition: Ebook
(From Wikipedia, the free Encyclopedia)

> An **ebook** is an electronic or digital version of a book. The term is used ambiguously to refer to either an individual work in a digital format, or a device used to read books in digital format. The second usage should be deprecated in favour of the more precise "ebook device".
>
> The term **ebook** is also often used synonymously with E-text, although the latter is really the more general case, and *ebook* the more limited.[44]

Much of the problem with defining an e-book seems to be related to its retention of the term 'book' in the term, which sets it up somehow as an electronic 'mirror' of the print version *(see section 1.4.2 below).*

---

[42] www.m-w.com
[43] www.websters-online-dictionary.org/definition/e-book (site updated 2005)
[44] Wikipedia as a source is "user-defined" and is controversial for that reason, but with a term still in development such as 'e-book', the user interaction is useful, until the meaning is generally decided upon.

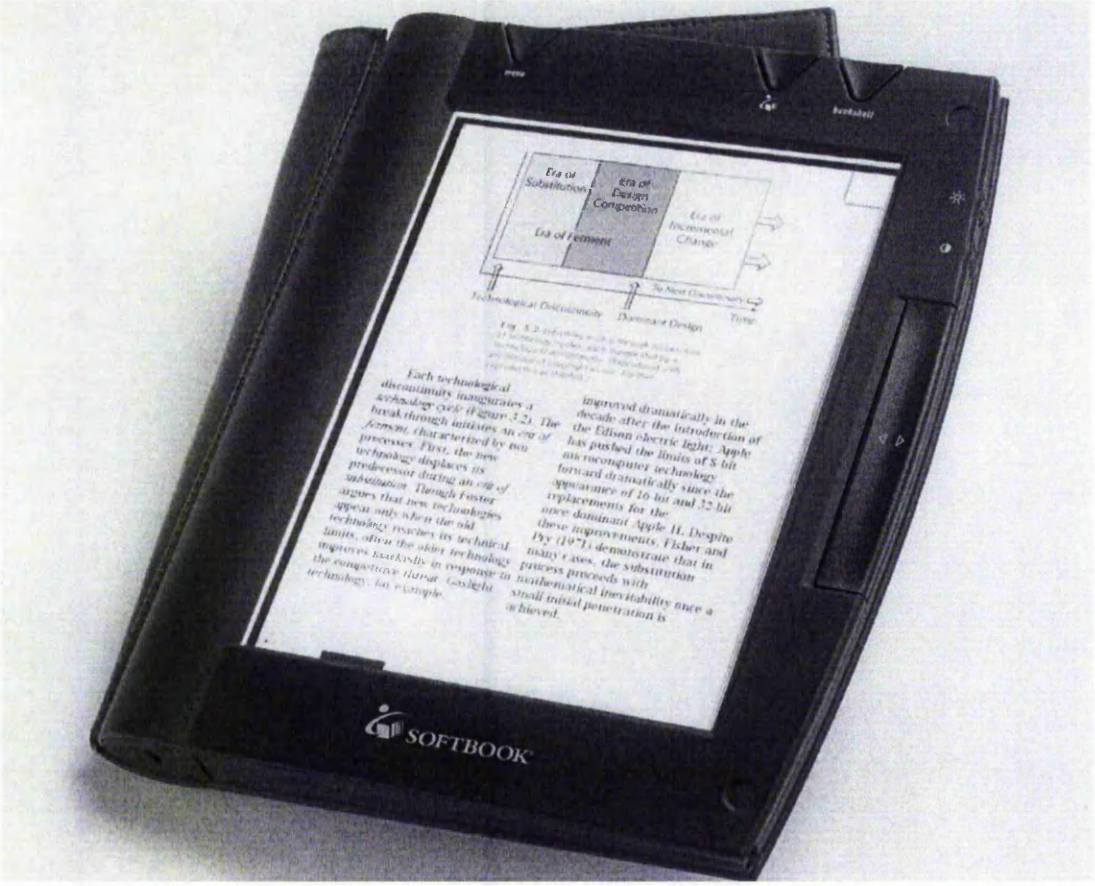


Figure 1 - The Softbook e-reader displaying 'e-book' text.
Source: "As We May Read: The Reading Appliance Revolution" (1999)

1.4.1 The legal status

In a major legal confrontation over e-book/book contracts in the United States, the meaning of what an e-book is in relation to the traditional book was disputed.

"Show me why an e-book is a book," asked U.S Federal Court Judge Stein, during the proceedings of a civil action he presided over in Manhattan in 2001.

The U.S.'s leading trade publisher, Random House, was suing a small entrepreneurial e-book publishing start-up, RosettaBooks, over the latter's e-book contracts with some of Random's authors. Random House, maintaining that an e-book is a book, argued that all their existing book contracts with authors automatically included e-book rights. Judge Stein did not agree, making an historic ruling that the term "book" in book

contracts did not automatically include electronic books. In his concluding judgment he wrote: "In this case, the 'new use', the electronic digital signals sent over the Internet, is a separate medium from the original use, printed words on paper." Judge Stein cited the Random House Webster's Unabridged Dictionary's definition of a Book as "a written or printed work of fiction or nonfiction, usually on sheets of paper fastened or bound together within covers" (cited by Kirkpatrick, 2001d) (Haughney, 2001) (Cesarini, 2002).

1.4.2 The p-book and the e-book

"A book is a book is a book," writes Lockridge (Lockridge, 1998). The printed book form, now sometimes called the pBook (p-book) when used in conjunction with the term e-book, is a combination of several technologies: the original Codex form or bound format; paper; publishing formats and styles (the 'software' of traditional print publishing); printing; and the practice of writing itself.

The advancement of the traditional book in its current form travels directly from handwritten books in codex form,[45] through to Gutenberg's invention of a moveable type printing press in 1436, and its introduction into use in the early 1450s, onto the continuous sheeted, rapid printing, large offset automated hardcover and paperback book presses and products we have today. The road to today's book is a long and at times complicated history. But to most casual observers a book is and has always been simply a book. The technologies involved in the finished product are simply indivisible, and to all intents and purposes, as far as the average consumer is concerned, not particularly important. Yet, on examination, a book is anything but a simple straightforward object. It is just as complex

[45] Before that they were papyrus scrolls; before scrolls clay tablets. The term book is tied to the bound codex.

and combinative a technology as the e-book is today, perhaps even more so. We have simply forgotten or don't need to question our understanding of what a print book is anymore, even though it is presented to us in a myriad of shapes, forms, formats and sizes. A print book includes and now combines the technologies of writing, paper, binding, publishing styles and formats and printing, something that took centuries to evolve.[46]

So what is an e-book?[47] As we have already seen, an e-book cannot legally be known automatically as a book, at least in one jurisdiction, and an e-book is rarely if ever only considered to be an e-reader (and e-reading device). So why does the term e-book include the term book? The retention of the word 'book' within the term e-book is perhaps at the heart of the whole confusion of how to define this new technology, limiting the imaginative vision of what the e-book could finally turn out to be.[48] It could be argued that the presence of 'book' within 'e-book' is playing a kind of cultural gatekeeping role, affecting the early state of e-book growth, while the hardware and software elements are in a 'fluid state' of development.[49]

---

[46] It was about 1600 years ago, when the codex (book) form began to appear as the main publishing form. The codex had taken some four/five hundred years [appearing around 100 B.C.] to develop, before establishing itself as a viable alternative and accepted methodology in order to overtake its predecessor, the papyrus scroll, as the dominant reading and writing 'published' form in general use. In "circa A.D. 300 [that] the codex achieved parity with the roll…By the fifth century...the roll held barely 10% or the market" (Roberts and Skeat, 1987, p75).

[47] Vannevar Bush is credited with first 'inventing' the 'imaginative prototype' of an e-book device—the Memex—in the 1940s *(see n.72 p52 for more)*, a development which continued through Alan Kay's Dynabook, developed at Xerox PARC in the late 1960s [the prototype for "the notebook computer" and Personal Digital Assistant (PDA)], onto the function and design of recent dedicated e-readers, such as the Softbook, the forerunner to the Gemstar RCA REB 1200 *(see figure 1)* (Gibbons et al., 2003 p3), through to the recent Sony Librie, combining Phillips screen and E-Ink electronic paper technologies.

[48] See section 7.4 below for more on the naming and description of technologies.

[49] The terms in use are as follows: **book:** printed book in all its shapes, formats and sizes. **e-book:** electronic book, so far only a digitised version of the text of the standard book, but pontentially containing original styles and multimedia formats. **e-reader:** a hand-held digital device for reading, or e-reading device, or dedicated e-reader, all defined collectively as the 'hardware' reading device, used for storage and reading of e-book materials. **e-reader software:** Acrobat Reader or MS Reader or other software specifically developed to display e-book texts and images on e-readers.

Henke surveys the studies made on the "relationship between pBooks and eBooks" from the point of view of the pragmatics of reading, and the skills/facilities acquired and associated with both, citing studies that survey how "paper and electronic books share similar features" in terms of organisation of material, navigation and information retrieval (Henke, 2001b p22). A study by O'Hara and Sellen (1997) on reading comprehension concluded that the retention of facts and details was better with paper over electronic reading, "because paper provided better methods for annotation, quicker navigation, and could be laid out to suit the user" (Henke, 2001b p23). Though this has been contradicted by recent research. The emphasis of this and Henke's own study deals with elements of human computer interaction, and concludes that electronic reading devices are not suited to or suitable for leisure reading (Schilit et al., 1999) (Guthrie, 2001).

In research early on in the experience of electronic reading, Schilit et al concluded that "massive adoption of reading devices for certain kinds of reading, such as pleasure reading" is unlikely. Other types of reading – "especially active reading across multiple documents – present a much better reason to use reading appliances, where computation and communication technologies can increase our ability to perform highly valued knowledge work – including learning, analysis, and decision making" (Schilit et al., 1999).[50]

According to Schilit et al's definition, Henke describes 'active reading' as the "underlining, highlighting and commenting on text within a book" (Henke, 2003, p16). It is more simple than that, active reading is active researching of a text while reading. Henke

[50] Recent research suggests that in measuring "the reading time" and later recall of the material read on PDAs that comprehension is equal between paper and electronic text, that "participants who had read the text in electronic form were able to recall the content as such (similarities), or reinterpreted according to their schemas of knowledge (assimilations) and were no more prone to making erroneous responses (semantic transformations or addition of concepts). The retrieval of information does not therefore seem affected by the fact that the encoding occurred from an e-book" (Morineau et al., 2005 p343).

and others do not address the 'cultural worth' or lack of it in the reading experience in either the pbook or e-book, or investigate leisure reading practice.

Lichtner and Wilson conclude that "research is lacking in the area of digital leisure reading," (Lichtner and Wilson, 2005 p1) with more studies needed particularly into the "emotional" experience of book and digital book reading, in order to inform future design of e-reading devices.

Epstein dismisses both the e-reading devices and the underlying assumptions 'technologists' have made in their assessment of the average reading experience. "These people understand technology and fundraising and all that sort of thing, but they don't know anything about books, or what people actually do with them" (Epstein, 2004).

1.4.3 Early e-book definitions

From the early 1990s, scholarly and technical e-book commentary promotes the importance of metaphor use in electronic book design, defining electronic book content as "a generalized metaphor or myth that projects an image to both designers and users of being just like a [paper] book" (Barker, 1992) (Henke, 2001b p18). This idea, connecting the book form via a metaphor to the e-book digital format, remains with us today.

Citing studies by Catenazzi and Sommaruga (1994), and Landoni and Gibb (2000), Henke suggests that by "[p]roviding users with a familiar situation [helps them] utilise skills they already have [in order] to read electronic books [which also] helps reduce learning time, fatigue and stress" (Henke, 2003b p9).[51]

[51] Henke also cites comments and studies by (Gates, 1995; Nielsen, 1990, 1996, 1998; Rowland, Bell & Falcon 1997; Woodward, Rowland, McKnight, Meadows & Pritchett, 1997; Schneiderman 1998), who claim the book metaphor is not useful, as it "limits the potential of electronic books" (Henke, 2003b p10).

In 1993, Barker re-defined the new e-book phenomenon as a "form of book whose pages were composed not of static printer's ink but from dynamic electronic information," adding that e-books could also be a "collection of reactive and dynamic pages of multimedia information," collections of 'pages' to be read on a reading device (Barker, 1993) (cited by Henke, 2001b p18).

Dedicated e-reading devices had been in use since 1991 when Sony produced the SonyBookman (Votsch, 1999). E-reading devices became more commercially prominent from 1998 onwards when NuvoMedia marketed its Rocket eBook (later bought by Gemstar to become the REB 1100), and the Softbook dedicated e-reader (later Gemstar's REB 1200, *see figure 1*) and the Peanut Press e-reader were released into the market (Henke, 2001b p18). Therefore, the general perception that an e-book is associated with a hardware reading device has a solid foundation in e-book history.

Approaching the issue from the point of view of e-readers, Feldman claimed that the simplest definition of an e-book should be associated with hardware devices because according to him this is how they were meant to be used. PDAs, (personal digital assistants), laptops, mobile phones, and so forth, were designed to access the printed word, whether in the form of databases or structured e-books (using the book metaphor) and therefore, according to Feldman, the term e-book should be associated with them.

Feldman also supported the view that a more complex definition of e-books should include the adaptation of paper book metaphors and book-like features to create a new format for reading that re-interprets the paper book into a new interactive format (Feldman, 1995) (cited by Henke, 2001b p19).

Clister revisited and re-defined this approach, advancing two types of e-books: firstly, the physical devices used to read books; and secondly, the method of viewing books online, including the content and the tools used to view the content (Clister, 1999) (Henke, 2001b p18).

Borchers reasserted the hardware factor of the e-book, redefining it as a "portable hardware and software system that can display large quantities of readable textual information to the user and that lets the user navigate through this information" (Borchers, 1999) (Henke, 2001b p18). Lemken agreed with this hardware-first re-definition, positing e-books as *physical devices* (italics added) for displaying electronic documents (Lemken, 1999) (Henke, 2001b p18).

Gibbons, Peters and Bryan updated this, writing that "[a]n e-book, like a paper-based book (p-book or tree book), is a combination of content and the physical object (and associated technology) that "bears" the content. For e-books, the three basic elements are hardware, software and content" (Gibbons et al., 2003 p2). This brings us closer to a true combinative definition of an e-book, reflecting the same fusing of elements with the e-book structural metaphor that we see within and with today's print book.

Romano dismissed much of this discussion, claiming simply that, "[a]n electronic book or e-book is the presentation of electronic files on digital displays", that the term "[e]-book is actually a misnomer" (Romano, 2003).

The idea of e-book as a "misnomer" for the technology has support in the histories of technologies. Technology that succeeds rarely retains the nomenclature of its predecessor. A separately defined and nominative identity has shown itself to be decisive in

the development of successful technologies, even if the succeeding technology still retains strong traces, terms, functions and formats of the technology it is superseding.[52]

The e-book remains tied nominatively to the print book yet it could become a multimedia technology that outstrips the book's informational reach. While this could be advantageous, Berry points out that it is also a destabilising factor for many observers: "[W]hat makes ebooks, ezines, Web novels, downloadable poetry, and hypertext so unsettling [is that it deprives] literature's material embodiment of its primacy...all that matters becomes a transient, infinitely mutable manifestation of some vast realm of pure possibility we can never reach" (Berry, 2002 p9).

This of course does not make the e-book potentially worse or better than the print book *per se;* e-book technology remains culturally contentious. Though Berry suggests that "[p]art of what's most exciting about the new electronic media is the way they have reopened the question of literature" (Berry, 2002 p8).

[52] In this context it is notable that "we gave up the *volumen* (a papyrus book rolled up on two sticks) for the codex, the Latin word for bound book" (von Hoffman, 1998 p142). Though even with the rise of the codex—its compact presentation, saving on materials, and ease of use etc.—there was continued and "massive use made of rolls throughout the Middle Ages and even later...in England, where many great series of state records were kept in roll form for upwards of six centuries, some, like the Patent Rolls, literally down to the present day" (Roberts and Skeat, 1987 p51). The codex presented "a variety of problems" with its requisite binding skills, a craft that had to be learned (Roberts and Skeat, 1987 p52). This seems apt with regard to knowledge and techniques required today for digitising/formatting e-book files. Preparing and presenting e-books, making them available online for 'downloading', requires specialist computer and digital programming skills.

2. Some Theoretical & Historical Considerations

Eagleton's approach to theory in *After Theory,* it seems, is first to attempt to poke fun at the idea of it so that he can end up affirming its use and value (Eagleton, 2003 pp 4,78). Karl Popper in *Reason or Revolution* described critical theorists as 'talking trivialities in high-sounding language'" (cited in Held, 1990 p380). Hersmondhalgh half-apologised for the 'conspiracy theorists,' who spend their days analysing society and the economy from a political perspective (Hersmondhalgh, 2002 p33).

Foucault leaned towards developing "a notion of power that avoids political theory" (Couzens Hoy, 1995 p188), his stated aim to create less of "a theory of power than...an analytics of power...a specific domain formed by power relations...a determination of the instruments that will make possible its analysis" (Foucault, 1980a p82) (cited by Dreyfus and Rabinow, 1982 p184), but created no theory.[53]

An analytics of power seems to include (or at least does not preclude) taking a long sideways glance at most statements and facts that pass for fact. Theory, we know, is not fact, until it is proven. But the facts, what are they? Who provides them, why and how are they collected and presented? And what do they all mean? What are their 'power effects'?

Certainly facts can and do have an effect so we can accept that they are important. But how important? It is here perhaps where theory will help us gain an understanding, a perspective on what is happening, provide a platform, a framework to build on and look through. With empirical fact we are always (or should be) in two minds. Are they true or are they a construction of truth? Theory is always (at least at the outset) a construction of

[53] Turner writes that "[w]hile Foucault is in general reluctant to accept a label and equally reluctant to pronounce a particular theoretical view of society and history, his commentaries on power and ideology, taken together with his explicitly Nietschean view of history, do in fact point to a clear theory of contemporary society" (Turner, 1985 p204).

the truth, so we can take theory at face value, freely use it to ask and attempt to answer the question: what is actually going on?

2.1 Foucault's 'theory' of the 'intentional non-subject'

Dreyfus and Rabinow argue that Foucault's most "provocative" and seemingly contradictory statement on power is that power relations are "intentional and non-subjective" involving "a strategy without a strategist" (Dreyfus and Rabinow, 1982 pp187-188). Intelligibility derives from the intentionality; power relations "are imbued, through and through, with calculation: there is no power that is exercized without a series of aims and objectives" (Foucault, 1980a p187, Dreyfus and Rabinow, 1982).

Couzens Hoy seems dubious if essentially neutral on this Foucauldian concept: "Foucault thinks of power as intentionality without a subject, such that power relations are intentional, can be described as without being attributed to particular subjects as their conscious intentions. Power is for him an explanatory concept, but not all explanations are causal. So without attributing power either to conscious agency or to underlying forces like the modes of production, Foucault thinks he can explain contemporary society by mapping the network of power relations that have evolved historically" (Couzens Hoy, 1986b p128).

The point on how anything evolves historically is relevant here. And on the basis of complementarity alone,[54] any seeming contradiction of the intentional with non-subjectivity, identified by Dreyfus and Rabinow and Couzens Hoy, does not invalidate Foucault's ideas, which in effect express the complex make up and function of power relations in their 'real

[54] This includes and accepts Bruno Latour's ideas outlined in his 'actor-network theory' inferring that we must be vigilant always in our analysis of meanings within any social structure, as the existence of a "stable social structure" is itself contentious. "There is simply no macro-structure constraining events, but a constantly open-ended interaction between a multitude of actors" (Mackenzie, 1999 p431).

and practical' application and operation.[55] Foucault's reasoning on the 'intentional non-subject' or "intentionality without a subject" (Couzens Hoy, 1986b p128), seems central to how decisions are made within the complex of social environments and contexts.

This study posits and argues that the "intentional non-subject" is fundamental to power, both in its presence and practice, particularly when trying to unravel corporate actions and intentions. Power may not know what it is doing but it 'knows' what it wants. The intention is there even if the subject is 'absent.'

The intentional and non-subjective notion of power together with a non-rigid interpretation of Althusser's ideas of interpellation help explain how societies form beliefs and act in concert or *en masse*. The ideological construction of the subject and idea of a complex interrelationship of and within power effects seem to help in the understanding of why social groups or societies might act, in overall, in a particular way.

2.2 Interpellating the subject

Althusser theorized that ideology interpellates individuals as subjects. "The structure of all ideology, interpellating individuals as subjects in the name of the Unique and Absolute Subject, is specular, i.e. mirror-structure and doubly specular: this mirror duplication is constitutive of all ideology and ensures its functioning. Which means that all ideology is centred, that the Absolute Subject occupies the unique place of the Centre, and interpellates

[55] By way of example of complementarity: The gulf between Einstein's theory of general relativity and the theories of quantum mechanics presented physicists with a 'logic-gap' (Greene, 2000). Resolution of the seeming contradictions between smooth gravity space/time and micro-disruptive universe of quantum mechanics are not easily made. String theory sets out to solve this conundrum.

around it the infinity of individuals into subjects in a double-mirror connection such that it subjects to the Subject" (Althusser, 1971, p168) (cited by Holmes, 2005, p30).

Althusser's ideas entail that "ideology exists as a unified set of beliefs that masquerade as common sense. Foucault refused the Althusserian concept of ideology partly because it implies that external criteria exist for telling what is 'ideological' as against what is 'true' (or 'scientific')" (During, 1992, p133).

Althusser's ideas make it is hard to see how we can force our way beyond the ideological constructions we reflect, but yet it seems we can. Ideologies are not "impeccably functioning machines" reproducing subjects acting and thinking in ways set for us by dominant forces in society. Ideologies compete for and recruit subjects, but in the process of this, the 'dominance'of one ideological spell can be superseded by another. The hold over us can be broken. Althusser's idea that "[s]ubjects do not realize their subjection, and are only free in that subjection is freely accepted" (Gray, 2005 p4) is contentious, understandable from one viewpoint and highly prejudicial from another. "The subject deconstructs every message even if he is not trained in critical practice" (Vaknin, 2005). But Althusser may be right as well. Recognition of the nature of ideology is one matter, resisting its hold over us another.

This study visits and revisits Althusser's ideas on interpellation, the "material existence" of ideology in society, particularly in "apparatuses," (Montag, 2003 p151) inherent in 'corporate constructions' of realities. Presentations of 'commonplace fact', when they are constructions of fact, play a big part in corporate technologies of control. As Gray writes: "Althusser's theories of ideology and interpellation may be readily applied to the study of mass communication, in the context of perpetuation of hegemonic ideology via the mass media" (Gray, 2005 p1).

2.3 Productive power & domination

Foucault wrote and spoke of productive power and its effects brought about by the transmission of knowledge. In that productive power can be a positive force, increasing or circulating knowledge to change environments, then power like knowledge is a positive agent and producer of change.

Foucault's effects of power "circulate through progressively finer channels, gaining access to individuals themselves, to their bodies, their gestures, and all their daily actions" (Foucault, 1980b p151-2). Subjects are affected and formed "by the operation of power" (Dews, 1995 p158), and these "strategies of power," in what Foucault called "the 'meticulous rituals of the micro-physics' of power," travel "'right to the depth of society.'" Foucault argues strenuously against a vision of power "in negative terms," which "excludes, represses, censors, abstracts, masks and conceals" (Foucault, 1977 p174). But the negative, dominating, dark side of knowledge and power cannot be simply cast aside. Foucault himself did not preclude domination (Foucault, 1977 p126) (Foucault, 2001 p347).[56]

Domination is not presented as the only essence of power. Foucault argued that "power-relations are not modelled on a logical structure of opposition or contradiction but on a field of 'polymorphous' singularities" (During, 1992 p138). Unless the "unequal relations of power are traced down to their actual material functioning, they escape our analysis and continue to operate with unquestioned autonomy, maintaining the illusion that power is only applied by those at the top to those at the bottom" (Dreyfus and Rabinow,

[56] "In my analysis of power," Foucault wrote, "there are three levels: the strategic relationships, the technique of government, and the levels of domination" (Foucault, 1988 p19).

1982 p186). But is power more effective, more dominant from the top than from the bottom? This study will set out to show that it is.

2.4 Foucault v. the Frankfurt school

The discursive nature of power and its potential 'reversibility' posited by Foucault (Foucault, 1982 p184) (During, 1992 p93) sets him at odds with the Frankfurt School and Critical Theory (Kellner, 2000). "Critical theory aims to demonstrate that power in general works to cover people's real interests by offering them a false view of what those interests are" (During, 1992 p133). Foucauldian views on the matter of cultural domination in general leave open the prospect that consumers are not constrained in a system of political or economic tyranny and can 'rise' to reject the dictates of the corporations.

Foucault's conceptual view of power implies there is hope for consumers in this battle. His reasoning, tuned to the media and culture markets—specifically the emerging e-book market—confronts the arguments presented by Adorno and Horkheimer, but does not resolve them. Though in themselves the arguments put forward under the umbrella term, The Culture Industry (Adorno and Horkheimer, 1973), are not unchallengeable (Held, 1990 p369). If Foucault is right, and given a consumer's power to choose to resist, the power of advertising notwithstanding,[57] the Frankfurt School's reasoning cannot be accepted as the whole truth.[58] Without the freedom to choose consumers *ipso facto* live under market hegemony. Yet, if we accept Foucault, western democracies and western styled

[57] On advertising, Adorno and Horkheimer write that "advertising [is] a pure representation of social power" (Adorno and Horkheimer, 1973 p163). Media corporations wield a powerful influence over our choices in our leisure, cultural life and media consumption, by grooming our habits.

[58] At moments, the views of Adorno and Horkheimer are a little too strong to sit easily under the banner of theory: "The people at the top are no longer so interested in concealing monopoly: as its violence becomes more open, so its power grows. Movies and radio need no longer pretend to be art. The truth that they are just business is made into an ideology in order to justify the rubbish they deliberately produce" (Adorno and Horkheimer, 1973).

economies—for all the inherent imbalances between producers and consumers, monopolistic practices and market rigging—preclude this in the overall complex of the so-called free market sytem, on the surface of extant realities at least.[59] Or, if and when hegemony appears or does exist, it is always open to challenge.

Foucault leads us to conclude that no matter how powerful and convincing the campaign, no corporation has the power (yet) to herd consumers against their will into cinemas or any other entertainment venue, force them into bookshops to buy a book, or to detain them against their will at home in front of a television programme. If we accept Foucault's ideas, there is a missing link in pluralistic societies in the Frankfurt School's ideas on coercion and consumption. Does this lead us to a point where we must reject the stronger implications laid out by Adorno and Horkheimer—individuals deprived of individuality and unable to "rebel against the pleasure industry"? (Adorno and Horkheimer, 1973 p144-145)

Foucault's ideas lead us this way, though the subtler implications of Adorno and Horkheimer's arguments (and Lukes, 1974) remain—that is, we are at risk of being coerced into accepting the 'arguments for consumption' made to us by media corporations, often without being aware of the process, or that it is happening to us.

Two methodologies are employed in this process, the psychology and techniques of advertising and selective production. Selective production,[60] with its implications of an *a priori* denial of the potential will of consumers, places them 'unknowingly' in the hands of the media corporations, and hence most at risk to the strategies of manipulation, distorting Foucault's 'resistance' scenario.[61]

---

[59] Yet the Frankfurt's school's attribution of "the impoverishment of culture to the inner dynamics of capitalist society" seems hard to refute (Beebee, 2002 p199).
[60] See section 4.3 below.
[61] Consumers cannot resist something about which they are unaware, and they cannot (normally) propose products. Hollywood's screen-testing is one way consumers do get to influence cultural product. One other

2.5 Media and messages

McLuhan argued that "the formative power in the media are the media themselves" (McLuhan, 1964 p21). This is contentious, for while there is transference of power through media the power resides at a deeper more fundamental level, contained in the message any medium transmits. McLuhan may have "correctly grasped the powerful role of image and media technologies and anticipated the rise of computer culture" (Best and Kellner, 2001 p154), but his insights dependent as they are on Norbert Wiener's exploratory work ignore a simple fact—messages precede media.

Messages and communication existed long before machines or organised methods of media communication were even imagined. "Messages are themselves a form of pattern and organization...the information carried by a set of messages is a measure of organization" (Wiener, 1954 p21). Wiener argued that "[i]nformation is information, not matter or energy" (Wiener, 1948 p155), even if, "[t]he transfer of information cannot take place without a certain minimum transfer of energy" (Wiener, 1954 p24).

Wiener privileged messages before media. McLuhan's idea that "the medium is the message" and electronic media had turned the world into a "global village" echo Wiener's words in *The Human Use of Human Beings* that "the transportation of messages serves to forward an extension of man's senses...from one end of the world to another" and that "society can only be understood through a study of the messages and the communication facilities which belong to it" (Wiener, 1954 p9) (cited by Conway and Siegelman, 2005

---

notable 'consumer intervention' into the 'culture product process' was when the wife of the chief Woolworths buyer gave her immediate approval to the Penguin paperback, when asked by her husband by chance for her opinion, influencing his decision to accept the Penguins, significantly contributing to the history of the paperback. But this intervention is clearly unusual.

p277).[62] And the generation of information messaging seems fundamental to any system of power relations in operation.

Power seems to be a "deeply rooted"[63] message we respond to, even seek out, within the network of power relations.[64] Media power comes and goes, rises and falls, flows and ebbs with the messages transmitted, while we ascribe values of power to the messages themselves, via a process Wiener identified as a 'feedback' system (Wiener, 1954 pp12,14). Messages involve our senses, our understanding, and via cultural mechanisms we have grown into and part of, involve our reception and transmission of power. The prevailing and dominant medium or media in and of any time simply carry, facilitate, broadcast the dominant messages of that time—contained in the battle to 'ideologically structure the subject' according to the mores and beliefs of the time.

The medium provides knowledge, and if we believe, or to paraphrase Althusser, if we 'buy into' its message, if as subjects we are interpellated and have our ideology decided for us, then the acceptance of 'the truth' of any message is synonymous with its power over us. If we don't buy into the message, it is a power we may, ideologically, wish to resist.

The flow of tacit and concrete messages is ubiquitous, a method for transmitting knowledge and information.[65] As Castells writes, "the message is the message" (Castells, 1996 p396). McLuhan's emphatic technological determinism should be discounted (Murphie and Potts, 2003 p27).

[62] McLuhan's ideas reflect his time: "From the publication of *The Mechanical Bride*, his first book about Media, in 1951, to his death on the eve of 1981, television utterly dominated public and private life" (Levison, 1999 p3).
[63] From Power/Knowledge (Foucault, 1980b p59)
[64] "[P]ower relations are rooted deep in the social nexus, not reconstituted "above" society" (Foucault, 1982 p221)
[65] For purposes of this study messages are described as a unit of power relations within overall discourses.

2.6 Messages in new technologies

Negroponte, "a shining example of...a technophile"—along with other optimists at the MIT Media Lab—seems to assume "that technology is under human control" (Nardi and O'Day, 1999 pp20-23).[66] In an early enthusiastic view posted on the web in 1996, Negroponte placed the choice before the reading public in stark terms. To him the choice was as simple as it was commonsensical. It amounted to straightforward economics. The world of books would 'inevitably' go digital. "What weighs less than one millionth of an ounce," he wrote, "consumes less than a millionth of a cubic inch, holds 4 million bits, and costs less than US$2? What weighs more than 1 pound, is larger than 50 cubic inches, contains less than 4 million bits, and costs more than $20? The same thing: *Being Digital* stored on an integrated circuit and *Being Digital* published as a hardcover book." For Negroponte, digitalisation was as inevitable as "a force of nature" (Negroponte, 1995) (Negroponte, 1996) (Nardi and O'Day, 1999).

For some observers, the idea that technologies have social implications "goes against the grain of free enterprise. Each new tool is a bid for a share in a very competitive marketplace" (Nardi and O'Day, 1999). But at the other end of the spectrum of 'utopian-dystopian' ideas on technology are the views of Professor Noam Chomsky, also from MIT. "Free markets don't exist," he writes, with "hardly an element of advanced-technology industries... not tied into the Pentagon system ...why its budget always stays pretty much the same." (Chomsky, 2003b) Chomsky's ideas certainly reflect the history of the system

[66] Noam Chomsky in a December 2004 interview with him, when answering a question on the deterministic nature of technology, 'Who controls technology?' answered: "We do of course." An odd response when put together with his overall views on U.S. technology as under State-corporate control. Perhaps what Chomsky meant to say is that, Yes, humans do control technology, but it is just a matter of who has the power to control it, which is a very different matter. Most people have no power over the developments in technology, in any way. Control is a question of economic, political and social power, and only a very few have that.

underpinning the e-book, without which the e-book would scarcely have any meaning—the Internet, a creation of the American military industrial complex.[67]

Some find in technology a message of hope. Jason Epstein, whose own history shows him to be a supporter of entrepreneurial publishing, wrote: "That these [digital] technologies have emerged just as the publishing industry has fallen into terminal decrepititude is providential, one might even say miraculous. For contemporary deists, the timely arrival of the World Wide Web [68] may replace the watch found in the desert as evidence of a divine maker's intricate design" (Epstein, 2001a). In this there is an echo of a question posed by Schumpeter: Is it the "competition for success, or for survival, that sets in motion the economic process with considerable effects?" (Schumpeter, 1983, cited by Brunner, 1995 p20).

Schumpeter tells us that "[t]he objective of the technological production is indeed determined by the economic system; technology only develops productive methods for goods demanded...Economic logic prevails over the technological" (Schumpeter, 1983 p14). Schumpeter shows no fear of technology.[69]

But technology can become meshed in politics. Winner writes that "the notion that technical things have political qualities" is highly provocative but concludes that "things we

[67] The Aparnet, developed between 1964 and 1968 "to enhance telegraphy, telephony and computer communication in case of a nuclear attack", later transformed into a new media for mass consumption via the splitting of Arpanet "into 'milnet', non-miltary Internet services and eventually the WWW" (Stöber, 2004 p488).

[68] Created by Tim Berners-Lees in the 1980s and released in 1992 by CERN, the European particle physics laboratory near Geneva. In 1991 there were approximately 376,000 Internet hosts. This grew to nearly 13 million in 1996 largely due to the WWW (Stone, 1997 p188).

[69] In his introduction to Schumpeter's *Theory of Economic Development* (Schumpeter, 1983 pxix) , John E. Elliot writes: "The strategic stimulus to economic development in Schumpeter's analysis is innovation, defined as the commercial or industrial application of something new—a product, process, or method of production; a new market or source of supply; a new form of commercial, business or financial organization." "The innovational process," Schumpeter observed himself, "incessantly revolutionizes the economic structure from *within*, incessantly creating a new one. This process of Creative Destruction is the essential fact about capitalism." p33, Schumpeter (1950) "Capitalism, Socialism, and Democracy," New York Harper and Row, cited by Elliot pxx (Schumpeter, 1983).

call 'technologies' [are] ways of building order in the world" (Winner, 1999 p29, 32), and are hence therefore potentially political, if not wholly politicized. Let us be more precise. Technologies have social and political impacts, and are often (solely) created, produced, developed and distributed for reasons of social and political engineering of society.[70]

Professor Deborah Spar from Harvard's Business School makes a point on how innovation can rapidly assume political power. Looking back at the advent of the printing press it is worth looking at length at her description of how and why the power of printing technology was misread at first by the Catholic Church: "[A]fter years of tinkering with typography and dies cast from various minerals, Gutenberg devised a rudimentary printing press. The technology was rather straightforward: blocks etched with different letters were simply inserted in a shallow box, inked, and then pressed against sheets of paper to leave a written imprint" with "the implications" wrecking "havoc on Europe's established order." The catholic church welcomed "Gutenberg's machine" by mistake at first, it seems, thinking it would help spread 'the word' (the Roman Catholic word); when "the medium spread the church grew wary, seeing in moveable type the makings of a revolution. The more Bibles were printed, the more people wanted to read them and to interpret the Church's doctrine for themselves. The more access people had to printing technologies, the more freedom they had to challenge the Church and to break its monopoly on priestly

[70] Winner's rhetorical question could reasonably be reversed: what artifacts do *not* have politics? But suffice to cite two examples to make a substantial case: the destruction of the public transport infrastructure in American cities in order that the new mass-produced automobile could become the dominant form of 20th century transport (Chomsky, 1993). Secondly, a disturbing case described by James Fallows: The creation and development of the M-16 rifle over the AF15 rifle, favoured by the Kennedy adminstration. The M-16 was a project so politicised that those responsible for 'destroying' the rifle as a technically efficient item distributed inefficient M-16s to American soldiers in Vietnam in the full knowledge what the consequences would be. Fallows cites evidence that the only thing the NVR and Viet Cong would not take from the bodies of dead American soldiers were their M-16s (Fallows, 1999). It was a technological policy from beginning to end—in its creation, development and distribution, and it resulted in the deaths of countless American soliders, saddling them with a weapon that in all probability was more dangerous to themselves than the enemy. The policy was executed, it seems, simply to prevent the superior AF15 technology succeeding economically over the M-16—vested interests would lose money if the A15 was produced. Though there could be other even more 'darker' political reasons behind the strategy.

information. Thus the technology—a simple mix of ink and metal—became political" (Spar, 2001 p6).

Spar maintains that "printing technologies didn't cause [any] shift in power [alone]...but they certainly facilitated it. Without Gutenberg, Luther would have remained a local hero" (Spar, 2001 pp6-8). Spar believes that "technology challenges authority for some period of time," the reason why Spar casts a weather eye towards the Internet and the freedoms it implies (Vaidhyanathan, 2004 p35). But is technology in itself a tool for those with the political power to disrupt and/or control society, or a tool to promote the economic and cultural conditions for all our well-being? What does technology do to us, and is it an issue or process we should fear? By implication, technology, at the very least, is not neutral.

Philip Bereano in *Technology is a Tool of the Powerful*, argues that political, cultural and economic forces determine how new technologies are used and abused, highlighting how power differences in our society are linked to the use of computers and other technologies. He writes that "[m]ost of us have been brought up to believe that "technology" refers to physical artifacts, like a typewriter or a heating system, but perhaps it is better to define 'technologies'" as the things and the institutional (the social, political, cultural, and economic) mechanisms which produce them and are affected by them" (Bereano, 2003 p85). Bereano sees technology as enmeshed in our lives and societies; it is not a neutral factor, as "technologies are the result of human interventions into the otherwise natural progression of activities... imbued with intentions and purposes. Current technologies...are not intended to equally benefit all segments of society. We are not all equally involved. Our society is a class society in which different people have different access to wealth, in power, to decision making, to responsibility, to education, et cetera... technologies are not neutral; they are social and political phenomena" (Bereano, 2003 p86).

For Bereano the discourse that technology *is* neutral in our lives is "very important to the corporate ideology in America," with the free enterprise model explaining away any problems associated with technology as 'externalities'[71] " (Bereano, 2003 p86).

Even though Bereano once claimed the computer was little more than "a two thousand-dollar abacus," his description of a "Marxist alienation" in our everyday lives, how people are and were 'forced' to buy into computer and other new technologies, in order to keep up and stay with it, is an important insight (Bereano, 2003 pp86-88). To work in an office environment today is almost unimaginable without at least some computer skills. We can hardly ignore technology's power on, in and over society. "Since technologies are systems of hardware and social institutions, the phenomenon is linked increasingly to concentrations of power—a threat to our existence as truly free people" (Bereano, 2003 p90).

Vaidhyanathan highlights that many theorists of technology (Martin Heidegger, Jacques Ellul, Marshall McCluhan and Albert Borgmann) argue, that technologies have ideologies or "biases", that they are never neutral or innocent, and that we should be on our guard for ideologies embedded in them and for the technologies within ideologies (Vaidhyanathan, 2004 pp19,23).

Postmodernists are even more emphatic that technology is a deterministic force in society. Leo Marx writes on how the postmodern vision "ratifies the idea of the domination of life by large technological systems, by default if not by design.... immense, overlapping, quasi-autonomous technological systems...a meta-system of systems upon whose continuing ability to function our lives depend" (Marx, 1994 p257).

[71] Externalities are an economist's explanation for unexpected and unintended side-effects.

The concept of the freedoms technology affords us seems a complex and contradictory idea, one full of dangers for the culture of the e-book. Like Janus, technology has two faces gazing distinctly different ways one boding harm the other offering hope. So is there value in new e-book technologies for societies, cultures and individuals?

A writer for Salon.com, born in Europe in the immediate war period, who then transferred to America to live and late work, found herself listening uneasily to Sven Birkets, author of *The Gutenberg Elegies* (Birkets, 1996), speaking of the beauty and necessity of print book culture, a culture Birkets believes is under serious threat in a digitally voracious world: "I went to hear him because I consider myself not just a friend but a devoted parishioner…[but as he spoke] I found myself squirming in the itchy discomfort I always feel when I disagree with someone but find myself tongue-and-mind tied, unable to articulate what's wrong… I empathize with his worries. I share many of them, short attention spans for example. And I share Birkerts' love for close reading, the attentive scrutiny of chapter arcs, paragraph composition, sentence structure, punctuation: all the minutiae that undergird the gorgeous scenes and portraits readers respond to in books they love. But now, Birkerts thinks, this new technology…is changing not only our reading and thinking habits, but our very selves. Human beings are so adaptable, they're sure to get with the digital program: speedy information scanning, our brains mimicking computers, all data, no deep and complicated conversions to knowledge, and no housing anymore for a soul. I think he's wrong, in large part because his idea of print culture is so shallow" (Frase, 2000).

Frase circumscribes just how generalisations on technology can affect us—by simply positing it against her own individual, highly personal experience of it. Growing up in post-second world war Munich near the Czech border, and immigrating to America, she went from virtually nothing in terms of modern conveniences to "indoor toilets, newspapers, magazines, radio, bookstores, libraries and people who minded their absence." Frase

graduated through long-hand, manual and electric typewriters machines, on to using a computer and becoming "a filament on the Web, linked intricately to all the other strands, all of us part of a humming, roaming, free-associative consciousness" (Frase, 2000).

For Fraser technology was and still is synonymous with freedom. Her "progressive interactivity" and "uplinked brain" had carried her beyond the physical limitations of the actual book, with its "fixed edges and borders" to a realm of text without "territoriality" (Landow, 2003 p37).

2.7 The e-book and technophobia

The e-book's short rise to fame and notoriety in publishing helped create techno-phobic commentary. From the time when it was first vaguely yet enthusiastically sketched as a possibility by information scientists in the mid twentieth century (Bush, 1945),[72] together with the rapid growth in computerization, the appearance of the e-book contributed to the growth of a cautionary, alarmist discourse within publishing which viewed the new reading technology as unwanted, unneeded and culturally damaging.[73]

The cautionary-alarmist position on new technology is a well-developed discourse, repeated by many, including Heidegger, who wrote of technology as a clear threat. "No one can foresee the radical changes to come. But technological advance will move faster and faster and can never be stopped. In all areas of his existence, man will be encircled ever more tightly by the

[72] Written up in the Atlantic Monthly, entitled, *As We May Think* (Bush, 1945) "Vannevar Bush's ['invention' of his imagination] *memex* (italics added)...inspired the World Wide Web, which provides users with vast information resources and convenient communications" (Shneiderman, 1998 p87) This view of his contribution perhaps is taking his true influence too far. Bush worked in the U.S. administration in the role of more of an administrator/ politician than a scientist, drawing on ideas developed and grew up around him. His contribution has now assumed almost mythical status but the historical value of his article is viewed by some as "somewhat overestimated" (Stöber, 2004 p484) (Buckland, 1992).

[73] In an interview in May 2001 with Simon Winder, an editorial director at Penguin Press, said: "Anyone interested in e-book must hate print books." And from another source: "If e-books were the only thing to buy in a bookstore, I would buy a lot fewer books," said Starling Lawrence, editor in chief of the publisher W. W. Norton & Company. "I am glad I will be dead by the time they take over the business" (Kirkpatrick, 2001c).

forces of technology. These forces which everywhere and every minute claim, enchain, drag along, press and impose upon man under the form of some technical contrivance or other—these forces ...have moved long since beyond his will and have outgrown his capacity for decision" (cited by Winner, 1977 p51).

The mathematician, physicist, and arguably the world's first information scientist, Norbert Wiener, strongly opposed the direction postwar science and technology was taking (Conway and Siegelman, 2005 p238).[74] Predicting the growth of miniature computer aids, Wiener warned generally against putting too much faith in technology. Writing in his 1954 book, *The Human Use of Human Beings*, he wrote: "For...man...to throw the problem of his responsibility on the machine...is to cast his responsibility to the winds, and find it coming back on the whirlwind" (cited in Conway and Siegelman, 2005 p250).

Jason Epstein recalled how Wiener, one of his authors at Random House, predicted in the early 1960s that within a decade or less, computers, then room-sized machines, would soon be tiny solid-state devices. "He held out the palm of his hand to indicate their eventual size-would be linked by wireless or telephone lines to libraries and other sources of information so that everyone on earth could, in theory, have access to all but limitless data in an all encompassing feedback loop, endlessly correcting and updating itself" (cited in Conway and Siegelman, 2005 p333). Epstein at the time dismissed Wiener's vision as science fiction, and later chastised himself for his lack of interest. "I should have seen that Wiener was describing an even more profound shift than either movable type or the internal combustion engine, but...because Wiener was not one of us, his prophecies seemed unreal to me and I ignored them" (cited in Conway and Siegelman, 2005 p333).

[74] Wiener's main concern at the time revolved more around "proprietary controls over the new technologies [that] the government and its corporate partners were jointly developing and putting into production" (Conway and Siegelman, 2005 p238).

The idea that Wiener was not ever 'one of them', not one of 'the publishing club,' is associated with and to the industry's general and continuing distrust of the technology putsch behind the electronic book. For print publishers the e-book is a technologist's invention not a creation of the book publishing industry and therefore is a thing at best to be reviewed very carefully, if not dismissed entirely.

It seems that publishers generally believe the e-book is an unwarranted and unwanted invasion of book publishing, its environs and general 'turf.' This kind of discourse has its own obvious logic—electronic books threaten print books and could lead to their demise and therefore must be opposed, accounting for the anti-e-book discourse appearing often in interviews and in general discussion within publishing circles.

2.8 Is the e-book a paradigm shift?

The term Paradigm Shift has often been associated with the digital and online information revolution—used both to describe the move from traditional to electronic publishing and the changes it has brought both to the marketplace and industry practices.

Veteran publisher Jason Epstein, in saying that we are 'wizardless and wandless' in our search for meaning in the digital future, used the term to position the present vis-à-vis to "previous paradigm shifts" (Epstein, 2001b). Epstein's business partner in Three Billion Books, Michael Smolens, speaking in an interview of their initiative to make print-on-demand book machines as common as soft-drink machines, said: "It's extremely early in the paradigm shift and that's extremely dangerous (cited in Green, 2001a). Librarian C.B.Lowry wrote that the paradigm shift of digital publishing "is found in the organization and delivery of information" (Lowry, 2002 pvii). Lori Bell called the opportunities Lowry

described as "a wonderful paradigm shift," with librarians able to encourage users "to underline, highlight, write in the margins, and create pointers to other texts rather than fine them for doing so. Perhaps e-books could fundamentally transform library collections and services, reading, teaching, and learning" (Bell, 2002).

Since 1962, when Thomas Kuhn published *The Structure of Scientific Revolutions,* the terms paradigm and paradigm shift have been associated with his view of scientific change and what it meant to science and society. The terms have travelled way beyond the fields of science, altering Kuhn's original meaning along the way to include almost any shift in human life and affairs that constitutes something of momentous change. Kuhn wrote primarily and almost exclusively of scientific change, of 'revolutions,' in the way we perceive advances in our understanding of science and the natural world. A paradigm for Kuhn was a general accepted way of viewing the world. For "a paradigm to be adopted it must provide better explanations for known problems...and it must be accepted by the community as its guiding norm" (Kuhn, 1962 p206). Or "when paradigms change, there are usually significant shifts in the criteria determining the legitimacy both of problems and of proposed solutions," (Kuhn, 1962 p108) with "[p]robably the single most prevalent claim advanced by the proponents of a new paradigm [being] that they can solve the problems that have led the old one to a crisis" (Kuhn, 1962 p153).

And when well-entrenched ideas and systems begin to change there is usually resistance to that change. "In the sciences...if perceptual switches accompany paradigm changes, we may not expect scientists to attest these change directly" (Kuhn, 1962 p113). And later he went further into the nature of this resistance: "In the sciences, the testing situation never consists, as puzzle-solving does, simply in the comparison of a single paradigm with nature. Instead, testing occurs as part of the competition between two rival

paradigms for the allegiance of the scientific community" (Kuhn, 1962 p144). In other words the big changes associated with a shift in paradigms usually, almost axiomatically, means a battle for supremacy between old and new.

> "The proponents of competing paradigms are always at least slightly at cross-purposes. Neither side will grant all the non-empirical assumptions that the other needs in order to make its case...Though each may hope to convert the other to his way of seeing his science and its problems, neither may hope to prove his case. The competition between paradigms is not the sort of battle that can be resolved by proofs...In the first place, the proponents of competing paradigms will often disagree about the list of problems that any candidate for paradigm must resolve. Their standards or their definitions of science are not the same" (Kuhn, 1962 p146).

For the purposes of this study the terms paradigm and paradigm shift serve to describe the momentous shift now occurring as practices shift from analogue to digital solutions. "Paradigms are like models, moods, myths, or metaphors" (Ogilvy, 1986 p12).

'Paradigm shift' is a term that can apply to aspects of the natural and social worlds and spheres of interests not always associated with science. While the study of any phenomena is, in some sense at least, associated with the term science, as Kuhn means it, Kuhn's paradigm theory is general enough to have ready applications for other fields as well. As Dreyfus and Rabinow write: "Readers familiar with Kuhn's account of how sciences are established and proceed will recognize a striking similarity between Kuhn's account of normal science and Foucault's account of normalizing society" (Dreyfus and Rabinow, 1982 p197).

This borrowing of the concept to describe other phenomena and parallels applies to many fields: "[T]he paradigm movements or models, moods for change contained in say holistic medicine, postmodern art and philosophy and the digitalisation of work practices and the organisation and publishing of information are all aspects of the current paradigm shift...and as none of the three have been completely accepted, though all are convincing in their own right and are developing rapidly, are making headway with us all, we can conclude that the current stage we are experiencing is logically and empirically still only a shift from one paradigm to another" (Ogilvy, 1986 p12-13).

A central point to Kuhn's analysis of paradigmatic change is that the two viewpoints or ways of seeing the world are, in some significant way at least, mutually incompatible. A new paradigm inevitably grows out of the old paradigm but in so doing discards the old in some strategically important way, a way that is so fundamentally different that the two paradigms will not survive side by side on an equal basis thereafter. That is not to say the old way is not respected or some way retained: "Since new paradigms are born from old ones," Kuhn wrote, "they ordinarily incorporate much of the vocabulary and apparatus, both conceptual and manipulative, that the traditional paradigm had previously employed. But they seldom employ these borrowed elements in quite the traditional way. Within the new paradigm, old terms, concepts, and experiments fall into new relationships one with the other. The inevitable result is what we must call, though the term is not quite right, a misunderstanding between two competing schools" (Kuhn, 1962 p148).

If a new paradigm, therefore, almost inevitably throws the preceding paradigm into crisis (Kuhn, 1962 p153), much of the resistance to the e-book can be understood as axiomatic of major scientific, technological and societal change generally.

If we accept that Kuhn's analysis of paradigmatic change is relevant to what is currently happening in publishing, it is in this sort of conflict and crisis that much of the current debate, struggle and resistance for and against digital publishing solutions manifest itself. "Old paradigms die hard... old paradigms and their corresponding attitudes, institutions, and cultures have built-in resistance to their own self-destruction. But they also contain the seeds of their own creative transformation" (Tapscott and Caston, 1993 p281).

Kuhn maintains that agreement must be reached between competing paradigms with two conditions met: "First, the new candidate must seem to resolve some outstanding and generally recognized problem that can be met in no other way. Second, the new paradigm must promise to preserve a relatively large part of the concrete problem-solving ability that has accrued to science through its predecessors. Novelty for its own sake is not a desideratum in the sciences as it is in so many creative fields. As a result, though new paradigms seldom or never possess all the capabilities of their predecessors, they usually preserve a great deal of the most concrete parts of past achievement and they always permit additional concrete problem-solutions besides"(Kuhn, 1962 p168). Hence, paradigm shifts, discarding the aspects characterised by novelty only, do not spell an end to the old but include it in the new way of doing things.

Kuhn asks the question of any such historical shift, a question many in the field of trade publishing are presently in effect asking: what is the intrinsic value and worth of a shift to digital away from analogue methodologies and products? The question of value must be asked and satisfactorily answered: "Why should paradigm change invariably produce an instrument more perfect in any sense than those known before?" (Kuhn, 1962 p169) The only answer is for the new solution to provide "better explanations for known problems [which are] accepted by the community as its guiding norm" (Kuhn, 1962 p206). And for the new solution to "be accepted as a paradigm [it] must seem better than its

competitors, but it need not, and in fact never does, explain all the facts with which it can be confronted" (Kuhn, 1970 p17).

Therefore, in a Kuhnian analysis of the current 'battle' for supremacy between analogue and digital publishing products, the e-book doesn't have to prove that it is better than the print book, or answer any of the questions being asked of it that currently make the whole issue of electronic a major sticking point with print book traditionalists.

The new e-technology reading solutions only have to better explain away [i.e. resolve] the existing problems publishing has, and then be accepted by the publishing community as a guiding norm. At the moment, there is no widespread, general or majority acceptance that 'digital *is* better' even is there is at least some (grudging) acceptance that it could resolve some if not many of publishing's current ills.

And if this 'better explanation' represents the conditions under which trade publishing must conform to, in order for a paradigm shift to occur, then at this juncture the chances of it happening at the moment seem slim. The idea that the print book should 'give way' in this manner to the digital alternative is simply not widely accepted.

But even if that could change and rapidly, so far it seems the only way it will happen is gradually, by stealth even, and over a long period of time, with the condition that of the two alternatives, print remains the preferred medium, at least for the time being. Kuhn's resolution of this tends toward a point of no return, when reached there will be no turning back. When and if the new is accepted as a viable approach, it deletes the power of the old almost overnight.

Not everyone agrees with Thomas Kuhn's theories and perhaps it could even be argued that they do not apply well to the current changes occurring in publishing.[75] But on balance Kuhn's ideas are relevant, and currently publishing can be described as in a phase of 'paradigm hiatus',[76] an apt description for the lull or partial inactivity the whole e-book scenario experienced between middle to late 2001 and 2004.

[75] Kuhn has his detractors. Nowotny in accepting the appeal of when and how paradigm shifts might occur, supports Weinberg's criticisms (Weinberg, 1998) on how Kuhn's "incommensurability" seems to undermine his paradigm shift concept by emphasizing "historical contingency and cultural contextualization of scientific revolutions" (Nowotny et al., 2001 p195). The difference between Kuhn's theory of scientific change and changes happening currently in publishing has much to do with the difference in the two fields of human activity, inquiry and endeavour. Kuhn wrote about science. Publishing is a field of human activity covered by economics and sociology, with both fields embracing substantial uncertainty, rarely responding to clear-cut testing and provable hypotheses (Nowotny et al., 2001 p33). To accept Kuhn's theoretical stance as applied to publishing, looking through Kuhn's template, as it were, at publishing's conflict between digital and analogue, general acceptance of digital publishing solutions is required, even if these solutions don't answer or meet all the objections of those who oppose them. The new paradigm must solve the problems that led to the dereliction of the old (Kuhn, 1970 p153).

[76] 'Paradigm hiatus' is a term introduced by Professor Chris Rojek into a discussion on this study at the offices of Sage Publishing, London, in 2003.

2.9 Issues of power, culture, economics & e-book discourse

> "Beneath the apparent reciprocity between author and publisher there lie structural differences in power. The bases from which one can exercise power are, of course, varied and many; but in a capitalist society, privileged position in the marketplace for goods and labor is certainly among the most potent resources that power holders may employ in order to impose their will" (Coser et al., 1982).

Power is a fundamental issue in publishing. This has always been the case, from the time of the establishment and growth of the post-Gutenberg book industry. The sale of the rights of *Paradise Lost* by John Milton in 1667, assigned "unto the said Sam. Symons, his executors and assignes, All that Book, Copy or Manuscript of a Poem intituled Paradise Lost" (Goldstein, 2003) is described as "the first recorded agreement in which a publisher paid 'copy money' for an original work" in England. Milton reportedly earned the sum of £10 during his lifetime for the poem, with another £8 paid to his widow after his death for all subsequent rights (Bettig, 1996 p18).

Considering the literary life and importance of the poem this outright sale demonstrates the early establishment of an extraordinary power to purchase and contract in the book world. At the time when Milton was writing only an officially recognised stationer from the Stationers Company had the legal right to publish, and collectively the company had control over all publishing in England, though independent, unofficial and 'maverick' publishers did exist and were at times influential.

Power in trade publishing today has, broadly speaking, resolved itself in favour of the two main rationalised parties—the corporate owners and best-selling authors. Together they divide the major parts of control and economic gain in the trade publishing field, dismantling the influence of traditional trade publishing practice centred on editorial development and nurturing of writing talent, or as Jason Epstein describes it—the development of backlist (Epstein, 2004).

The combination of corporate publishing strategies and the trade bestseller, concentrating power in fewer and fewer hands, has led to an increased commodification of books, reflecting Adorno & Horkheimer's cultural critique of Hollywood film production scenario. For Adorno, Horkheimer and Marcuse contemporary society is fashioned and administered, via technologies of control and domination [77]—by the organised, standardised, and increasingly commodified cultural industries (Marcuse, 1972, Adorno and Horkheimer, 1973 p121).

A strong supply of backlist books may be good for cultural variety and readers, but it does not accrue revenue anywhere fast enough for today's owners of trade publishing houses. Trade publishing today is a high-octane front list affair, [78] with publishers seeking to create 'name' and 'star' authors in order to sell books fast and in large numbers.[79]

---

[77] Marcuse wrote of a "rational, productive, technical and totally repressive administration of society" (Marcuse, 1972 p20). Adorno and Horkheimer wrote of "[a] technological...rationale of domination itself... the coercive nature of society alienated from itself...the technology of the culture industry" confining "itself to the standardisation and mass production" (Adorno and Horkheimer, 1973 p121).

[78] Front list books are books published for a year or less. Usually bestsellers are designed to have their major market impact within six months or less after publication. After one year in print all titles become backlist.

[79] This approach, of course, has a direct effect on who gets published and who doesn't, and brings another power issue of trade publishing into focus—the "asymmetrical relations between authors and publishers...symbolized by the publishing contract...It is one of the main indicators of the skewed power relations between them" (Coser et al., 1982 pp229-230). There is also the issue of how books are selected for publishing. In an interview conducted at Hamish Hamilton, Penguin, 2001, an editor said that he did not subscribe to the idea that 'good potential books' are prevented from publication due to corporate policy or editorial inattention. In his view, good books always somehow appeared in the trade marketplace, which is as good as saying 'leave it to us, we'll get it right.' This cannot be accepted as axiomatic without careful analysis.

Curwen wrote that there seems to be a complex industry hypocrisy employed to maintain "the impression that books are not mere commodities, but items which possess special qualities which entitle them to rise above the hurly-burly of the economic and political environment" (Curwen, 1986 p1). Curwen concluded that, "[g]enerally speaking it has been possible to persuade the outside world that these qualities merit special treatment, but it is dangerous to assume that the matter is self-evident" (Curwen, 1986 p1).

Books produced by the Anglo-American system are by and large commodities, for sale first and foremost, and industry observers and Anglo-American trade book publishers agree on this.[80] It is clear that trade books are not published for the cultural benefit of all, even if there are individuals in publishing houses or society who are working hard to obtain that goal. Books are produced to sell, and at 'mass' level, if at all possible. It would require an extraordinary shift in attitudes to counter this general structural arrangement, which is began to form in the early 1960s and is now pervasive throughout Anglo-American trade publishing.

The tale of how American writer, John Kennedy Toole and his Pulitzer prize winning novel, *A Confederacy of Dunces*, came to be published is instructive in this regard. Kennedy Toole failed to find a publisher throughout the 1960s and committed suicide in 1969. His mother took up his cause and with the help of a professor of English literature, Walter Percy, in 1976, brought the work to the attention of a publishing house. This led to the novel's publication, success and subsequent Pulitzer Prize. Some might say that this is proof that somehow a good or culturally valuable book will surface naturally and be published. But without the suicide of the author his novel may well not have generated

---

[80] Interviews with former publishers such as Jason Epstein and current editors at Penguin confirm this as generally true, with observers such as Fister (Fister, 2001) and Greco (Greco, 1997) also in agreement.

sufficient interest of anyone, let alone found a publisher, and remained unpublished as it had for seven years while the author was still alive.[81]

Authors are not alone in facing the problems generated by recent trade book industry practices. Many well-intentioned editors face similar difficulties as well. Editorial 'literary morals' in today's trade publishing scenario is sandwiched between owners and executives who want commercially successful books and that editor's own search for 'worthwhile' books to publish. Literary agent Virginia Barber describes the difficulties of the "high end" of the trade field as a "handful of titles" chasing and accounting for "an ever-larger share of sales. Bestseller sales are growing exponentially. The rich are getting richer, and the poor---there are more of them. This is the heart of the difficulty facing authors and editors" (Kirkpatrick, 2000b).

Taking all the mechanisms of author choice, promotion, and marketing, the trade book market at the high end at least, if not throughout, is a controlled marketplace, because if it is not then it is wide open to the prospect of failure. But this control mechanism is a blind and blunt instrument, because no one really knows what will work well enough, at what level of success or with what number of sales. When media and publishing analyst, Paul Hilts, asked the largest trade publishers of fiction, the big five,[82] how they calculated an initial print run, he said:

---

[81] *A Confederacy of Dunces* was published by Louisiana State University Press in April 1980 (http: www.lsu.edu/lsupress/catalog/spring2000/toole.html)

[82] The Five Largest U.S. Trade Publishers in 2004 sales ($ in millions)

Company	U.S./North American Sales	Worldwide
Random House	$1,330.0	$2,200.0
HarperCollins	965.0*	1,329.0
Penguin Group	900.0*	1,440.0
Simon & Schuster	700.0*	750.0
Time Warner Book Group	385.0*	465.0
Total	$4,280.0	$6,184.0

Source: Book Industry Study Group (Milliot, 2005b) (*approximate figures)

> "The best answer I got approximated a dart against the wall because they don't know. When Tom Clancy first came out, the reason he sold a ton was because President Reagan had a friend who worked at the U.S. Naval College at Annapolis who knew Clancy personally and had a manuscript. He passed it along and at one point President Reagan held it up at a press conference and said this is the greatest book, all you people have to read it...If that had not happened, we might never have heard of Tom Clancy. Nobody knows who the markets are" (Besek and Ginsburg, 2002 p108).

Without Reagan's 'folksy' intervention, Clancy's authorial career would probably be quite different now. Having the President of America hold up your first book in a press conference has an undoubted effect on an author's ability to win over book consumers in the trade marketplace. Reagan, his advisors and the publishing house would have surely known this.

Apart from blatant marketing strategies like this, in general the editorial choices behind who and what gets published and who and what doesn't, are not necessarily simple or as apparently chaotic as throwing darts at a board. The decisions are often rooted in a complex network of relations that require close attention to understand what is really going on, and who is actually 'controlling' what. Generally speaking though, trade publishing, the upper end of it, is a process of commodification of books using celebrification of authors. The question of literary worth is made secondary to the public image or celebrity power of an author in the consumer's mind (Rojek, 2001 p184).

The question of the cultural worth of books still has an effect on both how the publishing industry conducts itself, but in a paradoxical way. The industry for instance is still an attractive 'cultural option' for young and new staff. Regardless of the low entry wages they

are paid young people still line up to work in publishing.[83] They may of course like the working environment, not just the culture of books, but we can safely eliminate remuneration as the main objective as many of these young people are qualified enough to earn much more elsewhere. And the public still supports the industry by buying books for their cultural worth. Clearly both young new staff and the majority of consumers still 'buy into' the cultural romance and ideology that surround books.

Book buyers participate in this aura of books, choosing 'good literature' to somehow improve their minds, and books are a 'useful' consumption of leisure time. There is truth to this of course. As David Kirkpatrick writes: "Books...are a special case, because they are the life-blood of culture and free discourse in a society," adding, significantly, that, "[i]f the range of serious books that can come to the public's attention is being restricted, that is a real problem" (Kirkpatrick, 2000b p51).

With the general commodification of trade books and rationalization of the trade publishing scenario the main issue is the 'range of books' available. And this is central to the debate between e-books and print books. Because masquerading under the defence of cultural worth of books is an economic strategy to destroy a potent rival, the e-book, which could solve a cultural problem. The paradox at the heart of trade books apparent defence of the book for the good of the industry and culture is that e-books, culturally and economically, are potentially good for consumers and the book culture in general.

E-books could mean no more 'out of print' problems, dramatically reduced production, storage or delivery costs, and no (or at least very few) returns to publishers after sales have been made. The economic arguments in favour of e-books are strong. The stumbling block seems to be a cultural discourse that is being promoted. Print books are

[83] A 2004 survey by BookCareers.com on publishing salaries "shows an industry with pay below that of some other professions, but which nevertheless attracts a high number of dedicated and enthusiastic staff, most of whom wish to remain in their current job" (News Analysis, 2005).

culturally desirable while e-books are not. But what does this discourse really consist of and who is generating it? Certainly, consumers are not involved in the debate to any extent. By sales figures alone only a small percentage of book consumers know anything of e-books at all.

And again, paradoxically, any argument for books for their cultural worth is, in essence, a defence of content not the form, because print books for all their attractiveness vary greatly in terms of their intrinsic production values. Not every book is a collector's item. The average mass-market paperback is a throwaway item. Yet observers and print booklovers, such as Sven Birkets (Birkets, 1996), seem to insist that it is the dying culture of the print book that is the dilemma that society must address. Birkets has a point that concerns reading on paper with books bound in the codex form, but one which today's paperback production values tend to quickly undermine. Framing the e-book danger as a somewhat of a melodramatic 'call to arms' for readers of paper books, Birkets claims we have reached a critical juncture in the transition from print culture to screen culture (Frase, 2000). Yet it is book content which is at even greater risk than the aesthethics of the print book and reading on paper. More and more potential books either are not accepted in the first place or are pushed from public view by trade publishers, who say they cannot make enough money by maintaining them on backlists, or by maintaining backlists at all. All this while the e-book, which costs almost nothing to store and little to distribute, continues on as an available but ignored solution.

In a conference held at Columbia University in 2002, Paul Hilts cut through the debate by introducing the economic realities facing trade publishing and bookselling, saying that with "the problem of ...distribution, production, returns – it's going to be necessary to go to electronic publishing whether we like it or not" (Besek and Ginsburg, 2002 p95). Lois F.

Wasoff, Vice President and Corporate Counsel of Houghton Mifflin Company, pointed out that the problem is far from isolated to the trade publishing field: "There is a physics journal that only 5 people in the world are capable of understanding. Journals like that no longer exist in print" (Besek and Ginsburg, 2002 p110).

So is the appearance of the electronic book economically *and* culturally fortuitous? Does the e-book genuinely offer solutions for keeping books 'in print?' Can the e-book be described as a cultural threat if it supports book content and reading in general? And is electronic publishing not, in all its forms and methodologies, a potential way of providing us with those serious, 'non-celebrified' books that are fast disappearing from view?

A major factor in the economic argument for e-books lies in distribution. In the 1990s the North American book chain store growth "sucked books out of the warehouses into stores" but a large part of this expansion was illusory "as many of the books were not selling through." Titles were ordered "to fill up floorspace, like furniture, lining the shelves like wallpaper."[84]

In a few years publishers shipping books had so much capital invested in inventory, that when the books came "back in droves" they were particularly exposed. Trade book returns averaged at 40% of the books shipped in 2001/2002 for some trade publishers, up from an average of 26% in the mid 1990s (Thompson, 2005 pp21, 22, 170).

When it first arrived on the scene, electronic publishing offered hope of higher net margins, higher royalties for authors. With electronic delivery there are no printing costs, no inventory and storage costs, and no returns (Epstein, 2004). Digital books, or a print-on-

[84] Print books for booklovers though undoubtedly have value. Lombreglia writes that the "appeal of books as physical objects is often dismissed in e-publishing circles with the phrase 'books as furniture,' but many readers cherish their books as material possessions, and this attachment – sentimental or not – may prove a greater obstacle to e-book adoption than proponents of the new technology expect" (Lombreglia, 2000).

demand strategy, could resolve the chronic 'sale and return' problem in trade books, yet the Anglo-American book trade hasn't felt (or has actively resisted) the need or desire to fully embrace electronic book strategies. Part of the reason for this is that the owners of trade book houses have much invested in the print option. This seems relatively straightforward, but the reasons grow more complex on closer scrutiny.

On the surface major trade publishing companies have reported print book revenue gains in recent times. In 2004 HarperCollins, for the period ending March 31, said the company "turned in another quarter that will have its competitors shaking their heads in disbelief." Sales rose suddenly 30%, to $321 million, while operating earnings increased 56.5%, to $36 million. And "sales were up around the world", the company reported (Publishers Weekly, 2004). With performances like this why would a trade publisher even think of changing its practices over to an unknown world of electronic imprints?

But overall in 2003 while the total U.S. book industry sales went up 4.6% in 2003, to an estimated $23.4 billion (AAP estimates), in the same period trade book sales only rose by 1.2%. [85] Trade publishing has been in trouble for years with growth flat (Milliot, 2004). Any sudden shift from the mean average is usually due to an abnormal success of a single title, usually from an established brand name author.

[85] The Association of American Publishers, the principal trade association for the U.S. book publishing, has 300 members. The association is made up of commercial book publishers, smaller and medium-sized houses, non-profit publishers, university presses, and scholarly societies. AAP commissioned a new firm, Management Practice Inc., to revisit industry sales back to 1997. Members felt that while the growth rates had been right, the 'platform' was too high.

Table 1 - Book Sales (estimates) 2002–2003 ($ in millions)

SEGMENT	2002	2003	% Change
Total Trade	$5,002.3	$5,063.8	1.2%
Adult Hardcover	2,512.1	2,451.8	-2.4
Adult Paperback	1,474.2	1,465.4	-0.6
Children's Hardcover	542.8	698.0	28.6
Children's Paperback	473.2	448.6	-5.2
Book Clubs & Mail Order	1,422.8	1,308.9	-9.0
Mass Market Paperback	1,239.1	1,218.0	-1.7
Religion	840.1	1,261.8	50.2
Professional	3,840.4	3,978.7	3.6
El-Hi	4,185.7	4,290.4	2.5
Higher Education	3,273.1	3,390.9	3.6
Standardized Tests	526.6	591.9	12.4
All Other	2,067.8	2,315.9	12.0
Total	22,398.1	23,420.6	4.6

Source: Association of American Publishers (Milliot, 2004)

The 2002-2003 increase in the $5.06 billion estimated trade sales "was due entirely to the juvenile hardcover segment, which reported a 28.6% gain in 2003, to $698 million, driven by the sale of the hardcover Harry Potter and the Order of the Phoenix" (Milliot, 2004). Yet the juvenile paperback segment which had no Harry Potters on offer at the time dropped by 5.2 %. One author, J.K Rowling, with one book trade from her lucrative product brand, Harry Potter, was controlling the performance of the whole juvenile sector.[86]

In the major Trade areas—Adult Hardcover & Paperback, and the Mass Market Paperback—in percentage terms, growth fell, with hardcover sales dropping 2.4%, to $2.45 billion and paperback sales slipping 0.6%, to $1.46 billion (Milliot, 2004). And in the UK overall trade book revenue growth has been similarly unimpressive.

[86] Publishers Weekly reports that in a way it is somewhat "typical" of publishing, "the AAP figures don't quite square with reports from other industry segments. In particular, growth in the trade segment appears a little low, given reports by the major chains that sales rose 6.9% in 2003. And the 2.4% decline in hardcover sales is at odds with reports from various outlets of the strong sales of hardcover bestsellers in the year, particularly during the holiday season. Still, no one in trade publishing would claim that 2003 was a banner year" (Milliot, 2004).

Table 2 - UK Publishers Sales (Incl. all trade and some professional & education etc.)

Year	2000	2001	2002
Total (Home & Export)	£3.18bn	£3.22bn	£3.24bn

Source Office for National Statistics www.statistics.gov.uk

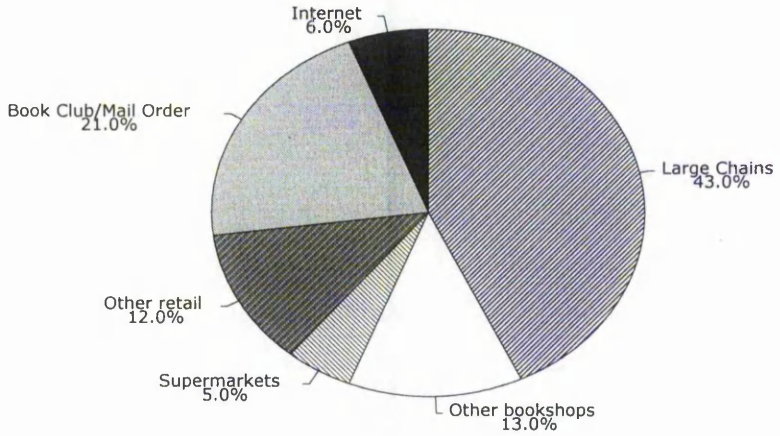


Figure 2 - Book Sales - UK Consumer Bookselling Market by Value in 2002
Source: Book Marketing Ltd/Taylor Nelson Sofres (http://www.bookmarketing.co.uk, http://www.tnsofres.com/uk)

The Anglo-American trade book market, both for publishers and booksellers, has been sluggish for years, even if it shoots up now and then due to various single titles. Year by year, industry-generated discourse on sales figures notwithstanding, the trade book industry sales figures in recent times can only be described as almost invariably flat. Looking at a report published July 24, 2003, by the Book Industry Study Group, on sales figures of one segment of the U.S. trade book market—Adult Trade books—we can see that over nearly a decade, 1992-2001, trade growth and performance has been mixed, if not quite poor.

The TRENDS projections for the adult trade segment of the industry over the next five years can be summed up in a word: flat. Projections for unit sales—hardcover and paperback—hardly deviate from a straight line. Dollar projections lift gently, fueled entirely by price increases. And even this is an improvement from the most recent reality. BISG figures show that book sales in dollars and units peaked in 1999 and fell from the prior year in both 2000 and 2001.

	Adult Trade Books Total Net Publishers' Revenues (Millions of Dollars)	Adult Trade Books Total Net Publishers' Units (Millions of Units)
1992	$3,484.2	460.5
1993	$3,887.2	482.5
1994	$4,324.2	512.8
1995	$4,234.1	484.7
1996	$4,195.4	465.1
1997	$4,395.3	476.5
1998	$4,659.8	496.6
1999	$5,083.9	529.0
2000	$4,586.6	457.1
2001	$4,553.7	442.1

Table 3 - US adult trade book revenues – 1992-2001
Source: Book Industry Trends 2003 report

The Association of American Publishers figures for 2003/2004 confirm this continuing flat sales trend and not only for trade books. "Net sales for the entire United States publishing industry [are] estimated to have increased by 1.3 percent from 2003 to 2004 to a grand total of $23.72 billion." In 2002/2003 sales were $23.4 billion, with trade sales rising 1.9 percent from sales of $5.16 billion [2002/2003 trade sales were $5.06 billion, itself only a 1.2% increase on the 2001/2002 figure] (AAP, 2005b).

By comparison, though strictly in its own very small market terms, e-book growth has been strong. Sales were over $10 million in 2003, with revenues growing 30%, and unit sales growing 40% on 2002 figures—as reported by the industry standards organization, the OeBF, now known as the International Digital Publishing Forum (IDPF). While this compares favourably to the low annual growth rate in traditional print trade book publishing, e-book market growth cannot be properly equated to the evolved print book market (OeBF, 2003).[87] Trade print book sales, by revenue, are in the billions, while e-book sales have just reached the double digit millions.

[87] OeBF data was "compiled from data submitted by 34 of the worlds leading publishers and retailers, the analysis marks the first-ever quantitative assessment of the electronic publishing industry" (OeBF, 2003)

That said, the market development and trajectory of the e-book and associated reading technologies is not as simple or straightforward as charting economic performance. Curwen, writing over ten years before the premature flourish of e-book publishing of the late 1990s, dismissed the idea that e-books would have a strong effect on the trade publishing future. "In the early days of electronic publications there were many claims and counter-claims about the imminent demise of print publishing and its assured and prosperous future. As readers will have gathered by now, electronic publishing is not going to replace the book" (Curwen, 1986 p263).

It is curious that Curwen was able to confirm this so confidently back in 1986, when evidence on electronic publishing was non-existent. Most readers in 1986 did not even have a personal computer, let alone know what electronic publishing meant.

In 1999, the noted scholar of the Gutenberg era, Elisabeth Eisenstein, also weighed in with another emphatic 'historic judgment' against e-books and associated technologies.

> "Western attitudes that have survived for so long are likely to persist, no matter how many new electronic instruments are devised. In the very act of heralding the dawn of a new age with the advent of new media, contemporary analysts continue to bear witness, however inadvertently, to the ineluctable persistence of the past" (Eisenstein, 1999 pp196-7).

The Anglo-American book trade sector seems to have constructed a defensive position, developing a discourse against the e-book and associated reading technologies in order to stifle its development. This seems self-evident, though who is responsible for the appearance and management of the discourse is not quite as clear.

3. The Rise and Fall of the Consumer e-book

Much of the evidence on e-books has been generated by periodical media, playing their large and vigorous role in today's 'imperfect' public sphere,[88] "providing amusement, entertainment and distraction" as well as information in helping (mostly by accident) "to create a common culture and system of values" (Herman and McChesney, 1997 pp2-3).

The news and magazine media grew interested in issues surrounding e-book first, followed some way behind by academic Journal and book length accounts. A research of the British Library Zetoc database for 'media articles and commentary' on e-books, 494 articles, trade magazine and trade & general press reports, published in the period 1998 – 2004, were discovered with either 'ebook' or 'e-book' in the title *(see appendix 2).* The table and graph on the following page show the distribution of e-book documents in this period. The spread of published material held in the Zetoc database demonstrates how interest in e-books began and grew until it peaked in 2001 and then how it waned. Articles written on the subject before 1998 also exist but as the table shows, general trade press and journal interest began to appear regularly in significant numbers only from 1998 onwards.

[88] Jürgen Habermas maintained that the public sphere works best for democracy when it is independent of all economic interests and political forces (Herman and McChesney, 1997 p3), and in this sense the media being owned often and largely by conglomerates has displayed itself to be less than 'disinterested', and far from independent. In Herman and McChesney's words: "Commercial media...only rarely permit attacks on corporate (and advertiser) abuses of power" (Herman and McChesney, 1997 p7). At times the media seem ready to allow attacks in such cases, but usually only if the 'story' involves the interests of another conglomerate not connected to their own, or one that is competitive with their own. The case of the publishing house, HarperCollins, dropping Chris Patten's book, is one example of a media conglomerate's capacity for double standards *(see 7.2 below).*

Table 3 - Zetoc e-book/ebook article, report etc. database search

Year	Articles etc.
1998	9
1999	45
2000	124
2001	157
2002	79
2003	50
2004	30

2000 and 2001 were pivotal years in the widespread growth in interest in e-books, including and reflecting both positive and negative assessments, judgments and sentiments, with negative views beginning to appear more and more in a reasonably consistent general discourse that developed against the e-book.

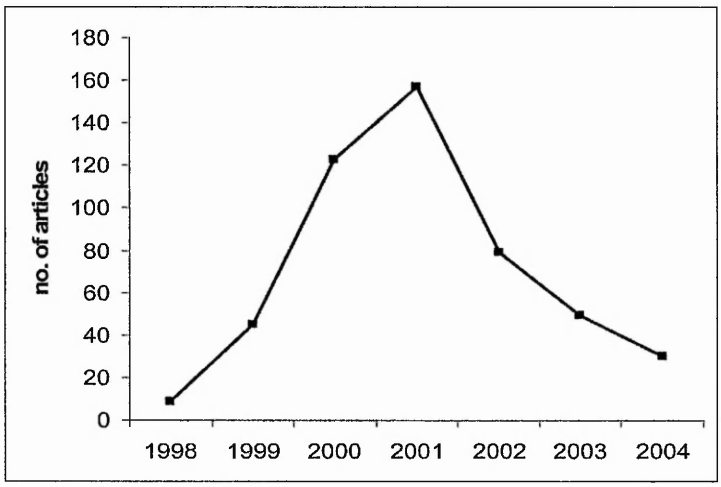


Figure 3 - Zetoc e-book/ebook article, report etc. database search

The above table and graphic while highlighting the rapid growth of interest in e-books show also just how dramatic the fall off interest on the subject was from 2001 onwards.[89] How much this drop in interest in e-book and associated e-reader technology affected the development of the whole e-book scenario is not easy to calculate, but it is probable that it had an effect. At the very least the change in attitude towards e-books, from hopeful to pessimistic, seems to track, if not mirror, the fall into a state of paradigm hiatus of these new reading technologies.

From a survey of the content of the 494 documents, attitudes towards e-books grew more critical as more information became available. This of course was due in one sense to more questions being asked on the suitability of the technology, the economics and business practicalities of the e-book industry. Observers at the beginning of the late '90s e-book boom' were generally either strongly positive or 'unsure' what it was that was happening, or if an electronic revolution was happening at all. Many were simply curious or benign in their views.[90] Though as time passed and knowledge grew, observers began to take more probing, and often seemingly prejudicial, positions. A few examples here of the titles demonstrate how some views were developing:

"Mystery of E-Books: Who Reads Them?" Reuters 8 May, 2002

"*Seeing Through the e-book Threat"* Canadian Printer Vol. 111-3. 2003

"Whither the Ebook? when a good idea is not enough" Smart Computing Nov. 2004.

[89] The trends demonstrated by the Zetoc database analysis are supported by other factors. At a number of Seybold events (a U.S. Publishing industry research and events company) held in the U.S. over almost the same period, "[t]he number of DRM [digital rights management] vendors exhibiting on the show floor went on a rollercoaster: In Spring 1999, there were two DRM exhibitors; in Fall of 1999, five; Spring, 2000, eight; Fall, 2000, thirteen." In the Spring of 2001 when Seybold held their show in Boston "the number of DRM exhibitors hit their high of sixteen; by Fall 2001, the number was seven," falling in Spring 2002 to five (Hilts, 2003 p663).

[90] Many seemed prepared to give the new technologies the benefit of the doubt at the outset, waiting to see whether or how the e-book and e-reader technologies would or could develop.

Observers were clearly waiting for some hard market evidence, some news on where developments were actually heading, and something comparable to the market evidence was already beginning to be present itself. The print book industry, which at first (1998-2000 incl.) also seemed to be 'going along' with developments (in a bemused way, perhaps), now seemed to be taking a much more antipathetic position on the e-book. In terms of the timeframe, from early to mid-2001 onward the discourse on the e-book began to grow more and more negative, as observers went from doubt to complaint, claiming now that e-books had not lived up to the promise and hype predicted early on.

3.1 Empathies and antipathies 1998 – 1999

In an article for *PC World* early in October 1998, journalist, Joanne Robb, plunged into the electronic future facing leisure readers, and re-surfacing had this to tell us: "It sounds nice, but would you really want to hunker down with your morning coffee and an electronic tablet? After looking at two early e-books, I'd say the reality has yet to catch up with the potential."

In her quick survey of two e-readers on offer (SoftBook's $300 e-reader and NuvoMedia's $500 Rocket Ebook) she saw no reason to be excited or alarmed. "E-books are basically high-tech reading tablets that hold the equivalent of thousands of paper pages. You download text into them, and they display it on built-in screens," adding that by "the middle of next year [1999], consumers should have at least four of these Jetsonian devices to choose from, ranging in price from $200 to $1500." But few, she wrote, would want one (Robb, 1998).

The promoters of the new 'Jetsonian devices,'[91] said the new reading technology together with e-books meant an end to carting heavy books on business trips and vacations, providing every reader with eventual access to an infinite library of book content. But even with a cornucopia of digitised best-sellers—annotatable and searchable texts at the touch of an electronic pen or button—all snug inside one paper-back sized "e-book" at the bottom of her handbag, Robb remained underwhelmed. "If compelling titles appear, e-books could be an easy way for travelers to keep up with their business (and leisure) reading. But before you rush out to buy one of these digital doodads, check the list of available titles at SoftBook's Web site for the SoftBook, and the Barnes and Noble site or other resellers' sites for the Rocket EBook... After all, it doesn't make sense to buy the box until you're sure it'll carry something you want to read" (Robb, 1998).

Joanne Robb clearly wasn't going to be taken in by the first new-fangled electronic reading gadget that came along. And even if she didn't display a complete grasp of the difference between an e-book and an e-reader, or didn't deem it to be very important, she made some telling points. Instinctively or by design, Robb took the part of consumers, articulating, in effect, two crucial questions: How can we read on these devices? And: What good is an e-book/e-reader if we can't be sure it offers/carries the titles we want?

Other journalists in observing the late 1990s early consumer phase of e-book development echoed the points she had made. But mostly, they were wary of writing-off the e-book's chances too quickly. "I love books," wrote Stephen Wildstrom, in *BusinessWeek*, "and electronic versions won't replace print in my heart or on my overflowing bookshelves. But I see a place for E-books—and it could be a big one" (Wildstrom, 1998).

---

[91] *The Jetsons* was a 1960s American television animated cartoon series (a sort of *Fintstones* set in the future instead of the Stone Age) based on an idea of the brave new technological future facing the world.

Having a flutter-each-way on the e-book's prospects seemed a fairly sound position at the time. Wildstrom and other observers in the trade and mainstream press, however, by engaging themselves de-facto in the consumer-experience of e-books, highlighted a 'cultural problem' readers would or could have with e-reading devices—which later developed into bigger consumer 'sticking points' more than technical issues of batteries and quality of screens: How could the reading of print books be compared to digitised text on a flat screen reader?

New e-publishers took up the issue of getting a positive message on e-books across to consumers. In an article published on a Kent State University website, Daniel Munyan, President and Founder of Everybook, Inc., laid out his mission and business objectives in an essay filled with references to 'technological revolutions' within the long history of publishing. Munyan believed technological progress, though relatively slow in coming, was fundamental to publishing and the world of books. E-books had us all poised on the threshold of another fundamental change in reading habits. "I believe the place to start our examination of the future of the book is in its history," he wrote. "The Sumerian cuneiform tablet represents the oldest example of human textural writing. The tablet gave way to the scroll for the obvious reasons of greater storage capacity with less weight. The scroll ultimately became the codex,[92] or modern book… saving paper.[93] Gutenberg brought together the technologies of moveable type, paper, oil-based ink and the wine-press to more efficiently print books" (Munyan, 1998).

---

[92] Munyan credits Julius Caesar with the creation the first dual page codex (book) design, reportedly true. Caesar folded his two-column correspondence, which he made by cutting blank scrolls into individual sheets, so he could save on vellum.

[93] It seems Munyan used the term "paper" to save a longer explanation of the actual use at that time of papyrus or vellum.

Munyan's company, Everybook, was founded in 1995 "to integrate useful electronic functions into the existing paradigm of the book", with a mission "to create a living, personal library that perfectly reflects its readers' values, desires, and knowledge within the body of a single book...a rugged electronic book[94] that can hold everything a person will read for the rest of his or her life-from sheet music to books, from magazines to maps, from auto repair manuals to restaurant menus" (Munyan, 1998). The message was clear—a massive change was coming with electronic reading and it was going to be good for all.

Together with the 'expert' accounts from Munyan and others, projecting the idea that they knew what e-books were, what their worth to society was, and where e-books were heading business-wise, much of the early journalistic commentary at the time was breezy and uncritical. Reporter, Rick Lockridge, in his piece *"E-books change the face of reading"*, wrote: "Electronic books have finally arrived. Portable, versatile and easy to use, they represent a challenge to the paper and ink we've relied on for 1,500 years" (Lockridge, 1998). What Lockridge is referring to is not "paper" but the codex form, which had been existence for longer than the 1500 years he describes. "Download digital book files from the Internet," Lockridge writes, "It's pretty speedy -- up to 100 pages a minute -- and thousands of titles are already available at about $5 to $25 a piece" (Lockridge, 1998).

The sometimes confusing, contradictory and inaccurate history of print technologies as the reason and preamble to electronic publishing wasn't isolated to journalism. Views from the academy in the early e-book days also contributed to this legacy, with academics muddying the waters on e-books as much as journalists at times. G.J.E. Rawlins from Department of

[94] As with Robb had in her article, Munyan is referring to the e-book as a hardware device, because "rugged" e-file software is not easy to comprehend.

Computer Science, Indiana University, weighed into the discussion online in 1998 with a detailed and seemingly convincing cost breakdown of why the provision of digital texts was what the world needed. "A 500-page textbook typically costs $50 retail, or 10 cents a page. Second-hand it costs $25, or 5 cents a page. On a large copier it costs $15, or 3 cents a page. On a large printer it costs $5, or 1 cent a page. If it were distributed electronically, it would cost about $1 to send it to any phone in the world, at a cost of 0.2 cents a page. And whether it is an excellent or a terrible book doesn't change the cost" (Rawlins, 1998).

Rawlins mixed first and used sale prices with photocopying and differing digital production and distribution costs to the consumer, failing to address the issue of a royalty return to both author and publisher on any electronic version of the digitised textbook, and this undercuts his example. Still what he outlines has an attractive ring of truth to it, with the overall point clear. Cost-savings were genuinely achievable with digitally produced and distributed texts, even if it was contained in a glib glossing-over of the cost realities of the publishing processes. In highlighting the cost-saving in online delivery of information, Rawlins did, however, support the concept that e-books were only digital files.

Lockridge remained emphatically unclear on this. "Both e-books come with sharp liquid-crystal displays, backlit for night reading...The size of the typeface can be increased as well" (Lockridge, 1998). Again, e-books were characterised as e-reading devices.

Researching usability issues, a team of researchers in Palo Alto, California added a note of gloom and skepticism over the reach and actual value of the new e-reading technologies, a large factor in any possible success for e-books overall. After carrying out studies on early e-reader functions and the effects and quality of text presentation in screen reading, the conclusions of the researchers were pessimistic on two crucial fronts:

(1) the ability of e-reader screen technology to easily reach standards already achieved by paper print technology, and (2) on the chances of breaking reader habits and preferences for paper-based reading (Schilit et al., 1998) (Schilit et al., 1999) (Schilit, 1999).

Scepticism in general began to grow as more information became available. Surprisingly, even those actively promoting e-books in the nascent e-publishing industry, those who had most to lose by any dissemination of a negative view of e-books, were also at times less than upbeat in their assessment of the e-book's chances. At the 1999 Seybold's Publishing Strategies Conference held in Boston in March, wearing a more circumspect 'businessman's hat than the one he presented a year or so earlier, Daniel Munyan of Everybook expressed what many believed—e-books were losing the battle against its main competitor, the paperback: "As we move into consumer publishing, as we move into that whole market we understand that we can never compete pricewise, ever, with paperbacks," said Munyan. "They're at the bottom, at the bottom in quality and at the bottom in price" (Seybold, 1999). It was perhaps not the best compliment paperback publishers could have hoped for, but in essence it sent out the message print publishers wanted to hear, that they were beginning to send out—the paperback was way ahead of the e-book in every way.

At another Seybold event in San Francisco in September 1999, veteran publisher, Bob Stein, founder and CEO of Night Kitchen, a month ahead of launching some 'easy-to-use tools' to aid 'techno-phobic authors in the creation of e-books and multimedia texts', stated that he was "*pretty* confident (italics added) that the locus of intellectual discourse will shift from the print medium to the electronic medium" (Kahney, 1999). It seemed that doubt had even entered into the discourse put out by e-book proponents, whereas some years earlier, established 'technophile' voices such as Negroponte (Negroponte, 1996), had been unequivocally positive in their statements on the prospects for digital publishing.

However, Stein seemed very positive on one point at least, that e-reading technology was on its way to consumers: "Portable reading devices with high-resolution screens and long-battery lives are rapidly coming onto the market. To some extent, they are already here, in the form of laptops and subnotebooks, but appropriate handhelds will really take off in the next couple of years" (Kahney, 1999). Clearly, Stein believed that e-reading devices were an important if not vital factor in any success for e-books.

The Seybold conference Stein was attending identified several thorny issues that were to become major obstacles in subsequent years, such as: the lack of uniformity of e-publishing standards; the lack of software protection of the copyright of digital content; and what tracking customer usage meant vis-à-vis established normal provisions for maintenance of civil liberties (Kahney, 1999).

An attendee at the same conference, Craig Cline, editorial director of Seybold Seminars, said e-books were "analogous to the MP3 music format", threatening "to cut out the middleman between artists and their audience...What will really kick this over is when authors wake up and realize they don't have to be slaves to the publishing houses" (Kahney, 1999). This was another message that traditional publishers did not want to hear.

Regardless of these thorny issues and barriers, it still wasn't clear to many media observers what the real chances were for (or the advantages of) e-books. So perhaps because they were in doubt, many writers and commentators continued extolling the e-book's virtues throughout the early hazy period of e-book and e-reader development, rather than being seen to be late in seeing the value in the 'new invention.' In the *SF Gate, Chronicle,* Jamie Beckett wrote that the long-held "dream of scientists and sci-fi types," were "on the verge of becoming real" (Beckett, 1998). Interviewing Chris Shipley of *DemoLetter*, a San Mateo newsletter, Beckett elicited a central response of support for the new technology:

"[E]-books will substantially lower the cost of publishing — eliminating the printing and the bulk of distribution costs — some believe they could encourage publishers to take chances on books they might not otherwise. They might publish a book electronically first, then print a paper version if the book is a success" (Sandoval, 1999).[95]

Just as some analysts were beginning to warn that it would be "a while" before consumers dropped "printed books in favor of electronic replacements" (Sandoval, 1999), something like a sea-change in favour of the e-book occurred in the latter part of 1999. The publishing and technology industries suddenly grew quite keen on the e-book and its chances.

The " big Internet companies are betting that the time for e-books has come," wrote Greg Sandoval for CNET. "The e-book market has come alive in the past week, thanks to deals from Microsoft and behemoth bookseller Barnes & Noble that could help to popularize a technology that has so far lingered on the sidelines" (Sandoval, 1999). But was this a 'real' attempt to stimulate the market? And who was driving it? It had to be the digital technology companies, because publishers were certainly not part of it.

Microsoft had made an agreement with publisher R.R Donnelley to convert print titles into an electronic format. "We believe we have the technology to make the [e-book] category work," stated key Microsoft researcher Bill Hill. In trying to assimilate the print reading experience into e-book reader software technology, Hill was drawing on "histories of reading and studies of its psychology and physiology" as he developed Microsoft's Reader software (Smith, 1999). Yet he was honest on the deficiencies of electronic reading.[96]

---

[95] This is exactly the reverse of what happened. All established publishers, even when they released e-books in later years, either kept the e-book on hold, while they released the hardcover and softcover versions, or if they did release the e-book version simultaneously with print books, it was offered at an uncompetitive price.
[96] "How can you have a paperless office, when reading on the computer screen is so awful? We are about to break through that barrier. And everything will change when we do," wrote Microsoft researcher Bill Hill in

Still, for all the technical problems, e-book and reading technology interested many big players. The mega-bookstore Barnes & Noble took a 49 percent share in an online publisher, iUniverse.com,[97] and stepped up its promotion of e-books, with a spokeswoman announcing that they were "selling every [e-book] title we can get our hands on" (Sandoval, 1999). Then Cisco Systems invested in the e-book [e-reader] maker NuvoMedia. The rationale of the interest seemed based on the idea that the coming technological improvements to screens would soon "ignite the e-book market" (Sandoval, 1999).

Writing the New York Times, Doreen Carvajal (Carvajal, 1999) described how an early small e-book wave was threatening to become 'tidal' in proportions. Major publishers suddenly began jostling for position in an industry that didn't even have a tried and tested product, or a real consumer market, let alone a sound business plan.

Then Random House, U.S.'s largest publisher announced it had begun a two-year project to digitize its entire backlist of 20,000 titles, and had converted 5,000 already. Simon & Schuster, part of Viacom, said it was formatting new books in digital form and preparing to digitize at least 4,000 of its 20,000 backlist by 2000. "We're trying to create a strategy for the future that is not totally clear because it's evolving and changing and converging at the same time," Jack Romanos, the head of Simon & Schuster's consumer trade division told Carvajal. Even though his division counted electronic book sales at less than one-tenth of one percent of overall print book sales, he sounded very positive. "We believe there is an electronic future," Romamos said. Among other developments, Carvajal

---

his white paper for the company, (Hill, 1999). Hill, who spent more than 15 years studying typography and reading habits, laid out the ideas that led to the creation of the Microsoft Reader software platform for electronic books. Influenced by the work of Victor Nell (Nell, 1988), he explained why we read, how we read, and how we can revolutionize the act of reading on a computer screen.

[97] iUniverse began as a vanity e-publisher in California, charging would-be authors for digitising manuscripts (Carvajal, 1999).

reported that the French publisher Havas and the Italian publisher Mondadori had announced agreements to publish electronic books from Web sites, and European publishers of Science Technical and Medical books (STM) had joined with American publishers, such as John Wiley & Sons, to electronically link journal citations, a network ultimately that would lead to links between all electronic textbooks.

With a $1 million budget, the University of Texas formed and was growing a 6,000-title collection of digital books. A new entrant to the library e-book business, netLibrary, became engaged "in a frantic international race to convert paper books to bytes with the ultimate goal of dominating the evolving market" (Carvajal, 1999).

Workers in China, India and the Philippines were converting books to electronic copies, typing the text into computers, while the 'book builders' at netLibrary's rapidly expanding headquarters in Boulder, Colorado, had two shifts of employees working from 7 am to midnight, converting about 50 books a day (Carvajal, 1999). With $105 million in new financing, netLibrary aggressively pursued major libraries in order to get them to buy electronic collections, and in less than three months sold "more than $1.5 million worth" of e-books (Carvajal, 1999).

Other traditional trade publishers, although cautious about the e-book future ahead, were impressed enough by developments to begin digitising their backlist titles. Microsoft predicted "many e-titles will outsell their paper cousins within a decade" (Carvajal, 1999). E-book enthusiasts were "certain" that the publishing market was going to change rapidly in favour of e-books, with huge advantages going to the "first-mover"—with the key being: "grabbing the market [by] having the most content" in digital form (Carvajal, 1999).

Yet prudent industry analysts remained unimpressed by these developments. "This is not the time for the e-book," Tom Rhinelander of Forrester Research said. "This is one of the areas where computers can't improve on the original technology, which in this case is

ink and paper" (Sandoval, 1999).[98] Rhinelander questioned the viability of the e-book business, particularly in the light of rising sales online of print books from booksellers Amazon.com and Barnesandnoble.com, predicting that with "more than $1 billion paper books...sold in 1999" with the figure predicted to rise to "$3 billion by 2004/5" (Sandoval, 1999), the talk about e-books was just that, talk. Malcolm Maclachlan, International Data Corporation agreed: "Just because you take a look at something in a new way doesn't mean it's a better way," he said, adding that, "E-books to me do not address a real need" (Sandoval, 1999).

Together with negative views by some key analysts, the academy was also sceptical. Sottong dismissed e-book/e-reader technology concluding, "the best display technology can't beat print on paper" (Sottong, 1999). A sense of unease was developing in academic discourse on e-book and digital culture in general. MIT Authors Bolter and Grusin warned against "the endless crescendo of enthusiasm and expectations with which Western culture is greeting digital media" (Bolter and Grusin, 1999 p267).

Pro-digital discussion from the academy, as evidenced in writings by "cyberauthority" Nicholas Negroponte (Negroponte, 1995) (Negroponte, 1996) and others throughout the 1990s, seemed to be evaporating, particularly as the first generation of e-books and e-readers came under closer scrutiny. But what was really at the root of the growing dismay with digital technologies? Apart from caution from those who understood the subject technically, most arguments against e-book were cultural. Robert Darnton, a professor of history at Princeton University, while supporting electronic publishing for dissertations, said in an interview: "I think it's only a matter of time before we can have

---

[98] "People aren't interested," said Tom Rhinelander, who analyzes the electronic book market for Forrester Research Inc., (a Cambridge, Mass., concern that studies computer use). "The market went nowhere in a year. The fundamental reason is that people who read books don't have a problem with books today" (Smith, 1999).

mechanical devices that will make possible a satisfactory but new experience of reading," but the loss of books would be great to readers. Losing "the feel of a book when you hold it, its grain, its texture, its elasticity, its whiteness" was to Darnton a major cultural factor that needed to be considered (Smith, 1999).[99]

The Authors Guild in the United States was also alarmed early on, this time over author rights-remunerations clauses in contracts that they saw. They issued a public warning: "The Authors Guild views agreements currently being offered by NuvoMedia, whose Rocket e-Book is an early leader in the electronic book industry, to be against the business interests of publishers and especially of authors" (Reid, 1999b). The Guild pointed out that under NuvoMedia's proposed arrangement, publishers and authors who signed NuvoMedia's contract would surrender a "whopping 60% distribution fee" to NuvoMedia and BarnesandNoble.com. Unlike traditional licensing agreements, NuvoMedia would pay the publisher or author "no advance against future earnings, thus acquiring a no-cost right to sell books electronically (Reid, 1999b). Author royalties were to remain fixed yet the distributor and retailer share in revenue would increase. Some leading agents advised authors to refuse the new electronic book agreements until and unless NuvoMedia included a clause "to the effect that the terms will be revised if e-books pickup sales" (Reid, 1999b). According to the New York Times, publishers were not ready to agree to such terms, with the result that many books remained on the bookshelves instead of finding a secondary digital book market (Reid, 1999b). NuvoMedia's CEO Martin Eberhard said he was "disappointed" that his company was being blamed for the low royalty structure, saying the

[99] The discourse from supporters of e-books was that it was not a cultural threat, simply another method and form of reading. "Many forms of reading exist in any complex society," Anthony Grafton, a professor of history at Princeton, said. "I read my American Express bill different from the way I read the text I'm teaching. Reading is a complicated, multiple process" (Smith, 1999).

contract structure was a good deal for publishers as their manufacturing and distribution costs would be eliminated, paying them "nearly as much for an electronic edition as they receive for a paper one" (Reid, 1999b). The "nearly" must have alarmed publishers. No doubt what publishers wanted to hear was "same" or "more" when it came to earnings.

The Authors Guild maintained their wariness, particularly as the low-pay model being offered to authors was supported by the largest trade publisher, Bertelsmann (owner of Random House, controller of approx. 40% of the U.S. adult trade market), as well as the largest retail book chain in the United States, Barnes & Noble. Both Random House and Barnes & Noble were clearly looking to profit well from the arrangement. Barnes & Noble and Bertelsmann were 50% share partners in NuvoMedia. The Guild concluded that if NuvoMedia, with the contractual arrangement offered, secured a dominant position in the new e-book market, authors and publishers would stand to lose out "on many of the rewards of the Information Age" (Reid, 1999b).[100]

The Guild were positive, however, on the potential for e-books in general, "distributed over the Internet [and] downloaded to hand-held reading devices" (Reid, 1999b). As the Guild saw it, e-books eliminated "the costs of paper, printing, warehousing, shipping, and returns." With "these savings, readers should benefit from cheaper prices for E-books, publishers should benefit from higher profit margins, and royalty rates for authors should soar" (Reid, 1999b).

Also on the positive side, Publishers Weekly reported that Barnesandnoble.com had almost "500 e-book titles available" and had sold nearly 15,000 copies. Barnes and Noble

[100] Much was at stake. In 1999, cultural products accounted for more than 7% of the U.S. gross domestic product. Copyright intensive industries exported goods worth $79.65 billion, more than any other sector of the economy, more than the chemical industry, the aircraft industry, or agriculture. Even though books were only a part of that, there was much at stake (Vaidhyanathan, 2004 p110). Vaidhyanathan was quoting Head of Motion Picture Association of America's Jack Valenti who gave these figures in an appearance before Congress in order to gain support for his clients, the film industry's copyright holders.

said they were "pleasantly surprised" with the rate of purchases of devices and titles" (Reid, 1999b).

In general though many observers were unsure on the new reading technologies. The cultural benefits of new e-reading techniques became the subject of (sometimes) heated discussion. But what was happening in the practical world of consumer publishing? It seemed that publishers were showing interest and investing in e-books and associated technology, while not doing much to develop or promote them. Had publishers recognised in the e-book a destabilizing factor, a threat in the future of the consumer book publishing industry? Were editorial staff members feeling threatened by the emergence of e-book and e-reader technologies? Did the new technologies spell the end of established work practices in print publishing? And if all this were becoming more and more true, then why would publishers be keen to invest in a product they didn't believe in and that could bring about their own ruin?

In the minds of many, the electronic book was clearly shaping up as a major and fundamental threat to print publishing, representing a major power issue, a fundamental break with the past practices, one that Kuhn may well have termed a paradigm shift.[101] In the early days of the emergence of the e-book, with the new reading technologies touted in the press and by technology enthusiasts as a viable alternative to the print book, traditional publishing personnel must have worried about their professional futures. If their reaction was dismay, it is understandable. There was much to protect. Not only were careers at stake but also nearly two thousand years of cultural heritage and practice associated with the codex, and over five hundred years of print publishing.

[101] As Coser, Kaddushin and Powell wrote, in their study of book publishing: "Motivations stemming from power and the desire to have influence may be especially strong in those disciplines that have not yet reached what the historian of science Thomas Kuhn has called the stage of normal science" (Coser et al., 1982 p305).

Coser Kadushin and Powell wrote that "[b]ook publishing is different. Books provide more opportunities for the communication of complex ideas than any other medium"(Coser et al., 1982). Books had been in effect the primary form and keepers of knowledge through the ages. The statutory requirement and cultural practice of UK publishers lodging a copy of all published books with the British Library, the Universities of Oxford, Cambridge, Edinburgh and at Trinity College in Dublin, had been in force for centuries. The Gutenberg book tradition went back to the empowerment of the Stationers Guild and Company in the sixteenth century. Was this all suddenly at risk?

3.2 The e-frenzy of 2000

The new millennium began with the announcement of an e-book initiative from Microsoft and Barnesandnoble.com "to sell paper-free books"—e-books provided by Barnes & Noble to be read on personal computers and handheld devices using Microsoft's Reader software (Reuters, 2000). Microsoft predicted e-book sales would reach $1 billion by 2004, overtaking print book sales inside ten years. Microsoft had made deals with publishers to convert print titles into e-books. A Barnes & Noble spokesman said it would cost them little more than $US100 to digitise an out of print book. New dedicated e-reading handheld devices were scheduled to go on sale by the summer of 2000. The whole e-book scenario seemed to be gathering pace (Reuters, 2000) (Microsoft editors, 2000).

There was discussion over which was the best e-reader on the market (Gibbs, 2000), but then in March the big news e-books needed came along. The star U.S. author of horror fiction, Stephen King, was preparing to experiment with his first e-book. King was the first brand name author to decide to release a work of fiction in an electronic format.

King's sixty-six page novella, *Riding the Bullet*, was advertised on the Web and had the media began falling over themselves to get into the act. Network news after network news repeated the story over and over. 400,000 downloads were sold in 24 hours, a figure that matched the total sales of all fiction e-book titles combined up to that time. "It's been the news for days," wrote M.J. Rose, "Stephen King's first foray into e-books was a mega success. The publishing industry was a buzz" (Rose, 2000c).

Even the New York Times did a review. Observers kept saying that the promised new e-wave of publishing had finally arrived. Librarians began referring to "before and after Riding the Bullet." The "wait and see" attitude, doubts and skepticism, had suddenly given way to the belief that e-books were now a reality. One director of a U.S. public library was so excited at the prospects of e-books, he went to his library board and said,"[w]e need to do this right now!" And he wasn't alone (Schneider, 2000).

King's e-book was not a new phenomenon. Many e-books had been released without a print version in the years prior to King's experiment. In fact, Stephen King's first e-book was in many ways a tentative affair—a minor story carefully managed by his print publisher, Simon & Schuster. What was new though was the market power of star author adding his aura to this new field, and the effect on the whole scenario was electric. A major name and brand in trade book fiction had disintermediated (at least some of) the traditional print publishing methods and supply chain.

For all that, the experiment had been backed, organised and managed by a major trade publisher, Simon & Schuster, and stiff restrictions were put in place before publication. Simon and Schuster sent memos to libraries stating that "all sales are for the sole use of the purchaser and can't be shared" (Schneider, 2000). Still, the door had been opened on the option of bypassing traditional book publishing and selling methods. The

400,000 downloads defied polls which claimed that the majority of Americans would not read a work of any length on a screen (Zeitchik, 2000).

"For those who've watched digital content come into its own, the frenzy was nothing short of remarkable. Never before had a story about text and electronic media penetrated so deeply…Grandmothers heard about it [King's e-novella] on their transistor radios… The network news pounded away on the story, morning TV producers fell all over themselves to interview King's publisher… 'It's a new book -- and you can't get it in bookstores,' pronounced one anchor" (Zeitchik, 2000).

The brand author element was only part of the equation. Timing was crucial to the experiment's success. At the same time King launched his e-novella, John Grisham, a writer on a market par with King in U.S. Trade publishing, had decided to self-publish a story in *Oxford American*, an almost unknown Southern literary magazine for which the author was providing support funds. Grisham's serial print experiment was also managed and had the imprimatur of a major trade publisher—Doubleday, in this case. Yet the media and public by and large ignored Grisham and his experiment, so taken up were they with Stephen King's 'frontal attack' on print publishing. The key to the different reaction to the two contemporaneous experiments was the 'zeitgeist' factor, so clearly with e-books in early 2000. King's idea captured the market's imagination at a time when the market had just turned a corner. Grisham's return to an old idea, the print serial, captured no-one's imagination (Zeitchik, 2000).

King's otherwise uninspiring novella created a digital event, an online 'happening' 2000 style. As one writer put it: it was "a comfort to know that King, the personification of mainstream entertainment, had rented an apartment in cyberspace" (Zeitchik, 2000). "[I]t was such a success that it caused outages at book e-tailers across the Web, including Amazon and BarnesandNoble.com" (Enos, 2000). "Round 1 in the battle between the

people of the old book and the people of the new book" had "gone to Simon & Schuster" (Offman, 2000).

E-book pundits posited that a new theory was at work—"throw away books" (paperbacks) were being "replaced by e-books. And for good reason," author and e-book pundit M.J. Rose wrote. E-books were easier to store, with no paper involved. Economical production costs meant an end to "warehousing or returns--which are the biggest problems in the book industry" (Rose, 2000c)

Still readers who might have been inspired by King's e-book did not transfer this enthusiasm to other e-books, or to the new electronic e-reading devices. While downloads of King's novella were high, sales of e-readers (given their high prices) remained low (Lowry and Gross, 2000). And while *Riding the Bullet* "set records as users rushed online to download copies" it also highlighted problems e-book vendors had to face with the probability of digital book piracy. "[A]t least a few users bypassed the $2.50 fee charge by most sites, instead downloading pirated copies that quickly made their way online." Losses to sales were said to be "negligible", but piracy was the very thing traditional publishers said they feared, with no such thing as an "invincible copy protection system" (Kane, 2000).

There was another unexpected technical problem as well. A total of about 20,000 downloads had been expected "but when they [Simon & Schuster] got 400,000 download requests in the first 24 hours, the ISP couldn't handle the traffic, and broke down" (Hilts, 2003 p665).

King was "no upstart hypertext novelist" trying to make it on the web, and Simon & Schuster, a division of Viacom, was no 'up-start start-up' e-publisher (Zeitchik, 2000). Mainstream publishing had moved in on the territory once peopled only by web enthusiasts and small electronic publishing companies. S&S, who seemed happy enough with what happened, selling online copies at $2.50 each, made sure they disabled the print function,

preventing 'illegal hard copies' being produced. The trade publisher, together with other majors in the trade field, had long been subject to copyright infringement through illegal' photocopying, and was taking few chances on the experiment (Zeitchik, 2000).

Simon & Schuster had also prevented the new Silicon Valley e-publisher Fatbrain from selling the book, while allowing Amazon.com, Barnesandnoble.com and other second-hand booksellers to distribute it. Clearly, they saw in Fatbrain a 'new media threat' reminding keen sighted observers that "Old Media and traditional entertainment" still ran the show (Zeitchik, 2000). Fatbrain.com's management were also warned by Simon & Schuster not to approach their authors, or Simon & Schuster would take legal action.

Fatbrain had been 'punished', it seemed, for a policy of allowing two downloads per e-book. Fatbrain may also have been singled out for being an independent online publishing success story. At the time, Fatbrain was offering 7000 titles, 5000 of them works of fiction. The company's profits had risen 78 percent in the preceding year to $35.3 million, although losses also grew to $30 million over the same period. About three-quarters of Fatbrain's business was in the provision of in-house books and training materials to companies such as Lucent Technologies and the Bank of America (Offman, 2000). But Fatbrain, it seemed, were just the sort of digital text provider than could become a major threat to organised print publishing.

Traditional publishers also feared star-authors like Stephen King going it alone, deciding to self publish, bypassing the traditional sell-through chain, publishers and booksellers, and selling directly to the public. Simon & Schuster's CEO, Carolyn Reidy put it bluntly: "You get a proven author like Stephen King, who's pretty good and has written so many books he probably knows how to do some editing. He could take his works right to the Internet" (Offman, 2000).

There was now general hope that the new online publishers could provide a business model by which e-books could sell profitably in low numbers. Literary agent, Richard Curtis, had plans to launch a new web site, E-Reads, for a niche market of the 1,000 to 10,000 sales range—sales numbers which did not interest big trade publishers.

For trade publishing, a difficult business proposition to generate profits on at the best of times, except in mass-market terms, online and print on demand solutions were offering another strategy. "In the past publishers would have had to print thousands of copies to make it economically justifiable," said Random House spokesman Stuart Applebaum. "Now they can print hundreds of copies and drop-ship. So suddenly everything's in good shape"[102] (Offman, 2000).

Even though the use of a brand name author had trumped the e-book skeptics, not everyone was impressed by the experiment, not in terms of content at least. Writing for Salon.com, Laura Miller wrote how she decided to see for herself what the 'hype' was really all about.

Taking an e-reader on an 'experimental reading journey' she reported her disappointment early on in her diarised account, discovering, after buying Stephen King's novella, that *Riding the Bullet*, was too short for her tastes. So she then downloaded an essay collection by G.K. Chesterton, and starting with a personal first-person account of Chesterton's visit to a house, she began reading the collection on her e-reader in bed at night before going to sleep. She reported that the glow from her window was similar to the glow from the e-reader screen. Miller evocated her experience well, and highlighted that the personal, sensual experience of reading could be just as valid using e-readers as it is for the print book. Miller wrote how she read in public, "in the subway, on buses, in cafes, in

[102] Standard industry paperback printing and binding methods meant the cost of each book reduced as the total printed went up. As a result, to price copies reasonably, to make them competitive, publishers needed to order a substantially high-number 'print run'.

bars, in the park and in the gym." She avoided reading in the bathtub as she was afraid she would drop "the e-book in the water."[103] She found that "the darker the surroundings", the easier it was to use an e-reader, and as she didn't have to turn pages, she could hold the device in one hand, reading easily while peddling on a stationary gym bike (Miller, 2000).

There were some practical, technical difficulties as well. Even though Miller could get an "e-book file containing all the top stories from the New York Times" on any day, the device didn't "support clippings", the ability to set stories aside. Asking herself if she would want to have one to read with permanently she was unsure. In her two week experiment, she reported she had been both "exasperated and enchanted" (Miller, 2000).

Women in America became pioneers of e-books for leisure reading, perhaps because so many of them are prolific readers. Janice Goodfellow, a 47-year-old former office manager from Michigan, a reader of up to six paperback thrillers and romance novels a week, by chance one day downloaded a novel from an e-book site in 2000. And she liked what she found. A year on [2001] she had read 20 electronic books sitting at her desktop computer, not buying from the major publishers, as they were charging more than $15 per e-book on average, but purchasing "from a tiny start-up called Hard Shell Word Factory for $3 to $6 each." (Kirkpatrick, 2001c)

Commenting on this trend, M.J. Rose, an American writer who made a name for herself as an early 'serious' observer of the e-book phenomenon,[104] wrote that low prices of e-books encouraged early e-book adopters to download long texts to their computers (cited in Mayfield, 2001c).

[103] Informed as she was, she still used the term e-reader for e-book.
[104] In 1999, Time Magazine called Rose the Poster Girl of e-publishing (Rose, 2000c).

E-book pricing was still an experiment. Debate was strong in publishing circles over what strategy was best. Keith Titan, director of electronic business development for Simon & Schuster, said that until there was enough market data "to understand how electronic sales affect print sales, there's going to be some conservatism" (Mayfield, 2001c). There were fears that e-books would "cannibalize print sales."

M.J. Rose felt these fears were unfounded. There weren't enough e-book consumers to affect print book sales. Rose was sure lower e-book prices would benefit all writers and publishers, especially up-and-coming or mid-list authors like herself, and even stimulate print sales. But publishers were not taking any chances with their established print markets. Rose summed up a big part of the problem: "E-books are not even a year old in the consumer consciousness" (Mayfield, 2001c). Without enough consumers, e-books would simply not work at all.

Small entrepreneurial e-book start-ups were instrumental in the early growth of e-books, and for developing a small but loyal consumer base. Companies such as the Wisconsin-based Hard Shell Word Factory, founded in 1996, reported that they were able to make a profit. With a staff of 12 to process submissions from authors—often authors who had been rejected by major publishers—in 2000 Hard Shell offered about 300 titles and sold about 6,000 electronic copies a month, downloadable for around $5 (Kirkpatrick, 2000c).

Other e-book entrepreneurial firms, Fictionwise.com, ElectricStory.com and e-Reads.com, which also published either rejected submissions to major publishers and/or sold digital editions of previously published mass-market novels, priced their sales at a few to several dollars per downloaded copy (Kirkpatrick, 2000c).

More than half of Hard Shell's sales were romance novels and most of the rest were suspense, science fiction, fantasy or westerns, when most early (and even later) observers

posited that e-books were best suited to practical categories, such as manuals and reference, rather than consumer fiction. Against the grain of received wisdom, Hard Shell had sold 8,000 copies in three years of its best-selling romance. Small e-book publishers had an effect on the U.S. consumer e-book market, forcing major publishing companies to make adjustments. Simon & Schuster lowered its e-books prices below the paperback, realising that consumers were turning to the small companies for their e-fiction purchases, clearly not accepting the high e-book retail prices (Kirkpatrick, 2000c).

Publishers were aware that they could be 'beaten to the punch' by smaller more daring e-publishers in the new world of e-book technologies. Many established publishers were therefore determined, at least at the outset, to engage actively with this new disruptive technology.[105] The big players had a clear advantage. Investment was not problematic as it clearly was for the small start-ups.[106]

Publishers began "jumping on the e-book craze partly out of genuine enthusiasm and partly in self-defense." Analyst, Seamus McAteer, of Jupiter Communications claimed that big publishing was "trying to get out in front of this thing before a market evolves for self-publishing...That's something they're worried about" (Einstein, 2000).

As a small start-up, Hard Shell had to compete with global publishing houses in this new digital environment. Hard Shell, and other companies like it, only had a small slice of the early market but it was highly symbolic. These new companies clearly presented an opportunity to democratise publishing, to renew it, to get the industry away and out from

[105] As the authors of the highly influential *Harvard Business Revie*w 1995 published article, "Disruptive Technologies: Catching the Wave," had warned: "For the corporation to live, it must be willing to see business units die. If the corporation doesn't kill them off itself, competitors will" (Bower and Christensen, 1995) (Thompson, 2005).

[106] As a Chadwick-Healey executive at the Cambridge (UK) based electronic publisher illustrated, digitising "a British newspaper to its beginnings" for instance, would represent a probable "investment of between $3 and $5 million..."(Thompson, 2005) p396.

under the domination of the major trade publishing corporations. In a much cited article on books in the digital world, Clifford Lynch described this as the area of "greatest promise of truly transformative changes" (Lynch, 2001).[107]

The rush to 'prove the e-book case' put pressure on analysts and led to over-optimistic expectations. All prediction proved premature. In June 2000, Andersen Consulting (later Accenture) forecast that by 2005 twenty eight million people would be using e-readers and the total market for consumer e-books would have reached $US2.3 billion. By 2005, Andersen predicted, 10 percent of the trade book market would be in electronic form and formats (AnchorDesk, 2000a) (Einstein, 2000).

In the same year, Forrester Research predicted that by 2005, digital delivery of on-demand-printed books, textbooks and e-books would account for $US7.8 billion, 17.5 percent of publishing industry revenue. Forrester was not overly positive though on e-books and e-reading devices, which they predicted would be only a small part of the total figure, with dedicated e-reading devices generating only $US251 million. Forrester was sure, however, that digital textbooks would account for about one quarter of all textbook sales, selling in the order of 147 million units, earning $US3.2 billion, with trade e-books e-readers selling 73 million units and netting $US674 million (Mayfield, 2001b).

A more sober prediction from Jupiter Communications stated that based on actual sales of only 50,000 e-reading devices in the U.S.,[108] with an estimated 1.9 million predicted to be sold by the end of 2005, that the number was far too small to drastically

[107] Hard Shell Word Factory publisher, Mary Wolf, interviewed by M.J. Rose in 2001, said she believed the e-book industry was not further ahead than it was because too many players had entered the field, with all of them wanting to control it. With a "quick-buck mentality—nothing is nurtured and allowed to achieve its potential any more," Wolf said. "If something doesn't make immediate, compound return on investment, it's road kill in the path to the next glittering opportunity" (Rose, 2001f).

[108] RCA/Thomson who signed an e-reader production agreement with Gemstar, were not interested in sales in the 'tens of thousands'; they expected an e-reader mass-market explosion which did not happen (Mayfield, 2001b).

alter how most publishers thought about, planned and delivered books (AnchorDesk, 2000a). How far these research companies could be believed was moot, tied as they were contractually and financially to the very company prospects they were analysing. And evidence was scarce. Up to 2000, no one independent of the industry[109] had carried out any "rigorous, analytical study of [e-book] use," said Edward Barry, president of Oxford University Press-USA " (Mayfield, 2000b).[110]

In June 2000, Stephen King began preparing a second e-book experiment, this time on his own, without the help of his print publisher, Simon & Schuster. King posted a letter on his website, in which he asked fans if they were interested in another e-book from him. And if they were, would they pay for it? Seven thousand fans replied, indicating they would pay the $1 asked for by King for each installment download, as the author said he planned to serialize his second e-book.

The Plant was an old novel King abandoned in the early 1980s and he revived it for his second e-book experiment. The author planned to operate the second trial run on an honour system, continuing on only if everyone downloading each installment paid up for it. "Dear Constant Reader", King wrote in his website letter, "Do you think I should offer this book?...Can I trust people to pay?" One fan even offered to pay for those who didn't (Rose, 2000d). So King went ahead with it.

Nearly 41,000 fans downloaded the first chapter of *The Plant* in the first fifteen hours. "My friends we have a chance to become Big Publishing's worst nightmare," King wrote on his web site in response to the massive show of reader interest (Einstein, 2000) (Kafka, 2000).

---

[109] That is, independent of market analysts paid by publishing companies to report on their activities.
[110] As years passed, the research predictions made by Forrester, Andersen and Jupiter have been made to look almost fraudulent, so wide of the mark have they been.

With King's two experiments exercising the imagination of the publishing industry, Gemstar's founder and CEO, Henry Yuen, predicted 500,000 of his company's new dedicated e-readers would be sold in six months, with annual e-book sales rising quickly to 3 million annually (Kafka, 2000).[111] At a packed New York publishing event in October 2000, attended by all the heads of big trade publishing, Gemstar's CEO launched his company's new e-readers, the RCA manufactured REB 1100 and RCA REB 1200.[112] The CEO of PenguinPuttnam, Phyllis Grann, was positive: "We're security minded, and we are confident that this system will protect our authors" (Reid, 2000).

The new e-readers were introduced with a promise from Yuen to lower the price of the cheaper of the two Gemstars, the REB 1100, from $299 to $100 before the end of 2001. Many observers felt the e-readers being too expensive from the outset meant the products would not reach a broad enough audience quick enough, "setting up a chicken-and-egg scenario where the demand may never arrive"[113] (Rose, 2000a).

Gemstar was optimistic it could grow the e-book market with their e-readers even if they were highly priced. A competitor, Franklin, was also planning to release a less expensive device—the Franklin eBookman (offering multimedia possibilities)—later in

[111] Yet for all the optimism, the black and white LCD screens used on the e-reading devices were providing text at only 106 dpi (dots per inch), while cheap laser printers produced print outs at 300 dpi. Screen readers seemed to be failing to excite consumers, and e-reader sales remained relatively low. There were other problems as well. Random House, which allocated $15 million to its digital publishing infrastructure, and already added 150 digital titles to those already on offer, could only consider digitally transferring and selling one-third of its 50,000-title catalog, as the e-reader formats of the day could not handle multiple colors or large graphics. Price was also ploblematic. Barnesandnoble.com was selling the paperback of Stephen King's *Bag of Bones* for $US6.39 plus shipping, while offering the same book in digital version for $US22.40. This after Barnes and Noble had boasted in the same year that the cost of digitising an average title would cost little more than $US100. Underlying the concern it seemed were reports that the whole print book value chain was under threat. On a typical $25 hardcover, the breakdown was: discount 10% ($2.50); wholesaler 20% ($5); retailer 20% ($5); publisher 40% ($10); with author royalty 10% ($2.50). But with print book return rates approaching 50%, it seemed big publishing was now 'ready' to welcome the digital competitor with open arms (Kafka, 2000).

[112] Bought from Nuvomedia and Softbook respectively, and rebranded.

[113] The REB 1100 had originally beeen Nuvomedia's original Rocket eBook which retailed at about $US200 when it first went on sale in 1998, with report that only 10,000 of the 30,000 produced actually sold. (Rose, 2000a)

2000 for about $US130. Still, it was the Gemstar e-reader that had observers excited. Gemstar's e-readers permitted Internet connection, allowing readers to browse titles onscreen, before purchasing e-books and downloading them immediately to their PCs, laptops and/or dedicated e-readers. It was reported that Gemstar's secure servers would control and oversee the sale, thus preventing piracy. Gemstar's CEO, Yuen, said his company's business model made e-book buying "easy for consumers and secure for publishers" (Rose, 2000a).

In time, Gemstar's proprietary system proved very unpopular, the encryption system cumbersome, but initially all the big trade publishing names signed up, including Penguin Putnam, Simon & Schuster, St. Martin's Press, Warner Books and Harlequin. Titles from major trade author brands and names, such as Patricia Cornwell, Robert Ludlum, Ed McBain, Ken Follett, Ruth Langan, Tara Taylor Quinn and Emma Darcy were featured on Gemstar's website. Yuen sold Gemstar's e-book and site platform as the e-publishing equivalent of a quality hardcover purchase. Price, he said, would not "deter the reader who currently buys hardcovers at several times more than paperback price" (Rose, 2000a).[114]

Rose reported that corporate publishing executives were positive about the new devices, hopeful that the new e-security system would work. "It's an exciting time for the publishing industry when a company with Gemstar's capabilities enters the market," said Jane Friedman, president and CEO of Harper Collins Publishers. "We believe (the Gemstar e-book) is a highly secure platform, and because it's dedicated, it will offer value to readers" (Rose, 2000a). Jane Friedman was at the time, and still is, a highly respected publisher[115], but as a senior executive of HarperCollins, a company owned by Rupert Murdoch, who in turn owned 43% of Gemstar, her opinion may have been biased. Still,

[114] Yuen's policy of 'luxury pricing' was followed by publishing companies who became e-book providers. Pricing remained at 'luxury', or hardcover, levels for several years.
[115] Interview with Jason Epstein Dec 2004

Friedman was not alone in holding these views. "This is a terrific way to read," said Lawrence Kirshbaum, chairman of Time Warner Trade Publishing.

Some views, though, were not so sanguine. Rose reported that "many industry sources, speaking on the condition of anonymity" were "disappointed and worried that Gemstar's high prices" would effectively prevent "e-books from becoming mass-market items." Independents, in particular, were not happy with Gemstar's silence on the limit on titles offered. The Gemstar e-book list was filled with name-author bestsellers, produced by major publishing houses. Lisa Schmitt of Gemini Books felt Gemstar's lack of candour on this point "does not bode well for the future." Many small publishers queried why the Gemstar e-readers did not contain "a self-publishing utility" (available originally on Nuvomedia Rocket E-book) enabling "owners to convert their own text or HTML documents and Web pages into unencrypted Rocket Edition format and download the documents to their devices" (Rose, 2000a). Still, Yuen was resolutely upbeat, saying Gemstar's reading experience was "comparable to the most durable, high-end reading experience—a hardcover" (Rose, 2000a).

Authors and small e-publishers felt shut out of Gemstar's market model because the new REB e-readers did not offer free hypertext linking, graphics and sound facilities, or Web access. "E-books are supposed to be about innovation. If they're not, what's the point?" asked author Deena Larsen, whose hypertext fiction was already being taught in universities around the world (Rose, 2000a).

Yuen's method of getting publishers on side worked on "their fears" generated by Internet hackers. Yuen argued that you " 'cannot put things on the Internet — I don't care how strong the encryption scheme, it is going to be broken one way or the other' " (Kirkpatrick, 2000c). Yuen seemed to want to corner the market using a proprietary standard, making consumers dependent on both Gemstar's e-book and e-readers, the latter

which would act as a downloading device with Gemstar collecting "15 to 20 percent fee on each sale" of the publishers' books they were offering. Yuen wanted "Gemstar's electronic book reading patents to blossom into personal organizers, wireless pagers and phones and generalized portable entertainment devices for text, video and sound. 'I would like this particular well-documented habit — reading — to be my entry into the consumer mobile-device arena,' Mr. Yuen said" (Kirkpatrick, 2000c).

Traditional houses were described as being "worried sick" over the issue of piracy, with a napster-style experience awaiting the e-book (St. Pierre, 2000). Within hours of the launch of King's first ebook experiment, *Riding the Bullet*, some months earlier, hackers had broken into the "encryption codes that were supposed to prevent illegal copying", with the novella free to download from various Web sites (St. Pierre, 2000).

St Pierre viewed all prediction with skepticism, querying Forrester Research analyst, Carrie A. Johnson's prediction, that the "e-book market could reach $436 million by 2004." St. Pierre wrote that "the estimated $US34 million" paid for "downloading e-books from the Net" in 1999, compared badly to the $US1.7 billion consumers paid for "ordering paper books from online vendors like Amazon.com." This "disparity", St Pierre said, "pretty much tells the story of digital books so far", and to her mind it was a story that was "not likely to change too quickly, even if King keeps releasing chapters about possessed vines" (St. Pierre, 2000).

Then Stephen King himself dropped a bombshell on e-book hopes. It seemed that even the paperback king had lost his 'midas touch.' In a note posted on his website, King wrote that he was terminating *The Plant*. Fans who had already paid $7 for an unfinished book were very unhappy. Some readers, King wrote by way of an excuse for his action, had paid only once, while continuing to download the electronic chapters onto numerous devices, and "many never paid at all." When the second installment failed to match

downloads to paying customers, King threatened to stop altogether with the fourth installment. He would continue only if more than 75% of downloaders paid for the third installment. He continued when the paying customers broke past that barrier. But King had already decided that his already-written sixth installment due on the site in late December, would appear free (Rose, 2000e) (Weeks, 2000a) (Katz, 2000).

King's ultimate decision to terminate *The Plant* disappointed many who had paid for the serialised e-book and wanted to read how it ended. And not only King's readers were unhappy. "I am saddened and angered at the crass commercialization of that incredible magic that occurs between writer and reader," wrote e-author Jim Farris. "This is not the best move he could have made," said Marilyn Nesbitt, CEO of DiskUs Publishing, "no one wants to wait a year or two to finish reading a story and this might not bode well for any future installments or any future e-books from King or any other author who might want to go this route for publication" (Rose, 2000e).

By the figures King posted on his own website, his second experiment had not been a catastrophic failure. By his own standards, set by print sales, perhaps the sales may not have set his expectations on fire, but he clearly was not out of pocket.[116]

King's Income/Expense Report on "The Plant" Through 12/31/2000.
Deposits to Philtrum through 12/31/00: **$721,448.61** Net Profit: **$463,832.27**.

In a Q & A section on the same website, the author repeated what he said were reader concerns: **Q: I am worried that people won't pay, can I pay a little extra?**
A: Though we aren't asking you to do this, we have seen that many of you in your

[116] Schiffrin wrote that "King abandoned this attempt when the number of purchases diminished markedly, even though the quantity of would-be-purchasers was far greater than most authors would dream of" (Schiffrin, 2000 pxiii). Which is another way of saying King was greed-motivated.

comments have asked if you can pay extra to help cover the costs of the dishonest people who will download *The Plant* and not pay. You should be applauded for this desire to pay – and should be held out as an example to those of you reading this who are not planning to pay. You know who you are. No stealing from the blind newsboy. If you wish to pay more than $1, you can either send a check to the address specified at Amazon.com Payments or pay multiple times with your credit card and then do not download the file."[117]

Having paid for part of a book, consumers had a right to expect the whole thing would become available. The only truly independent trade e-book event for 2000 demonstrated how whimsical, even indiscriminate and uncontrolled, private Internet publishing ventures of this kind could be.

King's experiments with online publishing and self-publishing were both a success, by almost any standards, barring perhaps his own. 400,000 copies of *Riding the Bullet* were downloaded within the first 24 hours of its release, and 100,000 copies of the first instalment of *The Plant* were sold.

IDC data shows that only 5,000 e-book readers had been sold in 1999, which leads to the conclusion that the vast majority of the copies of King's stories, must have been downloaded onto devices other than e-book readers (i.e. PCs or PDAs).[118] Perhaps the experiment only generated a curious 'early-adopter' audience, or perhaps it clearly demonstrated that consumers were prepared to buy e-books, but they needed a name author to convince them to buy. Would they have continued buying if King and others had continued experimenting? Would the interest in e-books have manifested itself in e-reader sales as well?

[117] From Stephen King's website (Guthrie, 2001).
[118] UK report by Electronic Publishing Services Ltd (Guthrie, 2001)

Supporters and prophets of the new reading technologies continued saying that "the future of our literary culture" was "up for grabs." In an article "Exit Gutenberg?" for *Atlantic Monthly,* Ralph Lombreglia described a $1000 a head two day long eBook World conference held in New York early in November 2000, where the e-book future was hotly debated. Many present came to the event with the view that "books per se" were already "history" (Lombreglia, 2000).

Richard Sarnoff, the president of Random House New Media, asked the audience "to imagine the future not five or ten but a hundred years from now: Did anyone doubt that ink on paper would be obsolete in 2100? No one doubted it." Dick Brass, Microsoft's vice president in charge of electronic books predicted the "last print edition of The New York Times would appear in 2018." Others were more circumspect. Agent and e-publisher, Richard Curtis, said "e-books only have two problems: supply and demand." Only a tiny fraction of most publishing catalogues to that time were in e-publishing formats. And formats, plural, said Curtis, "is one of the reasons." E-books were being "held hostage in a computer 'standards war'" in which competing companies were trying to ensure "that their proprietary technology [became] the toll-taker at the gate" [119] (Lombreglia, 2000).

Some attendees claimed King's experiments had opened the way forward for disintermediation, that authors could now seriously bypass the publishing process—self-publish without the ruinous vanity publishing tag. But this would mean, said Steven Levy, author of *Hackers,* that publishers would see authors as the enemy. "But they always have!" said biographer James Atlas (Lombreglia, 2000).

Another view at the conference was that "direct-to-market e-publishing" would work for "brand-name writers like King, or for authors of highly specialized technical

[119] The lack of uniformity and compatibility among software and hardware programmes and products was an early and major hurdle mediating against widespread consumers adoption of e-books and reading devices.

texts", but that most authors would still need the "various intermediaries...editors, agents, publicists, marketers, and others" to shepherd their books to market, and that their presence would "persist into the electronic future"[120] (Lombreglia, 2000).

The conference attendees agreed that if the prices of e-books were "markedly lower than their physical counterparts, the public would appreciate the fact, but most publishers" still planned "to price them about the same as 'quality' paperbacks, at least at first" (Lombreglia, 2000).

Lombreglia concluded that even though publishers and readers were "years away from an elegant digital replacement for the book," there are some compelling reasons for publishers to 'go digital' early (Lombreglia, 2000). Part of this reason, was an anxiety building inside established publishing which didn't wish to be too late in adopting a disruptive technology, and as a consequence allow smaller competitors to gain easy entry into a new market (Bower and Christensen, 1995) (Christensen, 1997).

In many ways the anxiety among publishers was justified. Corporations tended to adopt a strategy of wait and see until the new markets were "large enough to be interesting," (Christensen, 1997 pxx) which often was too late. Relying on market research was hazardous. "In dealing with disruptive technologies leading to new markets... market researchers and business planners have a consistently dismal record [with] the only thing we may know for sure when we read experts' forecasts about how large emerging markets will become is that they are wrong" (Christensen, 1997 pxxi).

As well as this, print-on-demand technology, tied directly to digital technologies, had already "begun to solve the print-run uncertainties and warehousing costs that have bedeviled the industry for ages" (Lombreglia, 2000). "[N]etworked, instant printing

[120] This mirrors what occurred in the 15th century Gutenberg revolution. The experienced editors and publishers of that time (abbotts and prelates from various scriptoria) continued managing the publishing process post-Gutenberg as they had pre-printing press days (Eisenstein, 1983).

presses" meant "a book warehoused in digital form" was now 'technically' available, and the term 'out of print' seemed to be out of publishing fashion (Lombreglia, 2000).

David Kirkpatrick, writing for the New York Times on 27 November, 2000 made a telling observation. "There is something not entirely rational about the book industry's current love affair with electronic books. Few people have ever read a whole book on a screen. No one knows how many people will ever want to" (Kirkpatrick, 2000c).

Major publishers, technology companies, online booksellers and new electronic book middlemen were "betting hundreds of millions of dollars this year on the future market for digital books." What was the rush? Kirkptarick asked. The answer, he suggested, was that after decades of slow growth and bruising agent-publisher-bookseller battles, there was hope and belief that with electronic books new markets and new sales would arrive, much in the way they did when the Penguin mass paperback appeared in the 1930s (Kirkpatrick, 2000c).

The shadow of digital music hung over these sorts of hopes. With the avenues and anonymity of the Internet 'lurking,' the erstwhile safe publishing business "was now at the mercy of pirates and hackers." To help allay these fears and capitalise on a business opportunity a host of technology, content encryption and digital copyright protection companies were jockeying for position in order to offer their services to publishing houses to protect content from piracy. "[E]veryone at the table has an eye on someone else's plate, even before the food has arrived" (Kirkpatrick, 2000c).

Daniel O'Brien, an analyst for Forrester Research, called "electronic books a solution in search of a problem. Our research with consumers indicates very little interest in

reading on a screen," he said. "Maybe someday, but not in a five-year time frame. Books are pretty elegant" (Kirkpatrick, 2000c).

For all the criticism and fear they generated, e-books in 2000 still had strong support. Jack Romanos of Simon & Schuster said the logic of electronic books was "hard to refute" with the publisher's personal viewpoint that it was an ultimate responsibility of publishers to get as many books to the widest possible audience (Kirkpatrick, 2000c).

For many authors, e-books promised independence and some equity in the division of spoils, pointing to the "failings of publishers: low advances, stingy marketing, hasty editing and, most of all, rejection letters" as proof, if proof were needed, that the industry was in need of massive and immediate reform (Kirkpatrick, 2000c).

Publishers countered this by saying "that authors were unrealistic and by "squeezing their profit margins to the bone" with demands for "enormous advances" on royalties, they were responsible for much of the industry's ills. This ongoing "tug of war" between publishers and authors was pivotal in the early days of electronic books (Kirkpatrick, 2000c). Authors and would-be authors saw digital technology as a way around big publishing's "onerous printing and production costs" and gatekeeping roles. Against the predications and expectations of established houses, "a few frustrated authors" had already managed "to turn a profit by publishing other writers' electronic books [or their own] — selling other publishers' rejects with almost no marketing" (Kirkpatrick, 2000c).

With Hard Shell Word Factory selling around 6,000 electronic books every month at $5 each, authors had begun to demand an even split of revenues. But the major houses, seeing few sales, and deep in the red with their digital initiatives and spending on technology objected to this. "I don't think that 50 percent to the author gives the publisher a chance to

breathe," said the chairman of Time Warner's book division. Other big players (Random House, Barnesandnoble.com) objected to the 50-50 split as well (Kirkpatrick, 2000c).

Writing for Slashdot.com in early December, John Katz summed up much of contradictory evidence and furore over electronic publishing, concluding that King's own publishing experiment with *The Plant,* had "traumatized the publishing industry" (Katz, 2000). Katz argued that the initial hype created was responsible for the huge number of downloads, and that once the interest died down so did sales. "What King's adventure demonstrates is that the Net is a powerful new tool for selling books rather than a technology that replaces them," wrote Katz. King and the publishing industry learned how the Net "does or doesn't work to sell books." There is also an inference here that King dropped the experiment not only because people were not living up to the honour system of payment, but because the experiment was failing in itself.

For Katz, online peddling was misunderstood, attempts at online selling superficial, the overall understanding of Net marketing by publishers and authors alike little short of abysmal. "As talented as King is, here is a lesson in how not to sell and market a novel," wrote Katz. Online buyers "gather in identifiable communities...know exactly where to go to seek" what they want. Net consumers are ahead on all aspects of the reach, purpose and usefulness of it." And above all consumers know that "non-virtual books are a powerful technology themselves," that "the publishing industry panicked by the growth of the Net" had forgotten "the value of its own products" (Katz, 2000).

The entire industry had "a passive, dependent ethic" regarding the business of selling books, mailing them "to skeptical and overwhelmed reviewers, producers, reporters and editors" relying on the media's "diminishing good will and shortening attention span to

praise and promote their offerings. Needless to say," Katz wrote, "this approach fails much more often than not" (Katz, 2000). What they should be doing, he advised, was to use the Net to lift the awareness of their book products instead of seeing it as an only an instrument for selling e-books. The perception, that the Net being digital only supported and promoted digital products, had to be corrected. In reality it was the best marketing tool for the analogue print book that had ever come into the orbit of book publishing (Katz, 2000).

By the success of Amazon alone, Katz seems to have a point. "The digital mediasphere has fundamental rules," he wrote, "more information at less cost, and the information system that meets the information needs of humans will always prevail. The most successful information vendors aren't those that create information, but those that connect people with the information they want and need" (Katz, 2000). Looking at the extraordinary success of Google, and arguments on connectivity *(see 7.3 below)* it is hard to argue with this analysis.

Though by the end of 2000, it seemed the publishing industry by and large was not listening to this sort of advice, turning again to well-paid analysts for guidance on how electronic publishing would and should grow.

In her article "Report: E-Book Industry Set to Explode" for *E-Commerce Times,* in late December, Lori Enos wrote that the King inspired e-book revolution had created an "Internet traffic jam." Quoting the research firm IDC's report, "Electronic Publishing Forecast and Analysis, 2000- 2004: Digital Books and Print on Demand," she wrote that the U.S. market for digital books, including digital downloads and print-on-demand books, was set to grow from US$9 million in 2000 to $414 million in 2004. Book publishing was the next media industry to go digital she opined.

Among her second-hand predictions were the acceptance of statements by the Framingham, Massachusetts-based IDC, who believed "that although momentum for digital books will build throughout 2001," digital books were really going to "make their presence felt across the industry in 2002," with "new hybrid and multifunctional devices" forming a key element to that growth (Enos, 2000). She and IDC, of course, were wrong.

3.3 Paradigm hiatus

With all the excitement and upheavals in the e-book scenario during the year 2000, major newspaper and magazines had now begun regularly running articles, with more words going into print on the subject "than have actually been placed into e-books so far" (Lynch, 2001). This enthusiasm spilled over into 2001, but as the year progressed the idea that digital publishing was 'the solution' to print's problems began to evaporate. By year's end the 'e-book industry' seemed suddenly, dramatically, to have ground to a halt. E-books had slipped into a 'paradigm hiatus.'

On 4th January, 2001, in article for the New York Times, Ian Austen compared Pocket Book's 1938 paperback publishing experiment of Pearl Buck's *The Good Earth* in the U.S., to the experience trade book publishing was experiencing with the e-book. Despite being poorly printed on cheap paper bound into a flimsy cover, the Pocket Book 'Buck test' of the late 1930s was a success. It led the way to similar experiments, and finally, postwar, to a fundamental change in the way books were produced and sold, widely changing reading habits in the United States (Austen, 2001).[121]

[121] The paperback had already found success in the UK with the Penguin in the mid 1930s.

Austen asked why e-books had not experienced the same sort of success. It couldn't be the 'readability ' factor, he wrote, because "the quality of some on-screen displays is excellent" (Austen, 2001). After surveying the technical attributes and potential shortcomings of the electronic reading experience, Austen concluded that there weren't any serious technical impediments for readers; it had to be, he said, a matter of cost.

The parallel between e-books and the early paperbacks of the late 1930s falls apart exactly there, on price. The early paperback buyers in the UK and the United States put up with any shortcomings in the production qualities and durability of the paperback in large part because they only cost "25 cents or so" (Austen, 2001).[122]

E-books (even without the cost of the e-reader hardware) were a long way from that 25 cent price range, even after adjusting changes in the dollar's value over time. The obvious cost savings for publishers in electronic distribution were not immediately apparent in the retail prices. Price was a major obstacle for e-book growth (Austen, 2001) .

M.J. Rose, wrote that high e-book prices existed because established publishing feared that e-books would cannibalize print sales, with few publishers bold enough to "cut prices of new releases" in order to boost e-book sales (Mayfield, 2001c). Author Douglas Clegg said the fears that e-book sales would detract from print sales were unsupportable in facts. But there was no consensus among authors or publishers on this; some authors were unwilling to reduce e-book prices even if the author royalty share as a proportion of the sales price increased. Aliske Webb, a columnist for eBookNet.com (a Gemstar funded site) said no one should be thinking of " e-books as a way to lower the cost of books for the buying public, but rather as a way of finally enhancing the livelihood of authors. People aren't going to buy e-books because they are inexpensive. They will buy them for the content," Webb said.

[122] In the UK the original Penguin paperback cost 6p.

"Just because we are able to make e-books more inexpensively and can pay authors a higher royalty as a result does not mean that the books themselves should be cheaper" (Mayfield, 2001c). Whether Webb was simply misguided, or was speaking for Gemstar (as Yuen had made a similar public statement the year before), is not clear.

It seemed though that a shift in attitude had taken place, with publishers who had taken a wait and see stance, now not prepared to give e-books a real chance in the marketplace. Together with this, a discourse against the e-book seemed to be growing.

This was confirmed when in March of 2001, writing for *Forbes*, Jonathan Fahey attacked the e-reader and e-book company, Gemstar, over their hopes for their own technology. "Reality…is about to dissolve Yuen's vision," Fahey wrote. "His stock, which at $51 is almost 100 times trailing earnings, is priced as if Gemstar is poised to effectively monopolize a growing market. It isn't. Gemstar's future isn't nearly as bright as Yuen-or the market-thinks" (Fahey, 2001). Was Fahey hoping or predicting that Gemstar would find itself in difficulties? Was he simply attacking what he did not like? Did he know something others didn't at the time? Or had he felt the mood change in the scenario and was going on the attack as a personal crusade against e-readers and Yuen in particular?

Arguments over e-books began to appear in the legal sphere as well. In February, Random House, a division of the German Bertelsmann media empire, filed a law-suit against RosettaBooks, a small e-book publisher, who were planning to market e-book versions of previously published print books, some by Random authors.

The lawsuit brought out into the open a conflict that had been brewing between publishers and authors (and their agents) over the compensation writers should get for digital book sales. RosettaBooks, run by a former agent, Arthur Klebanoff, had signed e-book contracts and had produced e-book versions of the works of several name authors,

including William Styron and Kurt Vonnegut, both of whom as it happened published print books through Random House.

Random House's position was that e-books were the same as a print book, similar reading experience of linear narratives, and were therefore contracted via existing print book contracts they had with authors. AOL Time Warner and Viacom's Simon & Schuster expressed solidarity with Random House with executives saying the Bertelsmann division's position was their position as well.

The Authors Guild became angry at the attitudes of the big trade publishing houses. "Everyone knew what a book was when these contracts were signed," executive director, Paul Aiken, said. "Volumes printed on paper. This is nothing more than a bold and baseless retroactive rights grab" (Kirkpatrick, 2001f).

Random House had much at stake, having invested over $5 million in developing an e-book publishing division. The company had planned to spend another $10 million. In its suit against RosettaBooks, Random claimed RosettaBooks had unlawfully copied its backlist works, over which Random held exclusive copyrights. "The (copyright) agreements...convey to Random House the exclusive right to publish its authors' works in 'e-book' formats," the company argued (Mariano, 2001a). Random House hoped that the suit would clarify and define once and for all who controlled the contractual rights for backlist titles. "Is it or is it not the publisher? We contend that it is," said Stuart Applebaum for Random House (Mariano, 2001a).

RosettaBooks put its case. "We believe the authors own those [digital] rights and are free to convey them to Random House, ourselves or anyone else," said Leo Dwyer for RosettaBooks (Mariano, 2001a). A serious threat it seemed had emerged to the established trade houses' control over an aspect of publishing.

The case was heard by Judge Sidney Stein in the Federal District Court in New York. Random had launched the action to specifically recover the e-books rights to eight novels they thought (or claimed they thought) they already owned. The publishing world followed the action closely. The problem for Random and other trade publishers was if Rosetta won the action, then the floodgates might open. All existing author contracts (at least those signed before 1994) would then have to be reviewed.

On July 11, 2001, much to Random's surprise, Judge Stein ruled in favour of RosettaBooks (Milliot et al., 2001 p67). Judge Stein found that the clause to "print, publish and sell work(s) in book form does not include the right to publish the works in the format that has come to be known as the ebook" (Milliot et al., 2001 p67) (Kirkpatrick, 2001d).

Disappointed by the ruling, Random House saw a whole market segment in itself disappearing from their grasp. Stressing they would not sue the authors for breach of existing contracts, a Random House spokesperson made the statement: "We stand by our view that an e-book is a book and that Random House's backlist contracts grant us the rights to publish the works in e-book form. Our concern is that this decision will hinder rather than help the development of this new technology" (Kirkpatrick, 2001d).

Judge Stein used two main precedents for determining how to apply pre-existing contracts in other media to new uses: a court once ruled that a film company also owned the rights to license the movie for broadcast on television; and a court once ruled the Walt Disney Company's license to use music by Igor Stravinsky in the film "Fantasia" extended to its use in videocassettes of the movie (Kirkpatrick, 2001d).

Judge Stein said that "in each case, the courts' decisions turned on the idea that the new use was in the same medium — moving pictures on a screen"(Kirkpatrick, 2001d). He concluded contrary to the film to video case that "digital publication constituted a different medium, with different features, like the ability to search and annotate the text."

The Judge wrote in his judgement: "In this case, the 'new use' — the electronic digital signals sent over the Internet — is a separate medium from the original use — printed words on paper" (Kirkpatrick, 2001d). In support of this, he cited Random House's own Webster Unabridged Dictionary definition of a book: "a written or printed work of fiction or nonfiction, usually on sheets of paper fastened or bound together within covers" (Kirkpatrick, 2001d).

Lloyd Weinreb, a professor and teacher of intellectual property law at Harvard Law School, believed the true significance of the decision "is that courts are not treating the Internet as more of the same, they are treating it as really quite different and *not so easily subsumed under the old rules*" (italics added) (Kirkpatrick, 2001d). The decision represented a major victory for e-publishers over traditional publishers. Stephen Pendergast, of the e-book publisher Fictionwise.com, believed the ruling would reduce the caution e-book publishers had shown to date in buying rights (Kirkpatrick, 2001d).

Reactions to the decision ranged from euphoric to cautious. The Authors Guild said it was delighted. Donald Maas, president of the Association of Authors Representatives was also very happy. "It seems to me he [Stein] read Rosetta's arguments chapter and verse. It left very little room for Random House to maneuver." Maas said he believed the ruling will have huge implications not only for past work but also for future determination of rights" (Kirkpatrick, 2001d p77, Milliot et al., 2001).

A spokesman for the publisher, Simon & Schuster, who backed Random House's action, was emphatic the decision wouldn't stop them publishing e-books. He added that "the ruling applies only to certain Random House contracts, and every publisher's contract is different" (Kirkpatrick, 2001d).

Richard Curtis, president of the literary agency Richard Curtis Associates and publisher of e-Reads supported Simon & Schuster's reading of the potential effect of the

ruling. "We're skeptical that this ruling will open the gates. Many older contracts have a 'storage and retrieval provision'– for microfiche or crude photocopying – and a court could extend those provisions to mean computer memory. The vague definition of a book in the RH contracts may not be prevalent throughout the industry. Authors, agents and lawyers need to look at every contract." Curtis said he was unconvinced that authors and agents were really any better off: "Authors and agents are still on the sidelines, uncertain about who will be a player, and who will be around tomorrow" (Milliot et al., 2001 p77).

Five days after the ruling, Random House announced it intended to appeal the decision, adding that it would soon "release Truman Capote's *In Cold Blood* together with several Raymond Chandler titles" in e-book form (Reid and Zeitchik, 2001 p12).

Commenting on the case, the UK's *Bookseller* compared the case to another U.S. Supreme Court ruling—Tasini vs. the New York Times, decided one month earlier than Random v. Rosetta—in which it was concluded that newspaper and magazine publishers did not own digital rights unless they negotiated for them. "If these rulings are upheld," writes the editor of the Bookseller, "publishers wanting to publish digitally will have to renegotiate all relevant contracts that do not specify e-rights" (Bookseller, 20 July, 2001).

For established publishing, the Random vs Rosetta decision put at risk the digital copyright control over existing contracted authors, as well as the digital ownership of "the great majority of work" published in the 20th century (Kirkpatrick, 2001d).

On September 13, 2001, Random filed an appeal, asking three judge appeals court to overturn Judge Stein's opinion. Their appeal was backed by The Association of American Publishers, of which RosettaBooks was not a member. On October 19, RosettaBooks

counter-filed against Random House's appeal of Judge Stein's decision, with their petition backed by The Authors Guild and Association of Authors' Representatives (AAP, 2001b).

The appeal was never heard. In 2002, RosettaBooks and Random House settled out-of-court (Publishers Weekly, 2002b vol. 249 no.49). The out of court agreement struck allowed Rosetta to continue publishing e-books of works by contracted Random authors under license. The issue of who controlled e-book rights in contracts *was never legally settled* as the two parties had settled before an appeal was heard (Romano, 2003).

Big Trade and small e-book publishers were competing, at times angrily, in and for the e-book market, offering different e-book products. There was also no uniformity on e-book pricing. Writing for *Businessweek*, Jeff Green quoted Jeff Strobel, founder of Peanutpress.com, speaking on how prices ranged from as "low as $3 up to as high as $25" with the average…around $6.95 (on a par with the paperback) with "more popular books…in the $15" range" (Green, 2001b).

There is, of course, nothing unusual in this; varying prices already existed in the print book offerings. What is significant, though, is that there was no evidence of a strong push, any push for that matter, to win over consumers with promotional prices, certainly not by established industry players. Romano wrote that it was due to the simple fact that, "[n]o one knows what an electronic book is worth" (Romano, 2003). This seems to be weak reasoning, perhaps deliberately so. If there is one area publishers know about it, it is in how to price their products. Editorial meetings discuss pricing, often at length, for every book slated for market release.

Other reasons were given. Meta Group, quoted by CNET, concluded that e-book, e-reader culture and market, was "hampered by immature, expensive technology" which only

appealed to "technophiles or users with highly specialized needs...willing to put up with technical inadequacies and high costs" (CNet, 2001).

Still, though, analysts insisted the potential was there. Speaking at a media forum it organised for publishing executives in February 2001, the research group, Jupiter, had predicted that 2001 sales would generate $70 million, with revenues reaching $830 million in 2005. The Jupiter analyst, however, concluded that e-books still have to "become relevant to consumers," admitting he knew "virtually no one who owns an e-book reading device, or, more important, who consumes books in a digital format" (Kontzer, 2001). Publishers Weekly editor-in-chief, Nora Rawlinson, responded to this saying that "publishers needn't worry about whether people are actually reading e-books. Publishers have made a living on people buying books, not reading them" (Kontzer, 2001).

Quips or cynicism aside, up to this time there had been only two indisputable mass-market trade e-book successes, Stephen King's internet-sold *Riding the Bullet,* which generated 557,000 downloads in twelve months, and his second self-run experiment with *The Plant*, which even though it became a complicated story in itself, also generated substantial downloads and revenues for the author.

Jack Romanos, president and chief operating officer of Simon & Schuster, who managed the first experiment, admitted to conferences attendees that Simon and Schuster's next-biggest e-book seller before *Riding The Bullet* had only generated 35,000 downloads. Still, he said he was optimistic. The King experiment had proved beyond doubt that e-book readers were "out there" (Kontzer, 2001).

Encryption and security issues of the e-book system were highlighted in March of 2001 when a hacker claimed she had cracked the Gemstar RocketBook format code, making the code and instructions freely available on the web. "My goal was, and continues to be, to

point out the weaknesses of DRM (digital rights management) systems, in the hope that these systems will either grow so much to collapse under their own weight or be abandoned as futile," she wrote in her online statement. Experts said the threat seemed real (Rose, 2001g).

Concerns and troubles with e-books were not limited to business results. In a free-ranging two-part article for globetechnology.com, Kim Honey quoted Professor Peter F. McNally from McGill University, who queried the longevity of information stored and delivered electronically. "What is the lifespan of this material?" he asked. "How long can a CD last?" The superseding of the hardware and software meant stored information had a 'use by' or 'transfer by' date (Honey, 2001a).

Honey cited arguments between paper-industry leaders who were worried that their industry was "too complacent" about the electronic threat, and environmentalists who criticized the cutting down of established forests to feed publishing's need for paper. The paper industry dismissed the environmental argument, saying that "not only are forests a renewable resource, but paper is recyclable." Instead, the paper industry asked what was happening to e-reading devices and their corrosive batteries, as well as the "displays with backlights, which contain mercury" (Honey, 2001a).

Cultural, technological, economic-business and environmental arguments were lining up against each other. Needed was some sort of meeting point of competing views and interests, some sort of resolution, if the e-book revolution was to happen beyond the imaginations of pro-e-book observers.

For consumers the whole area was simply too new for them to know or be active within the scenario. Meanwhile other areas of content industries were going "absolutely berserk over Napster" [a peer-to-peer music website]. Music producers began filing "a

number of lawsuits against [Napster]" (Lynch, 2001). In the fall of 2000, Napster reported it had more than thirty-eight million users (Spar, 2001 p346). CEO of the Time Warner music division, Richard Parsons, began sounding the alarm bells (Litman, 2001).

Then there were campaigns by Jack Valenti of the Motion Picture Association of America, Hillary Rosen of the Recording Industry Association of America, and Pat Schroeder of the Association of American Publishers, against free-cultural digital developments, and digital rights management systems. All three associations, it seemed, wanted the public to see 'the work of the devil' in all things digital (Lynch, 2001). The Digital Millennium Copyright Act (DMCA) passed in 1998 represented a huge shift in "control over content in digital form" compared to previous historical traditions and paradigms set up to regulate the sale of intellectual property (Lynch, 2001).

Clearly some effort was needed to build knowledge on the digital scenario, enough for consumers to form views and ideas on the subject. But research into consumer use of digital reading technologies seemed elementary. Professor Jeffrey Young, setting up an experiment on e-book use at the University of Virginia, distributed hand-held computers loaded with assignment notes and references among students. With technical problems and reading devices crashing, screen annotations being lost, the whole experiment had an air of amateur inconclusiveness. And this was reflected in the comments for and against use of e-books and associated technologies and in the methodologies employed. The professor describing himself as a strong "proponent of the technology" concluded: "We're high on technology, but there's this cherishing of the book. Look where we are. This is old stuff that works" (Young, 2001). The 'old stuff' he was describing was of course print book technology.

Jason Epstein writing in *The New York Review of Books,* was sceptical on the value of e-reading technology: "Today it is widely assumed that digitized books and other texts

will be read mainly on computer screens or on hand-held reading devices such as Palm Pilots or Gemstar readers. But a significant market for books read on screens has not yet emerged, and in my opinion this may never become the major mode of distribution for books on line" (Epstein, 2001b)[123]. Coyle agreed: "Given a choice between two products with identical content – a paper book and an electronic book – most people today will opt for the paper book" (Coyle, 2001).

Even avid proponents of e-books and e-readers, were now becoming noticeably circumspect on the market chances. "There's not a significant number of readers in this marketplace yet," said Time Warner Trade Publishing Chairman Laurence J. Kirshbaum (Grover et al., 2001c). Kirschbaum admitted that the industry had "underestimated the technical challenges involved and that even converting a digital file into an e-book format has proved more complex than anticipated" (Kontzer, 2001). Were the brakes being applied, or had the industry let their hopes run ahead of the realities of the e-book business?

The e-book, which had not even formed clearly in the consciousness of the collective reader or consumer, was already at a cultural and economic crossroads. The analysts and financial advisors continued talking-up a faltering business. Goldman, Sachs & Co. publicly estimated the Gemstar's e- reader sales would be $6.3 million for 2001, predicting a climb to $202 million in 2004 (Grover et al., 2001c).

Clifford Lynch wrote that while at the end of the 1990s "most e-books came from small startups," by 2001 the field was dominated "by very large companies like Microsoft,

[123] In the interview with him in December 2004 he was less guarded: "You can't read those things. People who do that don't know anything about books. They've never read one... These people [e-reading solution producers] understand technology and fundraising and all that sort of thing, but they don't know anything about books, or what people actually do with them" (Epstein, 2004).

Adobe, and Gemstar" (Lynch, 2001). This should have guaranteed the capital necessary for growth to happen yet curiously the presence of big players was having an opposite effect.

Professor Hillesund concluded that e-books should "trigger major changes" as the digital products and distribution channels forced "the logic of the network economy on the book publishing industry." But Hillesund also predicted that there would be "resistance" to this process "since publishers have, after all, built their businesses and fortunes on the production of traditional books" (Hillesund, 2001).

2001 had become a pivotal year in the development of e-books in the trade consumer field. With the breathless excitement over Stephen King's experiments now gone, observers were now asking far more searching questions on how the e-book would affect business, cultural and technological scenarios and fields.

Lynch identified three main agendas in the general discourse on e-books: the nature of the book in the digital world as a form of communication; the control of books in the digital world—relationships among authors, consumers/readers, publishers, and managers of our cultural heritage and intellectual record; and the altering of the economics of authorship and publishing (Lynch, 2001).

Cultural issues meshed uneasily with the economic objectives of corporations. Lynch wrote in 2001 that the Sonny Bono Copyright Extension Act of 1998, which extended the term of copyright in the U.S., from the life of the author plus 50 years, to the life of the author plus 70 years, was brought in not to give authors more earning power, but, in the main, to assist media companies such as Disney lengthen their hold over "a handful of commercially very profitable works" (Lynch, 2001).

Copyright extension had "the effect of establishing a 20-year moratorium on the entrance of new works into the public domain, greatly increasing the cost of converting a huge body of commercially fallow books into digital form" (Lynch, 2001). According to Lynch, "clearing rights for these works is likely to be hundreds of times greater than the costs of actually digitizing the works" (Lynch, 2001).[124] But what did the average reader know about these matters and how it affected their access to written and other material?

Lynch argued that the most "compelling case for ebooks" were on points of "convenience" wide access and improved use. He foresaw the e-book as improving the communication of ideas, enlivening teaching and learning, and renewing creativity. Digital books were "much more than simply digital content translated from the print [and] in all of their complexity and potential...only dimly defined, and will be a continued focus for the creativity and ingenuity of present and future generations of authors, teachers and scholars" (Lynch, 2001). Yet by the end of the year in which he wrote this article, any push for utopian networks had all but been reduced to talk of business practicalities, and a host of unresolved technical problems.

The UK trade book industry was generally a bystander in all this, watching the U.S. developments (Webb, 2001), though there was some significant activity. Penguin UK announced it would be launching an e-book program in September, 2001, with a list of over 200 titles from the Penguin catalogue coming out in e-book form, saying the majority of e-books would "sell for 20% less than their print counterparts" (Hilts, 2001 p16) (Boumans,

[124] By September 2001, 46,000 full-length e-books had already been listed by the U.S. based Books In Print, a division of R.R. Bowker (Rose, 2001c).

2001) (writenews, 2001) (Ettinghausen, 2001). Gemstar (UK & Europe) was preparing to release two e-readers for the first time into the UK over the Christmas period.[125]

But by year's end, the 'big' e-book publishers, Random House's AtRandom, AOL Time Warner's iPublish and BN.com's MightyWords were out of business (Rose, 2001f). The forecast for a visionary application of a networked e-book had turned gloomy. John Feldcamp, CEO of Xlibris.com, a company dedicated to providing a new digital publishing service for authors said: "2001 has not been about innovation, but about general devastation and retrenchment. In this new and very Darwinian world, the first crop of new publishing related companies has been massively selected for extinction and most real innovation will need to wait for a few more years" (Rose, 2001a).

Yet the news was not all bad. Many small e-book publishers reported that they had done well and continued growing their businesses. Fictionwise.com, Booklocker.com, Hardshell Word Factory (and Palm Digital Corporation)[126] all reported sales increases in 2001, ranging from 100 to 400 percent over the sale performances achieved in 2000 (Rose, 2001f).

As 2001 came to a close, Wired.com, the online magazine, a forum for comment, asked 201 authors, publishers and analysts for their views on how the year had been for e-books. Surprisingly, no one thought the Random vs. Rosetta court case on e-books was important (Rose, 2001a). Mark Gross, of Data Conversion Laboratory, said the focus was too strong on trade books, when in so many other areas, the e-book had been developing well, even going strong, for years. Goss cited the fact that print law books had all but

[125] Interview with Garbriella Capozzi, Gemstar (UK & Europe), September 2001 (Guthrie, 2001).
[126] Which soon became the company with the biggest sales of a PDA/reading/'digital organiser' device.

disappeared, with most law firms receiving their legal information online. "[T]his has gone unnoticed by the media…A revolution has occurred, but no one's noticed" (Rose, 2001a).

Terry Bain, co-editor in chief at Zoetrope, said there was too much attention given to the formats people were reading, instead of asking: how many people are reading, either in print or electronic form. "Hell, I wish more people would read anything. I also teach, and I can't tell you how discouraging it is to stand in front of a classroom and ask how many of my students read and have one or two of them raise their hands…This is what nobody's talking about… the Internet and technology moguls don't even approach this kind of problem" (Rose, 2001a). Writing for the *International Yearbook of Library and Information Management*, Shirley Hyatt, reflected that while "1999 and 2000 were 'binge years' for electronic book," by the end of 2001 the "excitement had given way to an "emerging conservatism, concern and cynicism" (Hyatt, 2002).

3.4 Lean times

2002 began slowly for e-books, with one of the few areas of growth being libraries (Guernsey, 2002). It was the year when the wider perception that e-books and e-readers were failing began to take hold. Predictions from analysts, which had once been optimistic, were now bleak. "We haven't issued forecasts for the industry in two years, because the market's going nowhere," said David Cardof Jupiter Media Metrix. "E-books were a dumb idea. I am very negative on this market" (Reuters, 2002).

Kate Tetler, vice president of Simon & Schuster's online division, wasn't quite as quick to write off e-books. "The e-book industry may not have taken off yet, but we firmly believe

in it as a part of our business." Tetler suggested that "the only thing wrong with the e-book industry" were the unrealistic forecasts put out in the middle of the dot-com boom years.

Tetler admitted with candour (and some bitterness perhaps) that it wasn't the publishing industry's fault. "The truth of this matter is that everyone who works in this industry did not really think that was what the future held," she said speaking of some of the most aggressive forecasts. "But we are seeing good sales" (Reuters, 2002).

Nicholas Bogaty, director of the Open eBook Forum, seconded Tetler's views. "I think one of the problems was simply expectations," he said. "This industry has been growing since it started." And Adobe Systems figures backed this. The company estimated that close to 20,000 titles had already been published using its software (Reuters, 2002).

The e-book industry may well have been growing but consumer and reading habits were not changing fast or easily. In a research published in *The Paperless Office*, Sellen and Harper concluded that "paper based reading and writing still accounted for 85% of people's total document related activity time", with online reading representing only 13% of reading time (Sellen and Harper, 2002 p81). Admitting that they did not analyse leisure reading, Sellen and Harper posited however that the e-reader devices needed to offer more than portable single screens. They needed multiscreens incorporating specialised processes for moving between and handling many documents simultaneously (Sellen and Harper, 2002 p161). E-books that were available were poorly designed and unresponsive to the needs of the workplace (Sellen and Harper, 2002 p162).

Another study supported by a $20-million four-year grant carried out at Ball State University concluded that e-book technology needed to improve before students would dispense with print textbooks in favour of e-books (Carlson, 2002). Of the 91 students participating in a survey, 40 used textbooks, 24 tried black-and-white screen e-books, and

27 had color screen e-books to work with. According to the study's results, several students were critical of e-books because they claimed the technology adversely affected the amount of information they could absorb. Some students also said e-books gave them eyestrain and they had to switch to print books (Carlson, 2002).

The new opportunities some U.S. publishers and booksellers had expected and counted on with e-books turned out to be illusory. "It is taking longer for consumers to grasp the technology than people thought," said Carolyn Brown, a spokeswoman for Barnes & Noble. "The price of devices is still very high, and there is still a lot of education to do on things that consumers don't know about" (Ford, 2002).

The author of the article noted that in the three months up to 23rd January 2002, three big names in e-publishing had ceased business: AtRandom, Random's e-book division closed in November; Time Warner's iPublish shut down at the end of 2001; and on the 13th January, 2001, MightyWords, 50% owned by Barnes and Noble, cancelled its website (Ford, 2002).

Legal issues continued to hamper the e-book market. Piracy was a major threat for publishers and new encryption technologies proved less than successful. Envisional [www.envisional.com] carried out a web search and discovered "7,500 copies of pirated e-books" (Hawkins, 2002). Pirated authors included John Grisham, Stephen King, and J.K. Rowling, with sites containing "hacked copies of e-book files or illegally scanned copies" (Hawkins, 2002).

E-book users had their legal worries as well. The concept of fair use became an issue as e-books did not carry the same rights as printed books. Printed books were free "to give it away, lend, or sell it at any time," while many e-book licenses expressly forbade this.

E-book vendors claimed that the DMCA[127] had "effectively hijacked fair use"[128] (Hawkins, 2002). These measures called "Reader Restriction Software" worked in contravention of the "basic raison d'être of libraries, which exist to make content available and share it freely" (Falk, 2001 p349-351, Hawkins, 2002).

2002 was also the year when Gemstar, one of the new e-book industry's most prominent players in the e-book and e-reader market, began to have serious difficulties. A major partner in Gemstar, Chairman and CEO, of News Corporation, Rupert Murdoch, said in a May 14 press conference that Gemstar was "a real disappointment," announcing that News Corporation was writing down its $4.2 billion investment in the company. The 'shotgun wedding of 1999-2000, when the two companies merged, was now headed for shotgun divorce.[129]

In its first two years operation, Gemstar had continued to convince the market of its growing value and traded well. But in 2002, Gemstar lost a patent case before the International Trade Commission, for "improperly" recognising "$20 million in revenue that was dependent on its prevailing in the patent case" (AP, 2003a).

Despite building to $1.4 billion in sales, there had been a dramatic falling off in stock prices in the company—from $76 when the merger with TV Guide in 1999, down to below $10 in 2002. Relations between Yuen and Murdoch were reported as bad.

---

127 Digital Millennium Copyright Act, *see 5.3 below.*
128 See 5.4 below for section on Fair use.
129 Coveting the company's TV satellite decoding box patents, Rupert Murdoch and John Malone (Liberty Media) via their jointly owned company, TV Guide, first made a hostile $2.8 billion bid for Gemstar in 1998. Gemstar's founder and CEO, Henry Yuen convinced his board to reject the offer, saying that Gemstar was worth close to $10 billion (Grover et al., 2001e). Gemstar's stock price was advancing, helped by winning a patent battle with News Corp ("a contentious and costly six-year lawsuit between Gemstar and TV Guide over patents for electronic program guides (EPGs)." Murdoch and Malone then agreed to a $US 9.2 bllion merger with Gemstar (Grover et al., 2001d), selling TV Guide magazine into a new company managed by Gemstar—Gemstar TV-Guide. News Corp and Liberty Media became 43% share-holders in the new venture (Li, 1999) (Guthrie, 2003).

Gemstar's stock price even though it had fallen dramatically was described as "ridiculously undervalued" by Leon Cooperman of Omega Advisors (Gunther, 2002). But in October of 2002, News Corp forced Yuen to step down as CEO and Chairman of Gemstar with the company's share price now down from a "high of $60 to below $2.60." Yuen said he remained positive about his e-book model even with poor sales (Milliot, 2002) (Grover, 2002). Then in April 2003, Yuen was summarily dismissed from the company he created, fired one day after the Securities and Exchange Commission (SEC) said he ought to be sent to jail for failing to testify after his accounting practices were investigated. The SEC had asked a federal court to find Yuen in contempt and impose a fine of $50,000 (AP, 2003a). It was a dismal end for the man who once was described as the man behind "the next Microsoft" (Vogelstein, 2000).

Following this, in June, Gemstar announced that from 16 July, 2003, the company's entire e-book operation and website would close down (Writenews, 2003). This notwithstanding the fact that the company's "format generated a consistent level of sales from a very dedicated customer base" (Zeitchik, 2003).

Behind the controversy and gloom over e-books and e-readers, there was an under-appreciated success story. In their monthly sales report for January 2003, the Association of American Publishers figures showed that e-book sales grew from $211,000 in January 2002 to over $3.3 million in January 2003. In the same month, print hardcover sales fell 13.7 percent ($76.8 million), and paperback sales dropped 15.4 percent to $81.8 million of sales, with the trade mass-market category falling 10.1 percent to sales of $57.6 million (AAP, 2003).

But in the overall e-book figures were still very small. Globally, e-books sold less than $10 million of e-books during the first half of 2003, while "Canadian book publishers alone generated revenues of over $2 billion in the year 2000" (Hendley, 2003). Still e-book sales and revenues were continuing to rise and rapidly. Oddly, just as e-books began to show serious and sustained growth (from mid 2001 onward), the media, trade press and general interest seemed to fall off.

The Anglo-American market though did not necessarily reflect the whole global picture. In Japan e-books were having a major impact. Although reports in Japan confirmed that e-books failed just as "dismally in Japan" as they did in the United States (Thuresson, 2004), The Japan Times reported that in a survey *eBook business survey report for 2003,* carried out by Impress Corp.,[130] Japan's e-book business was said to be growing at and annual rate of between 40-60%. 25,000 titles already existed in e-book form, with vendors releasing a further 1,000 every month and consumers making 32,000 downloads monthly. Still for all that, the Japanese e-book market was still only "equivalent to 0.04 percent of the conventional paper book market in Japan, which was worth 2.31 trillion yen in fiscal 2002" (Japan Times, 2003).

Sony, however, decided there was enough hope in the e-book market (at least in Japan) to produce and release a new generation e-reading device, the Sony Librié (in 2004) developed using electronics by Phillips and screen technology from the Boston based E-Ink. The new offering was considerable technical step forward from the Gemstar e-readers and was powered only by four AAA batteries (Kageyama, 2004).

In terms of content management, what was unique was the e-book selling model. The digital books on offer "obtained from a service in Japan called Publishing Link...set up

[130] Impress Corp surveyed nine Japanese e-book publishers.

with capital from Sony and major Japanese publishers" had "a collection of 800 books whose topics range from business and sports to health and travel, mysteries and best-sellers." The books, each costing consumers only a few dollar each to download were set to "self-destruct after 60 days" (Kageyama, 2004). Japan's e-book growth seemed in no small part due to dismal print book sales. "[S]hrinking for years... total sales of 2002 [books and magazines] decreased to $16.5 billion, representing a 10 percent drop since 1996" (Hanajiri, 2003)[131]

Most workable e-book business models at the time revolved around business books, online or technical manuals. Adam Engst produced a fast-turnaround e-book series of nine, entitled, Take Control, with topics ranging "from customizing Mac OS X to setting up a wireless network," examples of how practical and skill related content sold in e-book form (Kahney, 2004). But it left the question of leisure e-books appeal unanswered.

William Kasdorf, writing in a chapter of *the columbia guide to digital publishing*, which he also edited, observed that "[p]eople scoff at today's e-books and claim they don't want to read on a screen, even though many of us spend a significant portion of our time doing just that. Things digital still imply 'free and easy' " (Kasdorf, 2003 p1). For Kasdorf, "the real revolutions have already happened...it was not until the digital era that we fully appreciated

[131] Reversing this trend in 2004, Japan's book and magazine publishing industry grew—for the first times in eight years—by 0.7% (with books up 4.1% on 2003), with the "increase in book sales due to the release of several million-sellers." Partly credited to an "aggressive use of a marketing technique known as 'media-mix'— new releases are thoroughly publicized in several mediums [sic] in an attempt to achieve synergy... the most significant development was "the increased [worldwide] popularity of Japanese [Manga] comic books and magazines" in an active distribution mix of electronic (e-book, online sales, cell phones, computer games) and new bricks and mortar avenues, 'new used-book sales' stores (quick turn-around used books), extracting new sales from a stagnant diminishing market (Japanese External Trade Organization, 2005).

that a book or article is not bound up in the stacks of paper..." Adding that he thought this to be "profoundly liberating" (Kasdorf, 2003 p2).

Barrie Rappaport of the Chicago research firm, Ipsos-Insight, believed that e-books were still a low priority in the publishing world. "Less than 500,000 electronic books were sold in the United States in 2002, compared with more than 1.5 billion printed books," his firm estimated (Reuters, 2003a). Paperbacks are better consumer items than tablet-like e-book devices that Gemstar-TV Guide International tried to develop, with the "typical American consumer" not ready to take up e-books. "It doesn't fit in their lifestyle at this point. As far as reading goes, people like to touch paper" (Reuters, 2003a). Interviewed for the same article, another analyst from IDC, Susan Kevorkian, disagreed, seeing e-book prices as the real issue: "It is too early to declare the demise of the digital book," she said. "[But] to raise awareness there needs to be competitive pricing in place to get people to adopt the technology" (Reuters, 2003a).

Thompson in his *Books in the Digital Age* (2005), surveying the trend of concentrated power and resources in the publishing industry,[132] concludes that much of what drove publishers to act when faced with new digital scenario was motivated by "anxiety...over the issue of cannibalisation," and their perhaps understandable reluctance "to license their copyrights to digital libraries for fear of undermining the sales of printed books" (Thompson, 2005 p370). Most of this was fear rather than fact-driven. Thompson writes that there is "no conclusive evidence that digital distribution cannibalizes the sales of hard copies" (Thompson, 2005 p370). Thompson's main conclusion is that it is a great irony of the digital age that "only ten years ago, in the mid-1990s...many commentators who were

[132] "The top ten trade publishers...account for just over 61 per cent of the total US trade market" (Thompson, 2005 p61).

predicting the death of the book. [Yet] one can say with some confidence that the prognostications of the early ebook champions were wide of the mark" (Thompson, 2005 p436). Thompson quotes one senior executive at a large US textbook firm as saying that " 'e-books were a non-event. We had 500 textbooks that you could pay for and download online. We sold 2,300 units. That's nothing. I don't think it means it's a failed or bad idea. I just mean it is a non-starter so far and nothing's happening' " (Thompson, 2005 p377).

Thompson, like many before him, seems to accept what publishers say on e-books at face value, and this may be part of the problem on how e-books are still being viewed. What seems to have driven the sudden growth and then the decline in interest in e-books from 1998 – 2004, is, on the surface, quite straightforward. E-books were a new phenomenon, which challenged (or intruded into) an area dominated by print publishing, and the media duly reported what it found. But with all the competing interests at stake, it is hard to dismiss that underneath the history as reported, another discourse was at work as well. Media outlets, the writers and journalists, were not reporting the market facts as they saw them—there were precious few facts—they seemed often to be 'making cases' for or against e-books depending on or according to their (unstated) prevailing alliances, or belief systems, that they brought to their reporting on the e-book scenario. Did the print book publishing industry collectively—perhaps even without knowing it—set out to suppress the e-book industry in order to maintain and preserve established print publishing systems, processes, power and wealth? As the Joint Information Systems Committee indicated in a 2003 report on e-books, "the e-book industry is currently dominated by the big players of the print-on-paper book industry: publishers, particularly international conglomerates, dominated by US academic publishers, aggregators and retailers, including online booksellers" (JISC e-Books Working Group, 2003). Much was riding on the continued success of the print book.

4. Corporations, Entrepreneurs & Strategic Competition

Classical economics theory is based on the assumption that perfect market conditions are achievable, that market equilibrium and a perfect price can be found, all based on the distribution of perfect information. But free markets don't exist (Chomsky, 2003b p256). Apart from anything else, information is unevenly distributed, leading in all probability to conditions of imperfect competition (Greenhut et al., 1987).[133]

But the idea of perfect market conditions is important, if only to inform us on what we do not have. For business activity, Porter puts it like this: "The extreme case of competitive intensity is the economist's perfectly competitive industry, where entry is free, existing firms have no bargaining power against suppliers and customers, and rivalry is unbridled because the numerous firms and products are all alike" (Porter, 1980 p6).

The market conditions for the e-book are imperfect. Underpinning this is the rationalisation of media, entertainment and culture enterprises. The trade book marketplace is just one sector of a collection of related businesses which have grown more and more oligopolistic. E-books form just one product range of an oligopolistic sector. This is important to emphasise as the e-book cannot be seen in isolation, does not exist independently or operate in a separate market; nor is it unaffected by other developments in the wide corporate sphere of media, entertainment and culture.

[133] " 'Imperfect competition' is a very broad and imprecise term. It embraces market structures ranging from monopolistic competition, through oligopoly, to monopoly. Nevertheless, there is one distinguishing property common to all imperfectly competitive markets, no matter their type: Sellers in such markets *have some power to choose price"* (Greenhut et al., 1987 p2) (italics added).

The Trade print book market is largely cooperative in nature in as much that each trade book publisher in the market understands and abides by 'industry practices' built up over centuries. With the e-book there are no such 'market rules' or certitudes. New small e-book publishers, uninhibited by the 'normal' industry practices, with little respect or knowledge even of entry barriers, have threatened the established nature of the industry and the print book market, offering new methodologies for producing, distributing and pricing of authored content. Under this new and 'intrusive market mechanism 'reasonable profits' are not guaranteed for everyone.

The most 'rational' e-book solution would have been for trade publishers, big and small, to sell the e-book in open and free competition to ensure that the new product is available for all. Instead the main players, without any need or desire for open and fair competition, have colluded in an oligopolistic solution i.e. containment of the e-book market, by maintaining artificially high prices. This is in the interests of all the main players, who are concentrating on achieving profits in their trade print book divisions, but not necessarily in the interests of consumers.[134]

Clearly this strategy is not without its dangers. For each player there exists always the danger/possibility of a 'competitive outbreak' (Porter, 1980 p89), usually not by a member of the oligopoly but a new entrant,[135] as barriers to entry to the digital marketplace

[134] Corporations must choose between the strategies of pursuing "the interests (profitability) of the industry as a whole (or of some subgroup of firms)" or behaving "in their own narrow self-interest," risking "retaliation and escalating industry competition to a battle" (Porter, 1980, p88) (Johnson and Scholes, 2002, p341). The most rational solution for the market players is not to act in their own self-interest, but instead to cooperate so all or everyone can achieve a reasonable level of profit (Porter, 1980, p89). That is, so all players can engage fully with the potential of the e-book, in order to produce and sell them widely.

[135] As seen by Jeff Bezos's entry into bookselling with Amazon, bursting into an unsuspecting market dominated by big bookselling chains, saying: "I know nothing about the book industry, nothing, I want to tell you that up front. But let me just tell you this: I know that I can get the books here, and I can get them to the customer and forget about bricks and mortar" (Johnson and Scholes, 2002 p677) (quoting Saunders, 1999b p11)

are low. The Internet environment remains a relatively control-free distribution network,[136] therefore new players have a 'shot at success.'

But even if new e-book players have entered the industry they have entered without the full range of resources open to major publishers. They do not have the capital to sign major trade authors or the resources to market widely. Even if the e-book products of the new players are priced low they have only been able to achieve niche market status and success so far, marketing material that publishers have often rejected before.

There are two major exceptions to the containment strategy of the ruling trade publishing oligopoly. First was the episode when the e-book publisher, RosettaBooks challenged Random House's contractual control over name authors, with specific regard to e-books. Random House's reaction showed just how important it was to prevent Rosetta's succeeding in this. In the end though Random, stymied by one court and one judge, was unable to legally dismantle Rosetta. So they signed a 'deal'. This is tantamount to the 'merger' strategy (described in detail with regard to Murdoch and Gemstar in section 4.4 below). In effect, Random bought Rosetta's compliance, by offering terms that guaranteed Rosetta a business arrangement, an income and freedom from legal harassment.

But the early message was clear. The oligopoly was going to do everything in their power to prevent mass-market authors, developed and nurtured (and contracted) by the oligopoly, from publishing e-books outside the established oligopoly's control.

The second exception was Stephen King's independent e-book experiment, and it makes for an interesting case. King is the one and only brand author who has been successful so far in capturing a mass market for a trade work sold and distributed in e-book form on the Internet. After his first attempt with *Riding the Bullet*, produced by Simon &

[136] The colonising mood and moves by Rupert Mudoch into the Internet in 2005 (Brook, 2005) (Tryhorn, 2005), must be viewed as significant in this regard as in the past he avoided such moves, together with the continuing regulatory effect the DMCA legislation is having digital freedoms *(see 5.3 below)*.

Schuster in early 2000 (Rose, 2000c) (Schneider, 2000) (Zeitchik, 2000) (Offman, 2000), King decided to go-it-alone with his seralised novel, *The Plant*, later in the same year (Rose, 2000d) (Einstein, 2000) (Kafka, 2000) (Rose, 2000e). This publisher-independent e-book, even if controversial, was a success, and is the only mass-market e-book success in trade fiction so far. The experiment turned out to be less than full immersion, as King curtailed it before the end, and hence go-it-alone major brand fiction has not yet been fully tested for its market potential.[137] Apart from King's experiment, the overall trade e-book containment strategy has paid dividends for the big five trade publishers *(see table on p.64).*[138]

Initially, apart from its potential to wreck the trade print book business, the e-book also stoked the fires of cultural fear: "It's a scary prospect for hard-core bookworms. Instead of leafing through the well-worn pages of an old friend, they might be downloading the next chapter of a digital companion" (PBS-TV, 2000). Or did the media create this fear and ascribe it to consumers, who at least up to 2000 generally knew very little about e-books? In the UK at the time, consumers knew almost nothing of e-books and e-readers.[139]

The prospect of new e-book and e-reading technologies created a sense of unreality in Anglo-American trade publishing. Fear and uncertainty spread throughout the industry for what the new millennium held in store. "We're trying to create a strategy for the future that is not totally clear because it's evolving and changing and converging at the same time," said Jack Romanos, head of Simon & Schuster's consumer trade division. S&S's

[137] *The Plant* was a discarded work revived by the author (before that *Riding the Bullet* was a novella). King never attempted 'to go digital' with a major frontline full-novel-length work of fiction.
[138] Random House, HarperCollins, Penguin Group, Simon & Schuster, Time Warner Book Group *(see section 2.9).*
[139] As Kirkpatrick wrote in the New York Times: "There is something not entirely rational about the book industry's current love affair with electronic books. Few people have ever read a whole book on a screen. No one knows how many people will ever want to. And book publishers have been burned before: A decade ago, book publishers produced thousands of electronic books on computer discs with game-like interactive features, pictures and sounds, but consumers were not interested" (Kirkpatrick, 2000c). But is this critical comment or negative rhetoric? It achieves both, but who, knowing of nothing of e-books, would be interested in e-books after reading Kirkpatrick's article?

electronic book sales at the end of the 1990s amounted to less than one-tenth of one percent of the company's overall book sales (Carvajal, 1999).

For many, it seemed as if time had finally caught up with five hundred years of print history. New technological underpinnings for publishing seemed to be evolving rapidly. Digital methodologies were potentially offering new ways and freedoms, heralding a brilliant new chapter for literature, but for publishers they were only threatening to destabilise established industry practices.

The industry was readying itself, with some trepidation, for a massive challenge from a combination of e-book files to be read on new digital reading devices. Book publishing was poised to go digital (Enos, 2000). The electronic media and print press at first broadcast and wrote of the imminent end of print book publishing (PBS-TV, 2000) (Einstein, 2000) (Midgely, 2002). This was soon countered with a great deal of negative, or at the very least, profoundly skeptical commentary on e-books (Webb, 2001) (Hawkins, 2002) (Sellen and Harper, 2002) (Hendley, 2003). But before the e-book revolution was seen as failing, the idea had been created that the electronic replacement of print was somehow inevitable (Miller, 2000) (Publishers Weekly, 2001e) (Hillesund, 2001) (Midgely, 2002).

Many in the publishing industry, perhaps for good reason, fearing for their livelihoods, fretting over their multi-billion dollar annual trade book business, started to think seriously about what they had to do to combat the threat from this new, intrusive and disruptive competitor. The strategic defence that trade publishing mounted to save the print book industry involves price control, technology suppression and rival-absorption.

4.1 Competitive strategies

Porter maintains that "[t]echnological change may penalize the large scale firm if facilities designed to reap scale economies are also more specialized and less flexible in adapting to new technologies" (Porter, 1980 p16). The old barriers to new market entrants are suddenly nullified by new product or process innovations.

New e-book publishers, using readily available digital production methodologies and Internet distribution networks, had the capacity suddenly to "leapfrog the industry leaders and alight on the new experience curve" (Porter, 1980 p16). Initially at least, the trade book industry seemed "poorly positioned to jump" onto and into the new digital experience (Porter, 1980 p16).

Arguably the short history of the trade e-book so far has demonstrated that the major players not knowing how to make the e-book market work, and perhaps more to the point, not wanting it to work, decided to undermine it. Part of the evidence of this is that the story of the trade e-book has so far been a particular exception to the outstanding overall success of the Internet and its document 'supply unit' and distribution channel, the World Wide Web. The e-book should have slipped along with the Internet and all likelihood would have if the trade publishing sector had not opposed it.

Some of the reaction of established publishers is understandable. Disruptive technologies, the e-book and digital reading technologies, "bring to a market a very different value proposition than had been available previously" (Christensen, 1997 pxv). This was and still is problematic for established trade publishing companies and associated print and paper industries. The trade print book sector has established investments and processes.

Investments need to be amortised, old habits need to be changed, before an established industry player can seriously consider switching to new technologies and methodologies. Apart from anything else new market entry demands "quantification of market sizes and financial returns" before any market can be made (Christensen, 1997 p210). Efforts at new market entry can force errors as the old firm tries to adapt to and absorb a disruptive new technology. Established companies look for "market data when none exists, make judgments based upon financial projections when neither revenues or costs" are known (Christensen, 1997 p210). Information is imperfect and without market control over the new technology old companies are clearly at risk.

Small new start-ups, on the other hand, not bound by old processes, methodologies or fears, can and will take risks in order to get a market foothold. But they are not without their own difficulties and risks. In order to succeed, new start-ups and their new innovations must not "underperform established products in mainstream markets." To do this they generally must be "cheaper, simpler, smaller, and... more convenient to use" (Christensen, 1997 pxv). Otherwise the new technology cannot hope to establish markets and win over consumers.[140] The e-book's failure to prove itself 'cheaper, simpler and easier to use' can be seen as one of the main reasons why the e-book has been unsuccessful so far. But the failure to price e-books cheaply cannot be blamed on small start-ups, who have consistently tried to market e-books at attractive prices (Kirkpatrick, 2000c) (Guthrie, 2001) (Guthrie, 2002). The other two factors: the lack of 'simpler and easier' technology, can also be blamed on big publishing and their cross-media conglomerate proprietors. The reason the technology has not succeeded has been twinfold: poor distribution and high prices, which again has not been the fault of the small e-publishing companies.

[140] As the mass-market paperback did, for instance, when it first arrived into the book market in the mid 1930s, and proved itself as a viable competitor to the hardcover *(see 4.3 below)*

It can be assumed that underlying the market failure of e-books and e-readers is due to structural and strategic intervention on the part of the big players. Global trade publishers worked strategically against the e-book, guaranteeing its early failure,[141] and this will be demonstrated with particular reference to the fate of the e-book and e-reader technology company, Gemstar.

In general though it is probably true that the structure of trade publishing mediated against any quick success for the e-book. In the crucial early establishment or adoption phase of e-book technology there were established structural mechanisms that may have helped thwart any mass-market success for e-books.

Firstly, established corporate publishing has 'natural' barriers to any new market or product entry. Porter states these as: *capital requirements* in order to enter the publishing market; requirements in terms of the capacity to spread costs through *economies of scale*; established market guidelines regarding consumer recognition of brands and *product differentiation*; established market controls via *access to distribution channels;* market gearing due to *switching costs* from one product to another; other *cost disadvantages independent of scale* such as access to raw materials, in-house knowledge, subsidies, better locations; and the capacity to influence the regulatory environment via *government policy* (Porter, 1980 pp7-13).[142] All of these, either together or severally, nullify the advantages any new start-up might bring or generate in a new industry, and this is true, Porter argues, for any industry or sector. A new start-up must lure, interest, and win over consumers as it releases innovative products into the marketplace. There is a natural inertia in consumers toward change, which the new start-ups must also overcome.

---

[141] That is, it has failed to go mass-market.
[142] By rationalising the publishing industry the established companies have to a large part already strengthened these competitive strategies.

And then after the initial buzz surrounding a new product, the new "market of innovators and early adopters…flush with enthusiasm [and] funded by a potful of dollars" disappears (Moore, 1998 p25). Quite suddenly the new technology can and does fall into "the chasm period [when and while] the mainstream market waits to see if anything good will come of [the product(s)]" (Moore, 1998 p25). The failure of the dot.com boom had a negative effect on all matters to do with the digital revolution. Any product not yet established suffered a set-back and this was true of e-book and e-readers.

Apart from the dot.com market crash, small start-ups need to grapple with market entry problems; and while they are doing this, the established players are determining the size of the threat they are confronted with, and just what they can do about it. "Competitive strategy involves positioning a business to maximize the value of the capabilities that distinguish it from its competitors" which involves, via competitor analysis, answering such questions as: "Who should we pick a fight with in the industry, and with what sequence of moves?" (Porter, 1980 p47). Competitive strategy, to be successful, requires that established companies discover ways of beating, destroying or 'absorbing' the rival or threat to their businesses.

Established producers will often attempt to control, manipulate or destroy their (usually smaller, and 'younger') rivals by using various methods and techniques that can be explained in this context by four main methodologies: "exchange of threats"; "absorption of rivals"; "market pre-emption," or the 'wait and see' strategy of "follow the leader" (Knickerbocker, 1973) (Graham, 2000) (Casson, 1987) (Jacquemin, 1987) (Smith, 1987).[143]

[143] When Microsoft's Bill Gates met AOL management in 1993 to talk about Microsoft's idea of either buying, absorbing, or even merging with AOL (Microsoft wanted an online presence), according to Swisher, Gates employed the first three methods, saying he could buy AOL, absorb it and or 'bury it' (Swisher, 2003 p281). Microsoft could buy sufficient stake and control AOL, effectively absorbing it as a division of Microsoft; it could enter the market and pre-empt AOL's online presence, removing AOL's market from

Another method is price control. Then there is outright suppression of technology, which like price control usually requires that established players work together, and can involve government and regulatory assistance, all acting in concert to control,[144] suppress and/or delay the technology to protect the interests of the controlling majority.

4.2 Suppression of technology

Winston identified a pattern of technological suppression that is employed often to limit technology, citing, in particular, the attempt to inspire early adoption of television. This first happened tacitly when the new medium was introduced in Britain in the late 1930s, and then later much more openly in the United States, when the introduction of television was "delayed because of the 'law' of the suppression of radical potential was at work" (Winston, 1998 p117).

The first television broadcasts in the UK in 1937 by Marconi/EMI, though hailed as the beginning of a major new era for media, did not attract the predicted consumer interest. Less than two thousand television sets were sold in the first year of product release. And even with a subsequent reduction by a third in the price together with special programming ("the wonders of the first televised coronation"), by the outbreak of World War II only "20,000 sets had been sold." This was seen as a market failure as the new technology when

---

under their nose. In the end it all added up to an exchange of threats only, as Microsoft walked away, effectively adopting the wait and see method, to see what the giant software company could learn from AOL. In another account of the meeting, Alec Klein denies Gates made the threat to 'bury' AOL (Klein, 2003 p51), but describes a meeting that did not go well, with Gates making it clear that Microsoft had business 'designs' on AOL.

'Follow the leader' is usually employed when the rival is of a similar size or power in the marketplace a situation can arise whereby "[u]ncertainty is so pervasive that optimising investment strategies cannot be calculated with any precision and so, to minimize risk, firms fall back upon a simple behavioural rule – namely, to imitate each move that their rivals make. Exchange of threats can be presented as a special case of imitative behaviour" (Casson, 1987 p51 citing Graham, 1974).

[144] As AOL Time Warner and Viacom's Simon & Schuster did when openly supporting Random House's legal battle with RosettaBooks *(see section 3.3)*.

proponents predicted that it would go mass. The early failure of adoption was fueled by news reports, the coverage becoming more critical as the failure deepened, making for a further "deterrent" to adoption, accelerating and consolidating the trend (Winston, 1998 pp112-113).

The introduction of television into the United States was even slower than in Britain, "due to the intervention of the FCC",[145] —which according to Winston, saw its role as maintaining "corporate stability"—giving the reason that the technology was still in 'experimentation.'" This, while a 1939 consumer poll found an estimated "four million Americans" were ready to buy a television set (Winston, 1998 p113).

Television, as a consumer technology, became entwined in a mix of technological, economic, corporate[146] and political issues, some unrelated to consumer interest, other directly related. It was only after the war that television was free to flourish in the United States.

While cautioning that the "British experience" showed "that American hesitancies were probably justified", Winston also added that the introduction of a television service in the United States was delayed quite deliberately, a policy which did not consider consumers' wishes (Winston, 1998 p115-117). The main reason seems to have been that the major corporations, with strong political affiliations, were not able and ready to fully exploit the medium earlier, meaning that uncontrolled competition could have developed in truly and free and open manner, which of course would not have suited the corporations.

[145] U.S. Federal Communications Commission, the government appointed watchdog over the media and communications industries.
[146] For instance, Hollywood's first strategy with television "was to *incorporate* it" (Winston, 1998 p123) italics added.

Winston argues that technological suppression is never due to any single influence, but subject and due to multiple influences and pressures. This is supported by Raymond Williams's writings on technology. Williams wrote that no technology grows, acts or performs in isolation but "is embedded in society itself as one of its core activities," within the broad scope of economic, social and political activity (Williams, 1975) (Williams, 1981) (cited by Hillesund, 2001). According to Hillesund, Williams would have maintained that "in order to understand a technology like e-books, one should not just focus on its consequences, but more importantly analyse the development of e-books as part of a broader economic and social pattern. Why were e-books invented in the first place?" (Hillesund, 2001). Winston and Williams make important points here. We need to look to the core of how technology addresses a historically patterned social need. But it also seems true that the approaches of both Winston and Williams are a touch too generalized to locate effectively or describe how suppression actually works in corporate struggles with and over new technology.

4.2.1 AM v. FM – (invention v. innovation)[147]

Lawrence Lessig's *Free Culture* account of the early suppression of FM radio by RCA early in the twentieth century is instructive in demonstrating how corporations control competing technologies. Corporate interest in the earning power of radio was strong from

[147] Schumpeter identified two stages in new products, invention and innovation (Schumpeter, 1983 pxix) (Schumpeter, 1950). Invention does not necessarily lead to product development.

the start, but it was only in the late 1920s that the corporations woke up to the real earning potential of radio via network organisation and advertising. Using considerable power and influence in Washington the corporations like RCA "were able to so dominate the Federal Radio Commission that the scarce number of air channels were effectively turned over to them with no public and little congressional deliberation on the matter" (McChesney, 2000 p125).

Lessig recounts how RCA's chief executive in the 1930s, David Sarnoff, surprised by the appearance of a competitor to AM, ruthlessly suppressed FM technology.[148] AM had been experiencing technical problems, particularly with static, and Sarnoff asked one his company's engineers (and his friend), Edwin Armstrong, to see if he could improve AM technology. By late 1935, Armstrong had done more than that—he had invented FM, a far superior radio technology to AM. But before demonstrating his new invention to Sarnoff in 1933, Armstrong took the precaution of first securing patents for his new invention.

Armstrong showed his invention for the first time in New York City, and Sarnoff and other listeners were astonished by the quality of the broadcast. "The radio fell totally silent, as if dead, and then with a clarity no one else in that room had ever heard from an electrical device. Voices, and water being poured into a glass, sounded real for the first time" (Lessig, 2004 p4).

Armstrong's invention did not excite Sarnoff or RCA as much as it could or perhaps should have. RCA owned hundreds of AM radio stations across the United States, dividing the market with a handful of other networks. The RCA president was anything but ecstatic over the prospect of this new competitive technology, which was a clear and direct challenge to RCA's AM radio businesses.

---

[148] Schumpeter's idea of 'creative destruction' is relevant to FM, but only in the reverse of what can be seen by pro-capitalists as the 'positive destructive spirit' of and within capitalism, in the sense that Schumpeter also seems to be advocating (Schumpeter, 1950 pxx).

Shocked and irritated by what Armstrong had done, Sarnoff quite deliberately set out to 'bury' FM. But first up, RCA kept the technology in house, "insisting that further tests were needed" (Lessig, 2004 pp5-6). After a couple of years waiting, Armstrong began a fight to get control over his patents, leaving RCA no option, as Sarnoff saw it, but "to use its power with the government to stall FM radio's deployment generally." Sarnoff enlisted the help of the FCC to legally "castrate" FM frequency technology (Lessig, 2004 p6).

The Second World War intervened and stopped everything, but post-war the FCC announced a set of policies which were designed to cripple FM, giving Armstrong and FM a "series of body blows" via rulings manipulated through the FCC by the big radio interests, which were "incredible in their force and deviousness" (Lessig, 2004 p6).

Armstrong fought RCA and, in turn, RCA kept on resisting Armstrong's patents, while "incorporating FM technology into the emerging standard for television." RCA declared "the patents invalid—baselessly…almost fifteen years after they were issued, "in order to avoid paying Armstrong any royalties" (Lessig, 2004 p6).

Armstrong had fought a six-year legal battle with RCA, and, then in 1954, just "as the patents [actually] expired," RCA finally offered to settle, offering Armstrong a payment barely enough to compensate his lawyers. "Defeated, broken and now broke, Armstrong wrote a short note to his wife and stepped out of a thirteenth story window to his death" (Lessig, 2004 p6) (Guthrie, 2005). This tale of corporate strategies at work is unusually personal, built into a long drawn-out battle, but serves to demonstrate how a corporation will do almost anything to preserve a competitive advantage.

4.3 Absorption of rivals, market pre-emption & price strategies against the e-book

From the first commercial appearance of the e-book and e-reader technologies, the value of the print book publishing assets were at serious risk. In the interests of maintaining the value of their publishing assets, which cost their owners dear,[149] the e-book and e-reader became a business problem requiring resolution.

Jason Epstein argues that the trade houses have reached their limit in terms of value and this may be another reason why the big publishers are particularly defensive over the e-book. For if Epstein is only partly right, and trade publishing—as it now exists (under the threat from electronic publishing as it is)—is no longer a steadily 'growing asset,' the current owners have an even stronger incentive to protect their investments. And strategies of 'dealing with' any immediate rival at a corporate level (rather than at a trade industry segment level, as with price strategies)[150] can take different forms.

Absorption of rivals is perhaps the most relevant strategy that has been used for limiting or destroying the growth of the e-book and e-reader industries. *Market pre-emption* is another technique, described for this study as *selective production*—the removal or suppression of products in the marketplace from consumer consideration.

---

[149] The former owner of Random House, S.I. Newhouse, who paid $60 million to purchase it from in 1980 (Schiffrin, 2000 p77), sold it to Bertelsmann in 1998 "for a little over a billion dollars" (Schiffrin, 2000 p113). When in 1965, RCA Electronics started a trend by buying the trade publisher, Random House, the purchase driven by the Wall Street "expectations of synergy." But "Random was not [the cash cow] RCA expected". Schiffrin suggests that this was the case with most if not all the purchases of trade publishing houses by large corporations (Schiffrin, 2000 p74). Epstein agrees with this assessment.

As Epstein says: "these foreigners," as he calls the new owners of trade publishing in the U.S., "bought them [trade houses] thinking that this was going to be an entree to the US market, not knowing they were buying a bunch of messes, which is what they've got. This is the last stage. No one is going to buy these companies again"(Epstein, 2004).

[150] Using the subtle sector strategy of price control, publishers can have the same effect on e-book development, limiting or even stifling distribution, while not clearly being seen to do so.

In publishing, selected production is a well-established technique. If a publishing house does not want to publish a book, it simply decides not to, a strategy which is in effect pre-empts consumer choice. This methodology of product suppression, a technique of market control, is a strategy publishers have employed for centuries.[151]

Strategic competition can follow parallel paths. The major players in the publishing industry seem to have been either working in concert to contain the e-book (market pre-emption), influencing each other (follow the leader), constantly adjusting their strategies against the e-book. Yet the strategy against the e-book was not always as obvious or as clearly identifiable as market pre-emption (or with censorship which works at both a corporate and industry segment level).

After its entry into the consumer market in the late 1990s, it was still unclear if the e-book was a force to be reckoned with or not, with major publishers playing 'follow the leader.' They began creating e-book divisions and web sites, making statements of support and setting up programmes for e-book development and market release (Hilts, 2001 p16) (Boumans, 2001) (writenews, 2001).[152] While this was being done though, giving a public nod to the new technology, little was being done to integrate the e-book into existing publishing markets. No major publisher adopted a policy of attractive pricing, one of their foremost and most potent marketing weapons, as they would if they wanted to push a book

[151] Authors, of course, are free to go to another publisher to try to have their work published, though when censorship is employed, and if the corporations act in concert, as they used to do as a matter of course in the days when The Stationers Company oversaw English publishing in the sixteenth and seventeenth centuries, then the deployment of cartel-tactics of this method of strategic competition means the range of options for an author (and hence also consumers) is often severely reduced.

[152] In August 2001, Penguin UK e-book editor Jeremy Ettinghausen announced plans to release 200 e-book titles (Ettinghausen, 2001). Yet Penguin US is still only "selling books directly from our website but not e-books ... from Penguin.com" (Interview with John Schline, Penguin US, New York, December 2004).

or an author. High pricing represented the first major barrier placed in the way of e-book development.

In essence, apart from the cost of digitising backlists, recently authored copy presents (or presented) few e-problems for publishers. E-book copies of new and current books are already in digital form; this became the general case as authors began using computers.

The publishing process is now digital, so it takes little for a reasonably well-organised publisher to present an e-book file for sale, and to distribute it via its own publishing website. Apart from some e-formatting costs, there are no production costs such as print, paper and binding accruing for e-books.

The origination costs such as advances to the author are generally amortised with the print version. Yet for all the obvious and potential cost savings, major publishers continued to offer e-books at either higher or just below hardcover prices. This 'luxury pricing' of e-books can only be interpreted as a defensive strategy. Trade publishers were sending a negative message to consumers: if you want e-books you will have to pay handsomely for them.

For consumers it was a 'double negative.' For apart from the high cost of specialised e-reading hardware, e-books are not governed by the same 'first sale' freedoms that come with print books.[153] The copying, lending, and gifting of e-books are all substantially restricted, if not denied outright with e-books. Though price strategy alone was probably enough to kill any early potential interest in e-book copies of recently published print books.

In 2003 the Penguin UK website in 2003 offered the e-book version of a new fiction title, *Pattern Recognition*, by cyber prophet William Gibson for £11.43. At the same time

[153] See *section 5.5 below.*

Pattern Recognition in hardcover was available through Amazon for £8.50.[154] Instead of being offered at paperback pricing or less, which in terms of its cost to the publisher, was more relevant, the e-book of *Pattern Recognition* was offered to consumers (with no e-book marketing campaign) at prices clearly designed not to encourage consumers to purchase the e-book copy (Guthrie, 2003).

Another example of unattractive e-book pricing comes from an article in *The Herald Tribune* which describes how the novel, *The Da Vinci Code*, sells on Amazon in hardcover "for $14.97 [with] the e-book [selling] for $10.17, a saving of just $4.80." The author of the article points out how "you can easily pass the hardcover along to a neighbor who hasn't read it, but thanks to digital rights management [controls], you can't loan your e-book to anyone" (McGarry, 2005).

By contrast, early on in e-book development the small start-up e-book publishers were offering (and continue to offer) attractive prices for e-books. But with a limited range and stock of titles, selling in limited numbers, the small e-publishers have no way of attracting consumers *en masse.* In 2000 Hard Shell Word Factory was reported to selling "6,000 electronic books a month, downloaded for about $5 apiece, from an online catalog of roughly 200 romances, mysteries and science fiction novels" (Kirkpatrick, 2000c) (Guthrie, 2001) (Guthrie, 2002). Arguably, small e-book entrepreneurs have created a new direction, a beachhead against large corporate market control and containment of e-book publishing. But many works often came from authors who had already been rejected by established print publishing houses. This 'resistance' for the moment still promises much for interested consumers who want to buy or are interested in e-books, with e-book sales in

[154] Postage of course needs to be added, but if an Amazon consumer were to purchase £25 worth of books, he or she would not have to pay postage.

North America growing 30% annually, even if critics say the market presence is negligible (OeBF, 2003) (Hendley, 2003).

The trade experience of the original Penguin paperback helps put this in perspective. When Allen Lane introduced the Penguin paperback into the mid 1930s book market, he priced Penguin paperbacks at 6 pence each (Feather, 1988 p209)—when trade hardcovers were selling on average for six shillings each. Pricing is a key element in a publisher's marketing strategy and plan.

Also in contrast to the recent efforts of the major publishers with e-books, Allen planned a positive promotion for his new paperback range using attractive pricing, distinctive design elements and strong marketing. He made a mass distribution agreement with Woolworths, signed in June 1935. All of this meant that the Penguin paperbacks were selling in the millions soon after they appeared (Feather, 1988 p210).[155]

Lane's Penguin paperback success story and strategy is instructive for where e-books could be in the trade publishing market today, and for demonstrating what e-books currently truly represent to most if not all of today's organised trade publishers. Major English trade publishers were just as contemptuous of the Penguin paperbacks when Lane released them as they have been towards the e-book. Yet within a few years of Allen's experiment, the paperback was well on the way to becoming "the basis of a sub-industry within publishing, linked to major houses. The paperback soon developed "its own traditions and its own marketing and distribution arrangements" (Feather, 1988 p213).

[155] The Penguin paperback legend was boosted if not sealed by the wife of the chief Woolworths buyer, who when asked would she buy one of the Penguins he had to consider, said immediately that she would. Lane, who, to make the first 10 Peguins break-even, needed to order a large print run of close to 20,000, was with the Woolworths deal, able to survive an early difficult period. The paperback revolution had begun" (Feather, 1988 p210). But Allen needed that initial 'break' in order to succeed.

The mass-market paperback revitalised many publishing houses. What began as an attempt by the Lane to save his own publishing house from financial difficulties, created a whole new industry segment (Feather, 1988 p208).[156] The UK paperback spread to the United States,[157] and the new product grew into a global phenomenon.

The paperback revolution was also a cultural force. It placed "the book in the hands of many who would otherwise never buy or read a book at all" (Feather, 1988 p213). It had a profound effect on literacy. Yet despite its success, many established publishers were still slow to accept the new form. Jonathan Cape, the founder and owner of one of Britain's most well-known trade book publishing houses, told Lane to his face that he was "the bugger that ruined this trade" (Feather, 1988 p209). Cape, like many in the industry, hoped that Lane would fail, and was still reluctant to sell the paperback rights of his list well after the second World War (Feather, 1988 p209).[158]

It seems fairly clear from this that if organised trade publishers were serious about promoting the e-book they would have adopted a suitable marketing strategy by now. We can assume therefore that organised trade publishing has never been serious about selling or promoting the e-book.

Thus far in the early twenty-first century major publishers have shown themselves determined to prevent wide e-book development. The strategy against e-books begins with deliberately unattractive pricing and then runs onto to other tactics: limited choice in the

[156] The paperback was not born with the Penguin. It was not a new idea, having phases as far back as the American Civil War, with cheap paperprints produced for soldiers. More directly relevant to Lane's success was the failed attempt in 1932 by an Englishman, John Holyroyd-Reece, who while working on the continent in German publishing, created the Albatross paperback imprint. "This was the source of Lane's physical conception of Penguins, and perhaps even the inspiration for the title for the series" (Feather, 1988 p208).
[157] In the U.S., Robert de Graaf founded Pocket Books in 1939, followed by Dell and Ballantine Books in the 1940s (formerly in partnership with Penguin in 1939). Anchor Books took the paperback even further in the early 1950s when Jason Epstein developed the 'quality' paperback. In the UK, Pan and Panther also grew up in the 1940s (Feather, 1988).
[158] Jason Epstein speaks of a similar experience. His friend and publishing rival, Roger Straus (a founding member of the literary publisher Farrar, Straus and Giroux), said at the time the paperback was growing in the U.S. that it wouldn't work, and never produced one in his long publishing career (Epstein, 2004).

range of content; poor or absent marketing programs; little resolve within the firm to simplify a confusing array of standards, technical and other technological problems for consumers associated with downloading and using an e-book.[159]

The technical difficulties and fair use dilemma created by Digital Rights Management systems only adds to the growing pains the trade e-book is undergoing. Apart from the problematics of copyright protection, either legally or technologically, it seems clear that the trade e-book has been kept uncompetitive so the trade print paperback would continue to remain competitive.

At a corporate level the game is perhaps more obvious, though even then strategies can be clouded by the very fact multiple competing strategies can be employed by corporations simultaneously.

In his 2001 study of competitive strategy and the Internet, Porter confirmed his theories outlined in *Competitive Strategy* (1980), describing an industry as either "new or old", its structural attractiveness governed by five forces underpinning competition: "the intensity of rivalry among existing competitors; the barriers to entry for new competitors; the threat of substitute products or services; the bargaining power of suppliers; and the bargaining power of buyers (Porter, 2001 p66). The e-book industry, based and rooted in the Internet, breaks down many of the barriers that have protected the print industry for so long. Porter confirms that with these barriers out of the picture, the e-book industry environment, populated by "largely undifferentiated products" shifts "competition ever more toward price" (Porter, 2001 p67).

[159] If by chance the e-book technology had gone (or does go) mass without first being rationalised into the existing industry, there is always the possibility that the corporations will turn to the courts for protection, as Random House did when the e-book publisher, RosettaBooks, first began operating—as Bertelsmann did in the digital music scene when it challenged the P2P (peer-to-peer) music file online exchange site, Napster.

Starting with price controls, the major print publishers have consistently worked to keep the e-book sales and their e-book sidelined, niche, and irrelevant, with messages in the media to this effect appearing frequently. So the question remains: given the opposition the small e-book companies are facing can they become long-term players in e-book publishing? Will they be suppressed, removed (forced out of business), or rationalised (absorbed), in the same way and in the same manner that old media has attempted to deal with new media technologies in the past? [160] If the following corporate absorption example can be described as in any way a general case, then the answer is *yes* to both questions in the short term, though the e-book will not be erased from history.

4.4 Murdoch and Gemstar – absorption of a rival

Rupert Murdoch and News Corporation's involvement with Gemstar demonstrates the strategy of absorption against a new media company. In the ensuing corporate tussle between the two companies, Gemstar first merged with News Corporation and then a few years later it was absorbed completely. Then Gemstar was closed down, its e-book and e-readers assets and programmes dismembered. The company's 'visionary' founder was investigated by the Securities and Exchange Commission and summarily fired from the company he created.

[160] In the videocassette boom of the early 1980s, small and often vibrantly successful companies, were either absorbed by bigger players or forced out of business. Small film or video distributors, such as Cannon, DeLaurentiis, Hemdale went out of business, and Orion, Goldwyn, Carolco after being crippled financially, changed unrecognizeably. Some like Miramax and New Line survived only by merging with (being absorbed by) the majors, Disney and Time Warner respectively (Wasser, 2001 p12).

In terms of e-books and their role in Gemstar's business, Henry C. Yuen had the goal of making his company an industry leader, if not a monopoly. The circuitous corporate battle that ensued between News Corporation and Gemstar was of critical business importance to both the new and old media companies, as well as becoming a personal battle for both men. Another view could simply be that there had to be a winner and that winner ended up being Murdoch, though as the following account demonstrates the winner was probably always going to be Murdoch. This seems almost axiomatic in corporate clashes of this kind and is supported by another merger case, AOL and Time Warner *(see section 6.1)*.

The collision of Murdoch and Yuen represents one of the more significant episodes in the history of the e-book, and demonstrates how the e-book and associate e-reading technologies were systematically dismantled. And as usual consumers had no say in the matter. The closing down of Gemstar's e-reader production and e-book division (Writenews, 2003) (Zeitchik, 2003) in one sense represents corporate business at its most anti-consumer.[161]

In the late 1990s the battle between News Corp v. Gemstar began to become widely known in media business circles. Apart from his strategic e-book and e-reader goals, Yuen owned "virtually all the patents for interactive [TV] program guides" (Vogelstein, 2000). This attracted Murdoch (and his business allies) to Gemstar in the first place. Murdoch particularly needed Gemstar for his empire at the time, in order for News Corp. to have the power and reach that he wanted and planned for it to have.

[161] UK consumers remained largely unaware of Gemstar or its range and services, as the e-readers were never released here. The Gemstar e-readers were slated for a Christmas 2001 release, [Interview with Gabriella Capozzi, (Guthrie, 2001)] but without giving any reasons, Gemstar cancelled the launch (Guthrie, 2003). In the U.S. closing the Gemstar e-book/e-reader division stranded consumers who had bought Gemstar products.

In the early 1990s, Henry C. Yuen, "[w]ith his bowl haircut and owlish glasses…slightly built more like a technology geek than a mogul" (Grover et al., 2001e) was a relatively unknown owner of a relatively unknown new technology company, "operating out of a nondescript office in Pasadena, California" (Grover, 2003b). For all the mildness of his appearance, Henry C. Yuen was also by all reports a feisty, determined character. A professor and martial arts expert, he had a PhD in Maths and a degree in law. Yuen grew up in Hong Kong before moving to the United States, like many Chinese before and after him to make a success of himself (Grover et al., 2001e). By the end of the 1990s, apart from owning or controlling "more than 100 patents"[162] for extremely valuable interactive TV decoding devices, Yuen's company listed two new dedicated e-readers among its product range of electronic devices (Grover, 2000).

Rupert Murdoch as a character and businessman needs little general introduction. Probably the most significant statement made on this was by Bruce Chenoweth: "There are two rules for negotiating with Rupert Murdoch. The first is that he is never quite where you think he is. The second is that there is always a deal running underneath the main deal, with another deal running simultaneously underneath that" (Chenoweth, 2001 p133).[163] In the

[162] By 2002 Gemstar's assets grew to include "some 200 U.S. patents, including those that allow cable and satellite-TV operators to put program listings on a screen" (Grover, 2002).

[163] Murdoch strategies seemed to be multi-faceted, multifronted, yet quite simple at the same time. He courted politicians carrying his empire in his pocket. He borrowed large amounts, meaning the banks could not afford (easily) to desert him if he tripped over buying one company too many. His company structures and their interconnections seemed deliberately modelled on a Byzantine labyrinth to confuse the gaze of onlookers (Farhi, 1997) (Shawcross, 1993 pp507-518) (Chenoweth, 2001 pp68-89). The result was a Global empire for which News Corporation pays very little tax, earning revenues via holding companies resident in tax havens. Murdoch pays "6 per cent tax worldwide; and in the UK, up to the end of 1998, it paid no net British corporation tax at all, despite having made £1.4 billion profit there since June 1987" (Hertz, 2001 p7) (Farhi, 1997). Politically he seems as straightforward as he is devious. In the 1980s he convinced "Margaret Thatcher of his deeply right-wing affiliations [Ronald Reagan too], while simultaneously assuring the [Labour] Australian Prime Minister, Bob Hawke, of his special support" (Chenoweth, 2001 p53). In return for their 'political relationship' Thatcher helped Murdoch's BSkyB gain "virtual monopoly over new television technologies in the UK" (Hersmondhalgh, 2002 p123), as he "employed his media power in direct service of [her] political party"[The Independent] (Shawcross, 1993 p511). In Australia, then Prime Minister, Bob Hawke allowed Murdoch to keep his cross-media assets intact, and kept him away from regulatory scrutiny.

only reference to Gemstar in his 2001 released book, *Virtual Murdoch*, Neil Chenoweth sets the style and reach of Murdoch's convergent strategies in the 1990s:

> "[Murdoch] owned the best distribution system on the planet. The BSkyB satellite pay-TV service in Britain was a model he had copied around the world. He had brought in partners, but he retained management rights. In Asia there was Star-TV, which had a footprint that reached from Israel across India and China to the Eastern pacific. In Japan, Murdoch owned 10 per cent of Sky PerfectTV! In Latin America he had 36 per cent of Sky Brazil; 30 per cent of Sky Mexico; and 30 per cent of Sky Multi-Country Partners, which broadcast in Columbia, Chile and was moving into Argentina. In Australia, Murdoch had 25 per cent of the leading cable operation Foxtel. In Europe he was moving to 50 per cent of StreamSpA, an Italian pay-TV service, and BSkyB owned 24 per cent of Germany's digital pay-TV platform Premiere World. North America was the only significant gap in Murdoch's worldwide satellite reach. There his conventional media interest in the Fox Television network, television program production, Twentieth Century Fox and cable channels for Fox Sports and Fox Kids made him one of the biggest producers in the US. It was content that he could re-use in his satellite systems around the world. This mix of content and distribution made News Corporation unique. Holding the system together he had TV Guide, which he was folding into [the] US company Gemstar to produce an electronic television guide for Internet users and pay-TV subscribers" (Chenoweth, 2001 p327).[164]

Later Murdoch gave *The Sun's* support to Tony Blair and in return received what many see as 'special treatment' for his BSkyB interests, as well as other matters (Chenoweth, 2001 pp271-278). Murdoch courted everybody he needed to to have his way. His New York Post gave its support in 1979 to President Carter (who Murdoch considered "an ineffectual liberal") against Teddy Kennedy (a Murdoch enemy) for the then upcoming Democratic primaries. At the time Murdoch was also securing aircraft deals and special interest bank loans in the U.S. and Carter offered help on this (Shawcross, 1993 pp217-219). Murdoch gets personal when he chooses: In the midst of a business battle with Ted Turner of CNN, and Time Warner in 1998, the *New York Post* ran the headline: "Is Ted Nuts? You Decide' " (Chenoweth, 2001 p152). Murdoch was a "virulent critic" of President Clinton and the *Post* published "a front-page story about Chelsea Clinton's distraught visit to a university clinic after a failed romance" (Chenoweth, 2001 p318).

[164] Chenoweth can be excused for not making more of the Gemstar connection at the time, or for not grasping the full significance of his own words. Still, Chenoweth could not have described the situation better, or with much more prescience if he had published Virtual Murdoch in 2005 instead of 2001.

In the late 1990s, Murdoch's News Corporation, together with his main partner in this matter, John Malone, proprietor of Liberty Media, a businessman allied to the U.S cable industry, began the process of trying to buy Gemstar. At the time, Yuen's company was holding crucial interactive TV patents, and Murdoch's held TV Guide, an "antiquated guide of upcoming programs [which] was [also] scrolling on more than 50 million cable homes in the U.S" (Grover et al., 2001e).

Yuen vigorously defended Gemstar against the Murdoch and Malone $2.8 billion hostile bid and sued TV Guide for alleged patent infringement. Yuen argued "to his shareholders that the company was worth far more than the News Corp-Liberty bid. The market agreed, and with the spotlight of the takeover shining on it, Gemstar within months rose in value to nearly $10 billion" (Grover et al., 2001e). This forced Murdoch and Malone to revise their takeover plan turning it later into the eventual offer of a stock merger between the two companies.[165]

Finally Gemstar agreed to merge with the Murdoch and Malone owned TV Guide in 1999; Gemstar's share price was so high a takeover was no longer a simple option (Li, 1999). With the two businesses commercially linked, it offered huge market reach and possibilities for bringing together Yuen's vision for e-books using interactive television technology and Murdoch's TV Guide subscribers (Grover et al., 2001c).

The $9.2 billion merger effectively put a "costly six -year lawsuit to rest" over a battle between the two companies over control of "patents for electronic program guides (EPGs)" (Colman, 1999b).[166] Put simply, Murdoch wanted Gemstar in order to help build

[165] It is perhaps unsurprising Yuen was litigious. Lined up against him were a "cluster of foes", determined not to let him dominate their markets—Murdoch, his partners and "four of the six largest cable companies" in the United States. Gemstar was in everyone's sights (Grover et al., 2001b).

[166] Gemstar's merger with TV Guide came when digital cable and personal video recorders were a very popular way of receiving and viewing video material. The merger agreement called for Gemstar to provide "0.6753 of a share of its stock for each TV Guide share, giving TV Guide shareholders a 32 percent premium over the company's Friday closing price," with TV Guide shareholders ending up with 45 percent of the

his dream of a seamless global satellite network, but also, and in no small part, so he could stem the tide of falling sales at his TV Guide print magazine, and make it, in the form of an online offering, more relevant in the digital online age.[167]

One of the concerns running underneath the overall deal was the fate of Murdoch's trade book publishing interests—even the whole of trade book publishing itself. Murdoch understood how much Yuen's growth and assets represented a threat and he was moving to protect his own. Apart from TV Guide, Rupert Murdoch, had among his many media interests, an asset that was potentially synergistic for Gemstar's e-reader/e-book business plans—HarperCollins—News Corporation's trade book publisher.[168] But TV Guide itself, it can be said, probably exercised Murdoch's mind more than most of his holdings, and was the initial driver of the merger.[169] Murdoch had made a huge gamble buying it in 1988 for $3 billion, an astronomical sum at the time for three magazines, no matter the market position, or how large the circulation.[170] The purchase nearly sent him and his empire under

---

merged company, which meant via Gemstar [TV Guide] now had access to sales revenue close to $1.5 billion with $400 million in cash flow. But while the "announcement sent TV Guide stock soaring 10 percent, up $4.41 to $45.94," Gemstar's "shares slid $7.44 to $76.19"(Li, 1999). Given the closing of Gemstar a few years later, the initial market fall of Gemstar's shares seems ominous, if not indicative, of the whole saga.

[167] TV Guide was still the biggest print and online television programme guide for viewers in the U.S, but its market share and influence was falling. "[A]t its peak in the mid-1970s, TV Guide had a paid circulation of 20 million and was read by nearly 50 million people each week--nearly 25% of the U.S. population at the time." (Grover et al., 2001g). But by the time Murdoch bought it in 1988 that circulation figure was 17 million and falling. Even then, it was a magazine rapidly approaching its sell by date. "Readers [who bought it from the 1950s on] were dying off" (Shawcross, 1993 p405).

[168] HarperCollins developed its own e-book imprint, Perfectbound, and was the first major UK publisher to begin selling e-books. "The differentiation we want to put on our e-book list is firstly it's global," said Leo Hollis, Harper's editorial director in charge of the imprint, when interviewed in 2001 (Guthrie, 2001).

[169] A year before the News Corp-Gemstar merger, TV-Guide had regenerated a declining asset (TV Guide print magazine), by merging it with the onscreen guide unit of Liberty Media Corp., owned by John C. Malone, a long-time collaborator and friend of Murdoch (Siklos et al., 1999). Partly due to an exclusive deal Liberty Media made with cable-heavy AT&T Corp., TV Guide became popular again with investors, who seemed "excited about the prospect of a screen that pops up every time the TV—or whatever it evolves into—is turned on" (Siklos et al., 1999). Viewers were offered the facilities of "web-like tasks such as sending E-mail and ordering pizzas" (Siklos et al., 1999). On the strength of TV Guide print magazine's merger with Liberty Media, "News Corp.'s 49% stake in TV Guide increased in value by $1.3 billion" in little over a year (Siklos et al., 1999). This increase in TV Guide's market valuation, quite possibly made the prospect of a deal with Gemstar more attractive to Yuen, (if more expensive to him in any merger prospect).

[170] As Neil Chenoweth describes the purchase: "The absurd $3 billion that Murdoch paid for Triangle" from Walter Annenberg was a " gamble" in order for Murdoch to get himself included "in the inner circles of the American establishment" (Chenoweth, 2001 p79) (Gorman, 1998) (Shawcross, 1993 pp406-407). The "over-

in 1991. Murdoch is "hypersensitive to criticism of his business judgement" whereas he might easily laugh off "complaints about his political or cultural role" (Fallows, 2003), so there seems no doubt that he wanted TV Guide to eventually pay off for him. Merging with Gemstar provided Murdoch with that opportunity.

Described as an "obsessive reader", Yuen's main personal goal with Gemstar's TV interactive technology was to attract the millions of potential subscribers to Gemstar e-reading devices, and to e-books sold through Gemstar's website. "Gemstar's e-book venture isn't just some pet project." Yuen plans were "to incorporate digital books into his overall strategy for interactive TV, ultimately making books available for downloading over his guide"(Grover et al., 2001c), while "working on getting the technology fine-tuned [for] winning converts with more well-known authors" (Grover et al., 2001c). If anyone could make e-books sell, Yuen could.

Even with TV Guide accounting "for 80% of Gemstar's revenues and 50% of operating cashflow, Yuen has been riveted largely on the 8 million-subscriber interactive and nascent e-book business with which he is more comfortable" (Higgins, 2003).[171] While there were several strands to the value of absorbing Gemstar for Murdoch, one that included eliminating the threat Gemstar represented to the cable industry (in which his partner Malone held assets), Yuen's focus on his e-book/e-reader strategy must have been

---

enthusiastic purchase" included—*TV Guide* (circulation 17.1 million), the *Daily Racing Form* (123,000) and *Seventeen* (1.9 million), and inspired legendary wall street investor, Warren Buffett, to say to his friend when asked for advice on the deal: "Run to the bank, Walter. Run to the bank" (Shawcross, 1993 p403). Soon after the purchase "TV Guide got clobbered by an avalanche of entertainment news, in print and online, that was geared to a younger audience." By 2001 circulation had fallen to 10 million even though it was "still the U.S.'s largest-circulation weekly and the fourth-largest of any magazine." But the fall in sales, particularly on the newsstand, was troubling to advertisers (Grover et al., 2001g).

[171] Yuen, Murdoch and Malone, all believed in the potential of interactive TV. Statistics "collected by Gemstar" showed that U.S. TV viewers used the guide "an average of four times an hour" and with that news some key figures in the cable industry were not so keen to see Yuen to have so much power. "There's not another strong player in the industry to counterbalance him," said one cable executive. Another said: "We don't know if [the merger] is good for consumers until we see what kind of deals they're offering the industry together" (Grover et al., 2001e).

readily apparent to him. So, was Yuen's deep interest in developing the e-book one of the main hidden triggers of Murdoch's strategy?

Gemstar was in a position to stimulate the e-book market like no other e-book player at the time. Together with Yuen's quasi monopolistic hold over the cable operators, his stranglehold on interactive TV decoding software devices, and his burgeoning but as yet unrealised dream to sell millions of e-books and e-readers to U.S. consumers,[172] was Yuen the businessman, cable operators and print publishers could not afford to live with? Was he the man they had remove from the digital scenario?[173]

Together with "Gemstar's interactive TV programming guide, e-books" would give viewers/consumers the opportunity of downloading "a newspaper from an icon on the guide, or zap books directly from the guide into the e-book reader." Yuen had the technological means to reach consumers—with TV Guide received "in more than 54 million [U.S.] households"(Grover et al., 2001a). And the organized media were not shy in trumpeting this about. In the Businessweek article Yuen's power was described as 'vast.'[174] "Today, allied with Malone and News Corp...Yuen wants nothing less than to control the first screen you see when you turn on your TV. The game plan is to make Gemstar's interactive program guide the portal to the TV universe, much as America Online Inc. (AOL) or MSN greets you as you log on to the Internet. If Yuen has his way, you'll be paying--indirectly through advertisements or through your cable bill--every time someone clicks on that guide.

---

[172] "By the end of last year [2000], says Yuen, 50,000 e-book devices had been shipped, with users downloading an average of 3.8 books a month. He believes growing demand and a new plastic display screen in development will allow Gemstar to lower the price to below $100 [for e-readers] by 2003. Goldman, Sachs & Co. estimates Gemstar's e-book-reader sales this year will be $6.3 million, climbing to $202 million in 2004" (Grover et al., 2001c).

[173] Through all this Yuen continued to be described as a 'mild man', a one-time Cal Tech mathematician who wore Dockers khakis (Grover, 2000).

[174] Time Warner owned Businessweek and was also the second largest U.S. cable operator, therefore had an interest in Gemstar's interactive TV technology monopoly.

Gemstar is counting not only on licensing fees for the guide itself but also on a cut of all the advertising and commerce generated" (Grover et al., 2001e).

Arguably, Murdoch knew all this when he and his partner closed the merger of TV Guide with Gemstar in 2000. Speaking on the acquisition of more 21% more shares in Gemstar TV-Guide, this time from John Malone (Liberty Media), Rupert Murdoch, for once, seemed to have been telling the whole truth: "We are thrilled to acquire a greater interest in Gemstar-TV Guide, whose unique assets and patents make it one of the most exciting companies in the emerging worlds of interactive television, broadband services and electronic books...Gemstar's interactive programming guide may well occupy the most strategic position in the converged world of television and the Internet. As we continue to optimize our digital television platforms around the world, we see an enormous operational and strategic advantage from owning a larger percentage of Gemstar's extremely valuable assets" (reported by Liberty Media Corp., 2000).

For Yuen, while the merger offered much, it also brought substantial danger. And in 2001, a pivotal year for the e-book and e-reader scenario, Yuen's plan began to falter. While Gemstar remained one of the "few success stories in the market" he had to concede publicly that e-books were a "tough sell" (Mariano, 2001b). Yet it was still a time when market analysts at IDC were predicting "e-book device sales worldwide to hit 153,000 for 2001 and 1.7 million for 2004 [and this was] considered to be [a] relatively low estimate" (Mariano, 2001b).[175] There seemed to be an odd mix of hope and fear in the air.

[175] Goldman, Sachs & Co. went further estimating "Gemstar's e-book-reader sales [in 2001 to be] $6.3 million, climbing to $202 million in 2004" (Grover et al., 2001c), a tad optimistic as by 2004 Gemstar was not even operating e-book or e-reader divisions anymore.

The criticism of Gemstar's business, Yuen's vision and his business practices began to grow. *Forbes* magazine launched an extraordinary attack on the Gemstar Chairman and CEO: "Right Now Henry Yuen's Gemstar-TV-Guide controls the gateway to your TV. But that's about to change—sooner than Yuen thinks" (Fahey, 2001). The knives, it seemed, were being sharpened.

Murdoch had once described Yuen as "a brilliant strategist...shown to have a novel way for thinking out of the box" (Grover et al., 2001e), but a clause in the Gemstar-TV Guide merger agreement also gave Murdoch the right to fire Yuen chairman in five years if he and Gemstar didn't perform (Grover et al., 2001e).

Apart from Fahey's description of cable operators "out for [Yuen's] blood," Yuen was also battling "DirectTV, Echostar and others" (Satellite content distributors and services – something Murdoch also had his eye on). Then the cable companies decided to "develop a new interactive TV guide technology called TV Gateway" to serve "26 million U.S. homes" (Fahey, 2001) in order to derail Yuen's hold over them. In this context Fahey's *Forbes* article on Gemstar and Yuen went beyond the usual reporting of the dangers of 'vast power.' Fahey wrote: "As Yuen sees it, TV Guide Interactive is essential maneuvering through the thicket of digital television, with its hundreds of channels, Internet access and video-on-demand. Reality though, is about to dissolve Yuen's vision. His stock, which at $51 is almost 100 times trailing earnings, is priced as if Gemstar is poised to effectively monopolize a growing market. It isn't. Gemstar's future isn't nearly as bright as Yuen-or the market-thinks (Fahey, 2001).

Attacks like this did not help Gemstar's stock price, which kept falling, neither did it help Yuen's standing as a businessman. Writing for *Fortune* (a Time Warner magazine), Marc Gunther wrote that relations between Yuen and Murdoch were known to be "very

bad," and Gemstar's stock value, once at a high of $107 in 1999 (Stone, 2000), was now languishing at $5, a level described "as ridiculously undervalued" by Omega Advisors" (Gunther, 2002).

With the aim of forcing "Yuen out three years before the contract he signed in 2000 expired "(Grover, 2002), Murdoch began the process of dismantling the Gemstar founder, "pushing for Yuen to leave the company he founded in 1986." Though News Corp. and Gemstar executives had a policy of not commenting on intercompany relationships, in 2002, Murdoch described Gemstar as "a real disappointment" "announcing a $4.2 billion News Corp. writedown of its Gemstar investment." Murdoch said he was "taking a much more active role in preserving the value of this powerful asset" (Grover, 2002).

Yuen was poised to lose Gemstar and significantly all his patents, including those for cable-and satellite-TV screen listings. While Yuen had been attempting to launch an advertising and shopping channel, TV Guide's circulation had fallen to 9 million, down from 10 million a year before, and cable operators had "been slow to roll out the programming guides" (Grover, 2002). Was this Yuen's fault or had TV Guide, already a declining asset as we have seen, been doomed to fail for sometime? Had Murdoch engineered a coup to effectively selling on an asset with a falling value, leaving the hapless Yuen to take the blame for its decline?

Gemstar's woes were "piling up." A case before the U.S. International Trade Commission was seeking to "invalidate some key Gemstar patents." Then in April of the same year, Gemstar "announced that it had recorded as revenue $107.6 million in license fees from set-top box maker Scientific-Atlanta Inc.," monies it seems he had not in fact collected, bringing as a result "a lawsuit between the two companies" (Grover, 2002).

Gemstar also recorded a further $20 million in advertisement sales from a sports service, neglecting to disclose "the ad purchase came from money the service got for selling patents to Gemstar." Gemstar claimed its auditors, KPMG LLP, approved the accounting. But, as reported, "Murdoch and News Corp. CFO David DeVoe made Yuen disclose it when they learned of it...The result: Gemstar shares, at $76 when the merger closed" were now well below $10 (Grover, 2002).This brought an investigation by the Securities and Exchange Commission, headed by Michael Powell, son of former Secretary of State, Colin Powell, a republican, chosen by President George W. Bush, a political ally of Murdoch.[176]

In October 2002, Murdoch forced Yuen to stand down as Chairman and CEO of Gemstar (Milliot, 2002). Then the Securities & Exchange Commission alleged that Yuen may have been altering his accounts (Grover, 2003b). The SEC claimed that Yuen and his business partner, Elsie Leung "overstated Gemstar's revenues by $223 million, helping Yuen and Leung reap millions of dollars in financial gains from their fraudulent scheme" (Grover, 2003b).

Yuen's coup de grace came in April 2003. The day after "the Securities and Exchange Commission (SEC) recommended that he be jailed for failing to testify in an investigation into the company's accounting practices," Gemstar fired its former chief

[176] In an earlier battle in 2001 with EchoStar for control, DirecTV, owned by General Motors, the largest satellite company in the U.S., the SEC blocked EchoStar's purchase, paving the way for Murdoch to buy DirecTV in 2003—Murdoch eventually got the Bush Justice Department to block the Echo Star deal, acquiring DirecTV himself in 2003 for billions less than he had previously bid earlier in 2001 (Barrett, 2004). Even though "EchoStar Communications trumped Murdoch's bid for DirecTV and reached a $30 billion deal with Hughes"...[r]egulators quashed the deal a year later fearing a merger of that magnitude would hurt competition"(American City Business Journals, 2003). EchoStar was unable to compete with Murdoch's money and vast holdings (Swann, 2004), together with his political connections. In 2003 the "US Federal Communications Commission and antitrust enforcers approved the $US6.6 billion ($A9.16 billion) plan by Murdoch's News Corp...to gain control of the No.1 US satellite television provider, with its 12 million subscribers" voting "3-2 [Powell plus two Republicans against two Democrats on the Commission] to approve the deal with conditions [though both Democrats claim these were clearly not enough] aimed at ensuring the television titan does not bludgeon cable and satellite rivals who also want to offer their customers News Corp's popular network and cable programming" (Reuters, 2003b).

executive along with the company's "former finance chief Elsie Ma Leung." Both had stepped aside from their positions the previous November "but remained on the payroll of the Pasadena-based company, which owns TV Guide and provides electronic programming guides" (AP, 2003a). The SEC recommended to a federal court that Yuen be found in contempt "for failing to testify as agreed in an investigation of Gemstar's accounting practices. The SEC also asked the federal court in Los Angeles to jail Yuen and to impose a fine of $50,000, doubling daily, until he testifies" (AP, 2003a). Yuen's attorney said he had asked for a rescheduling of Yuen's testimony due to "some immediately pressing issues", the Los Angeles Times reported (AP, 2003a).

By June 2003 Gemstar was now completely controlled by Murdoch. After dismantling Gemstar's e-reader business, Murdoch announced the closure of sales of e-books from its website from July 16, 2003 (Zeitchik, 2003)

A News report of the event described the closure like this: "The company formed in 2000 when Gemstar, headed by Yuen, bought TV Guide, owned by News Corp media titan Rupert Murdoch and Liberty Media. Gemstar stumbled last year when it lost a key patent case before the International Trade Commission. Soon after, the company announced it had improperly recognized $20 million in revenue that was dependent on its prevailing in the patent case" (AP, 2003a). The fault, as far as the press was concerned, was all Yuen's.

5. Legal Strategies of Control

The Anglo-American tradition of copyright and intellectual property law, first and foremost, is, as it always was, a mechanism for protecting the interests of rights holders.[177] Copyright grew out of desire to censor, build a monopoly over printing, and create book trade-regulation statutes (Patterson, 1968b p19). With English history at the root of Anglo-American copyright law, it has been a hard road to any kind of copyright freedoms for the most disadvantaged parties, authors and consumers. English copyright law has always been primarily a system of ownership over what were first known as 'rights to copy.' England "had a long and ugly experience with 'exclusive rights,' especially 'exclusive rights' granted by the Crown. The English had fought a civil war in part about the Crown's practice of handing out monopolies" (Lessig, 2004 p88).

Copyright has been described as "a legal mechanism for the ordering of social and cultural life" or a "method for linking the world of ideas to the world of commerce." At best it is a technique for reconciling "the partly shared, partly contradictory interests of 'authors who give expression to ideas; publishers who disseminate ideas; and members of the public who use the ideas'" (Patterson, 1968b p224) (cited by Ploman and Hamilton, 1980 p1).

The English tradition of copyright began as a State apparatus to contain freedoms and control the copying trade. The Tudors, who first developed the earliest tradition of Anglo-American copyright, had two objectives in mind: to create a trade for revenue creation, and

[177] The term Intellectual property originated in the 1930s, but didn't "fully enter public discourse until the 1970s, when it was introduced to sum up" and make "sense of changes in the global flows of culture and technology" (Vaidhyanathan, 2004 p87).

to censor the publication of 'illicit' material. The Crown began controlling the book trade directly in the reign of Henry VIII.[178] In 1557, in the reign of his daughter, Mary, the Tudors created the first Anglo-American publishing corporation, The Stationers Company.[179]

The exclusive privileges issued to The Stationers Company gave them "a 150 year monopoly on printing and publishing," extending from the 1550s to the end of the seventeenth century (Ploman and Hamilton, 1980 p11).[180] The Stationers Company accumulated economic, political, social and cultural power in their role. The economic and political power set up and sustained copyright. From the Tudors and Stuarts onward, politics and commerce in Anglo-American publishing have always been intimately linked (Wasser, 2005). Put in a more positive light, copyright was "beneficial both to public policy and to private profit; as a boon to individual freedom and as an aid to State intervention; either as an expression of natural justice or as an assertion of property rights" (Ploman and Hamilton, 1980 p23) (cited by Freegard, 1977 pp42-43).

---

[178] In the reign of the Richard III (1483-1485), the book trade in England first began to thrive; printing and the importation of books was openly encouraged and reinforced by statute (Jones, 1996 p13), with "any manner books written or imprinted", exempted from an anti-alien trade statute (Kendall, 1975 p343). In 1533, Henry repealed Richard's pro-book provisions, banning the importation of books from outside the kingdom, inaugurating the regime of Crown control over the information environment and publishing businesses. The Tudors "always short of money...found they could raise useful revenue by granting licenses... [and] control who was printing what" (Jones, 1996 p13).

[179] The granting of the charter by Philip and Mary was restricted to "members of the company" who could secure government licenses to operate a printing press...[T]he total number of printers, bookbinders, and booksellers was limited (a Star Chamber decree of 1586 limited the number of master printers to twenty-five)." The licences gave members power to police copyright, (seditious and heretical material) as well as piracy (Bettig, 1996 pp17-18).

[180] Organised publishing existed in Greek and Roman times, but with no clear evidence of a working copyright regime (Ploman and Hamilton, 1980 p7). Bettig however describes the beginnings of "the modern conception of copyright" as present in ancient Greece...Jewish law, and in the Roman publishing system" (Bettig, 1996 p11). Publishing developed throughout the Middle Ages (largely in the control of the Church) (Bettig, 1996 p13). But this had "nothing whatever to do with the rights of an original producer in the literary production" (Putnam, 1897 p484). So it was with Gutenberg's invention of the printing press in 1436 (Ploman and Hamilton, 1980 p5) and its commercial application from about 1450 onwards, that the whole approach to publishing changed, and copyright was truly born. The whole regulatory regime over written documents and literature in general created the need for controls. The arrival of printing technology was fundamental to the growth of copyright law and tradition. Goldstein goes further: "There was no need for copyright before the printing press" (Goldstein, 1994 p27). Though others say copyright did not truly begin until the enactment of The Statute of Anne in 1709 (Ploman and Hamilton, 1980 p5).

But the early rights and privileges granted by the English Crown were so extensive, so comprehensive, with the "right to print" literally meaning "the right to copy" (Ploman and Hamilton, 1980 p11), that authors and consumers were forgotten. Neither had any rights, other than the initial common law transaction right an author could negotiate away to a printer/publisher belonging to the Company cartel in order to get published (Patterson, 1968b pp74-75) (Ploman and Hamilton, 1980 pp11-12).

The members of the Stationers Company held the exclusive right over the publication of any material "usually in perpetuity... protected by an entry in the Company's register" (Ploman and Hamilton, 1980 p11). There was little room for misinterpreting what copyright meant in English society of the Tudors and Stuarts. "Copyright was a marketable commodity" (Ploman and Hamilton, 1980 p11). Publishing was a business, not quite like any other, but a business first and foremost. This, of course, was not limited to England. The printing press was "among the first inventions to be exploited by capitalists" (Bettig, 1996 pp15-16).[181]

From the outset there was only one right, a publisher's right (Patterson, 1968b p8). The concept of moral rights, alien to the Anglo-American tradition until very recently, grew as part of the European tradition of copyright.[182]

---

[181] As Bettig puts it: " Johan Gutenberg developed the printing press only with the assistance of a merchant capitalist named Johann Fust, who ended up with the equipment when Gutenberg could not repay the loans." According to Bettig: "The appropriation of Gutenberg's intellectual creativity symbolizes the nature of the dawning of the capitalist system" (Bettig, 1996 pp15-16).

[182] The first European copyright regulations were created by the Venetian authorities in the late 15th century, with authors granted some rights and recognition as to their moral rights under copyright (Ploman and Hamilton, 1980 p11). The Venetian Government started by granting four kinds of privileges: a sweeping monopoly whereby the beneficiary "was granted for a term of years the exclusive right to carry on the business of printing." This had "nothing whatever to do with the rights of an original producer." The second was for a language. The third for Aldus's invention of *italics* (exclusively for use in the printing of books in Greek); the last more in the form of patent, secured to an author the copyright of his own production. It was an extremely restricted right, subject to censorship and territorial control. First granted evidence was to Antonio Sabellico in 1486 by the Senate of Venice for his *Decades Rerum Venetiarum*. No term was

With the introduction of The Statute of Anne in 1709, the first legal framework for authors' rights was created (Recht, 1969, p22) (cited by Ploman and Hamilton, 1980 p12), but the act was primarily a trade control provision, a law created to restore order to the book trade (Patterson, 1968b p14). The Statute was brought in to resolve a chaos that ensued in the trade at the end of the seventeenth century, after the English parliament refused to renew the Licensing Act in 1694.

The Licensing Act of 1662 had been the legal basis of the continuing control by the Stationers Company, and in the legal vacuum that followed its demise the book trade became increasingly monopolized by the booksellers/publishers. Book prices were artificially high, and booksellers controlled the number of copies of works in print (Ploman and Hamilton, 1980 p12).

Ironically, those who lobbied most for the new act (printers, publishers and booksellers) were the parties eventually to lose most when order was restored. The Statute of Anne was responsible for eventually ending the monopoly printers and booksellers in particular held over the trade (Bettig, 1996 p23). The Statute improved the position of authors, allowing for the return of copyright ownership to authors during their lifetime, after having assigned rights to a third party for the 'first' fourteen years (Goldstein, 2003 p34).[183]

Goldstein maintained that the "great revolution" brought by the Statute of Anne was the separation of "copyright from membership in the Stationers Company." Anyone was now able to get "copyright in a work simply by enrolling it on the Company's register," (Goldstein, 2003 p34), and if he or she was refused the right to register the work, they

---

specified, and the copyright might, therefore, be considered as indefinite or perpetual" (Putnam, 1897 pp486-488).

[183] England was the trendsetter, with "engravings (1735), music (1777), fabric designs (1787), and sculptures (1798)" following literary copyright (Kretschmer, 2005).

simply had to publish notice of the work in an official publication and copyright could be derived from that (Ploman and Hamilton, 1980 pp12-13).[184]

But while these reforms were vitally important, and probably attributable, at least in part, to calls for reform of authors rights at the time,[185] the fact that authors did eventually gain by the Statute seems more accidental than intentional. The push for the legislation was "directed by persons concerned with copyright only as a means to an end for themselves" (Patterson, 1968b p14) and these did not include authors.[186] Ploman and Hamilton summed the true meaning and effect of the act: "The Statute concerned the right to copy and no more. The protection afforded was against the piracy of printed works. There was nothing in this Statute that touched upon the creative or moral rights of the author. The right protected was a property right" (Ploman and Hamilton, 1980 p13) (cited by Bettig, 1996 p23). Goldstein goes further, describing the political lobbying by Stationers for the act, as "a cynical prescription for copyright owners to parade their economic claims under the banner of author's rights to win favourable copyright legislation" (Goldstein, 2003 p216).

The enduring legacy and twin purposes of copyright is the exploitation of its commercial potential and its role in censorship, and these still form the basis of today's publishing in the Anglo-American tradition. While censorship is no longer as draconian as it once was, it has been absorbed into the gatekeeping role of today's Anglo-American publishers,

---

[184] "Anyone in the realm, writers as well as publishers, could get copyright in a work simply by enrolling it on the Company's register" though Parliament allowed the Company "to keep a perpetual monopoly in the works to which they held copyright, giving them a one-time-only twenty one year copyright" term for works published before the Statute was enacted (Goldstein, 2003 p34).

[185] John Locke's Two Treatises of Civil Government, published in 1690, called for more rights for authors, offering a "theory of an intellectual property right in the author" (Bettig, 1996 p19). The concept was rooted in the right of labour "expended in the creation of the work," and was similar to ideas circulating on the Continent. "In its mature form the theory maintained that the author's rights are not created by law but always existed in the legal consciousness of man", a conception of copyright as rooted in "natural law" (Ploman and Hamilton, 1980 p13).

[186] Those being "copyright-owning publishers, a few printers who still owned valuable copyrights, the wholesalers tied to the monopoly, but no authors or translators" (Bettig, 1996 p23).

ensuring that the tradition of control lives on. Greco, quoting an experienced editor, Gerald Gross, offers an example of how an editor decided on manuscripts. Gross admitted he would not accept works that didn't accord with his beliefs. "I am a devout and unconditional supporter of the First amendment...But I know I have to sleep at night and face my children without shame of guilt" (Greco, 1997 p119).[187] This highlights the issue of hidden, continuing, unstated censorship. How many of these cases go unreported? How many and what kinds of 'censoring' decisions are made by editors and publishers? A junior editor knowing the philosophy of the firm he or she works in may not even take the chance of considering a text, and mail it right back to the author, based on its political, moral or religious themes she or he ascertains in the first ten pages. Publishers control what is published and what is *not* published, and this privilege derives directly from the Stationers Company monopoly.

Hence, today's publishers still have enormous powers. In Tudor times this power was explicit, statutory. Today a publisher's power is generally implicit, but firmly embedded and evident in the intermediary role publishers play between authors and consumers. And into this scenario of control crept the disruptive e-book—underpinned as it is by an ever-expanding, even more disruptive and so far 'uncontrollable' distribution network—the Internet and World Wide Web. The three disruptive technologies combined have the power to re-invent power relations within the entire publishing industry. Who in publishing will let the e-book and associated technology succeed with a resumé like that?[188]

---

[187] Gerald Gross (1993) Editors on Editing, Grove Press, New York, pxv.

[188] Recently the global search engine company, Google, launched Google Print then Google Book Search, combining the Web and the Internet to book content. Publishers are resisting Google's overtures in the belief it seems that the Search Engine wants to profit from use of publishers copyright holdings, even to the extent of taking over the publishing industry holus bolus.

5.1 Copyright and consumers in the digital era

In a report for Congress on Fair Use on the Internet, this quote appears in a transcript of a proceedings in a U.S. court: "The primary objective of copyright is not to reward the labor of authors, but 'to promote the Progress of Science and useful Arts'...To this end, copyright[189] assures authors the right to their original expression, but encourages others to build freely upon the ideas and information conveyed by a work"[190] (Jennings, 2002 p2).

In theory, copyright law and practice is there to balance the interests of authors, rightsholders and consumers. And while the concept of promoting the arts and sciences, supporting freedom of expression and creativity is enshrined in the U.S. constitution, critics of copyright legislation say it rarely works that simply, or even that way at all.

As we have already seen, copyright law has almost always disproportionately favoured and protected "the interests of rightholders" (Fernández-Molina, 2004 p155). And given the nature of corporate control in the cultural industries,[191] the progress of creativity and original expression, the main beneficiaries of copyright law, particularly with regard to recent copyright legislation are corporate rightsholders. In the current digital copyright environment, rightholders are set to profit from "several cumulative layers of protection: copyright, technological protection, legal protection of technological measures and contract law, with the corresponding decrease of the public domain and the effectiveness of copyright limitations" (Fernández-Molina, 2004 p155).

---

[189] Copyright covers, in terms of the cultural industries, all aspects of creative expression and output: theatrical works, literature – poetry, fiction and non fiction, film, music, radio, TV, Video, computer software, videogames (anything creative and somehow cultural in nature, in effect, that has been published in some form or another).

[190] Quoting from: Feist Publications, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340, 349-50, quoting U.S. CONST. ART. I, sec. 8, cl. 8.

[191] Leaving aside 'the sciences' for the moment.

Corporate copyright owners have tightened their hold over and control of information. And this is distorting and altering the beneficial purpose of copyright laws for consumers in particular. Having begun in state of outright monopoly, over the centuries copyright law then travelled through to a fairly benign system of control. But with recent legislation—said by legislators and rightsholders to be necessary for policing the digital environment—we seem to be returning back to the original desire, when copyright first began, for complete "private control of information" (Fernández-Molina, 2004 p155).

Even copyright laws that seem to support authors and their heirs are in fact corporate strategies for further control. The 1998 Sony Bono Term Extension Act in the United States gave copyright holders an extra 20 years on copyright (to life plus seventy years) bringing U.S. law in line with other copyright law in the Western world. "Extending copyright terms pays big for rightsholders" (Lessig, 2004 p216). In the lobbying that led to the passage of the bill through Congress "[t]en of the thirteen original sponsors of the act in the House received the maximum contribution from Disney's political action committee; in the Senate, eight of the twelve sponsors received contributions. The RIAA and the MPAA[192] are estimated to have spent over $1.5 million lobbying in the 1998 election cycle" paying out "more than $200,000 in campaign contributions" with Disney "estimated to have contributed more than $800,000 to reelection campaigns in the 1998" (Lessig, 2004 pp215-217).[193]

Ownership and control of intellectual property in the digital era is a hotly contested issue, with those on the side of rightsholders claiming that the digital scenario is a threat to the

[192] Recording Industry Association of America and Motion Picture Association of America.
[193] Lessig argues that "this is the core of the corruption" in the U.S. system of government. "'Corruption' not in the sense that representatives are bribed. Rather, 'corruption' in the sense that the system induces the beneficiaries of Congress's Acts to raise and give money to Congress to induce it to act and enact... (Lessig, 2004 p216).

whole meaning of intellectual property rights and ownership. Corporate copyrightholders have lobbied parliaments and regulators to have tougher laws enacted, brought cases and appeared before judges in order to have the courts serve tough penalties against transgressors of copyright law. Rightsholders say this is absolutely necessary in the current climate of copyright infringement, which they argue is on a scale never before seen[194] (Harmon, 2002) (Rojek, 2005 p5 of draft).

Opposing these moves are supporters for the 'free' traffic of information and cultural goods in the digital environment, who see the current copyright regime and project, at best, as an overreaction by the copyright owners, at worst a deliberate strategy to snatch more control by creating a 'phantom threat.' Tightening copyright laws, supporters of a 'free' traffic in information point out, will be to the detriment of everyone, including copyright owners themselves.[195] "We have become so concerned with protecting the instrument that we are losing sight of the value" (Lessig, 2004 p19). At risk, they say, is an entirely new medium providing "fresh business opportunities for [all] those involved with intellectual property" (Lejeune, 1999).

The main parties (with regard to this study), rights-holders and consumers, have different positions and different terrains, with consumers disempowered by the fact they are largely ill-informed or uninformed. And, in any case, informed or uninformed, "[f]rom a legal standpoint, the individual's right to use a copyrighted work is minimal...only the nebulous and uncertain doctrine of fair use...protects the individual who wishes to extend his use of the work beyond the reading of it" (Patterson, 1968b p227).

---

[194] The most intense activity so far has been in the music industry with P2P (peer-to-peer) online music file sharing. Lawyers for the music industry argue that the global reach of the Internet "does not take away the right of the United States to enforce its laws when they have an impact on its citizens, within its borders. 'The copyright industries around the world are not going to stand still and let other companies build businesses off the sweat of their brow simply because they're willing to set up shop in some other country,' said Matt Oppenheim, a lawyer for the Recording Industry Association of America" [RIAA] (Harmon, 2002).

[195] Lessig argues that "[no] society, free or controlled, has ever demanded that every use be paid for..every society has left a certain bit of its culture free for the taking" (Lessig, 2004 p29).

Consumers are cast into a vastly unequal relationship with the corporate owners who control intellectual property for profit, not societal gains or progress of the arts and sciences. As a result of the current progress and discourse on copyright in the digital era, consumers' rights are being ignored.

The current legislation implicitly supports the notion that the danger is from consumers—that piracy is rife or potentially rife—yet the relentless pursuit of control by rightsholders is the greatest current threat to free expression, the development of cultural industries and the flow of information. "[T]he danger of the monopoly from the publisher rather than the author, the differing interests of the publisher and the author, and the right of the individual user—are the forgotten ideas of copyright. But simple as they are, they are fundamental, and they are the basis for the principles necessary for an integrated concept of copyright" (Patterson, 1968b p228).

The music industry is hard at stalling "the expansion of unregulated distribution of content through litigation" so they can "establish a standard secure digital encryption format" needed to create "a global pay-per-view system—a proprietary information ecosystem" (Vaidhyanathan, 2004 p52).

And some outside the corporate framework, independent of the management of the commercial sectors of the culture industries, seem also to want more controls. Professor Deborah Spar from the Harvard Business School argues that lessons learnt from "the early printing industry, the telegraph, and radio," from the creation of anxiety and chaos in their early days of their development, need to be heeded today. We should approach cyberspace accordingly, she advises, and create more controls, and sooner not later (Spar, 2001) (cited by Vaidhyanathan, 2004 p35).

Vaidhyanathan identifies copyright law as "the most powerful instrument of global American cultural policy" (Vaidhyanathan, 2004 p113), something that applies readily to the whole Anglo-American publishing environment.[196] Vaidhyanathan warns that the culture industries are set to take "advantage of the 'digital moment' to trump the democratic process [in order to] write their own laws" because as they view the digital scenario, (or as they claim to see it) "digital formats collapse the distinction between using and copying material," meaning, according to Vaidhyanathan, that "content producers will be the cops, juries and judges in matters of copyright" (Vaidhyanathan, 2004 p53).

The current *putsch* by copyright owners, of course, is not particularly new in essence. As history shows us, copyright has never been a consumer's right, no more than it was an author's right at the outset of its development. The printing press technology 'invented' copyright, and thereafter, a war between technology and copyright developed (Lessig, 1999 p124). Media technologies, while offering freedoms seem also to breed copyright norms in the form of technologies of control created to suppress 'deviant' behaviour.[197] The current copyright regime, constructed for the digital era, seems unapologetically antipathetic to the rights of authors, 'free expressionists' and consumers, particularly, if those rights run counter to the interests of the corporation.[198]

---

[196] At first "the evolution of copyright in Great Britain influenced U.S. copyright" (Bettig, 1996 p17). Now U.S. copyright law is leading the UK.

[197] In the current digital environment "the main political pressure [came and comes] from the developed countries…a response by the content industries to a series of technological innovations, centred on information and communications technologies (ICTs) which enhanced both the possibilities of an international (commodity) trade in information—and knowledge-related goods" enlarging "the possibilities of 'theft' and 'piracy' " (May, 2003).

[198] Kretschmer writes that it is difficult enough for individual creators to publish and that "a new generation of copyright laws predominantly concerned with preventing unauthorised distribution in digital networks through proprietary digital rights management (DRM) technologies has not helped (WIPO Internet Treaties, 1996; DMCA, 1998; EC Information Society Directive, 2001), though this is also partially due to an inherent "reluctance [of many artists] to engage with alternative forms of copyright exploitation" (Kretschmer, 2005).

It is fair to assume the corporations could not care less about culture or freedom of expression, or the fairness or justness of copyright law. Korten says that the corporate project is simply "to protect, control, and expand the various sources of the corporation's monopoly power, including its logo, image, brand names, intellectual property rights, financial and political assets, and strategic alliances" (Korten, 2001 p212).

The reason for American corporate moves against the copyright infringement threat in the digital era has another more fundamental layer than only a reaction to the commercial threat to their businesses. The corporations are using the moment to extend their powers. "[T]he corporation is king, the state its subject, its citizens consumers" (Hertz, 2001 p5).

Feudal methods are now 'history' in the Western world, though medieval political structures have somehow remained alive and well in today's corporate mind. As Chomsky informs us, the first Chief Justice of the U.S. Supreme court most favourite maxim was that "[t]he people who own the country ought to govern it"—a fundamental principle in the history of the United States (Chomsky, 2003b p315). The corporations by nature want more control over the cultural markets. The 'copyright dilemma' in the new digital scenario is just another opportunity to organise and deepen that control.

With the corporations dominating the political and economic environment of all markets, there is no pressure on them to force a change to their actions or policies (Chomsky, 2003b p76). Hertz calls it "the world of the silent takeover", with corporate power growing ominously. "[F]ifty one of the hundred biggest economies in the world are now corporations… forty nine…nation states" (Hertz, 2001 p7). Offering some hope against this evolution of the corporate threat, Goldstein suggests that while the general public' was hoodwinked by the Stationers in the early eighteenth century, such hidden trade control statute intentions as those behind The Statute of Anne, would not now be possible. "The

access to the news media is too extensive today for false claims to survive" (Goldstein, 2003 p216). Given the power of the media conglomerates to influence either through the printing and broadcasting of misinformation, or through the constant manipulation of 'truths' and sowing false myths and discourses, there seems to be more hope than deft analysis in Goldstein's words.

New York Times journalist, Patrick Tyler, wrote that "there may still be two superpowers on the planet, the United States government and world public opinion" (Tyler, 2003 pA1) (cited by Chomsky, 2003a p4). Evidence suggests that U.S. Government is more or less in the thrall, if not the pockets, of the corporations, so perhaps the only power left for countering the corporate project is the effective use of the latter, the power of public protest. But even if the public raises a question or mounts a protest, with the power and resources corporations have, there are many options open to them for managing such a challenge. Any 'street-level' revolt, or show of 'Foucauldian resistance', must have considerable power in itself, a power somehow equal to that of the corporation if it is to have any hope of success.

Authors and consumers would need to thoroughly organise themselves and their objections to the corporate philosophy and approach or it is doubtful they could ever have any effect on corporate policy at all. Add to this scenario the vagaries of copyright law,[199] and the capacity of individuals to defend 'their copyright rights' becomes even less probable. The system, as is, favours copyright owners. Rojek writes that "[w]ith the exception of the most blatant cases of infringement, enforcing copyright over intellectual property has always been difficult" (Rojek, 2005 p1 of draft). Copyright law is difficult for

[199] "The shape of Western copyright was settled with the Berne Convention of 1886, and integrated into the global free trade area with the WTO TRIPS Agreement of 1994" (Kretschmer, 2005) a broadly international agreement deliberately left open to national interpretation, as evidenced in the relative ease demonstrated by U.S. authorities in enacting draconian provisions of the DMCA (Goldstein, 2003).

the corporations as well as individuals. But the fact remains that the copyright scenario favours the corporation not the individual, even if only in trying to understand the law, let alone in filing and fighting a suit in the courts. Corporations can afford the best and most expensive legal advice and representation. Few individual authors have that option. With regard to this, Litman argues that in order for individual citizens to be engaged with copyright law, it cannot be written so only copyright lawyers understand it. "[I]t must, in Litman's phrase, be "short, simple and fair," not a labyrinth (Goldstein, 2003 p215).

Goldstein adds to this picture, writing that copyright "protects products of the human mind, the thoughts and expressions" in order that they find their way onto the printed page, or into a song or film, and that "[i]t is hard to draw boundaries around such fugitive 'properties'" (Goldstein, 2003 p5)[200] Any individual claiming infringement against the might of a brand author or corporation, is attempting something that in the current corporate-controlled-copyright climate is generally beyond his or her capacity or resources. Without the necessary capital, informed and 'engaged' legal help (industry power as well), the task assumes 'Olympian levels,' particularly if the petitioner seeking redress from the courts is a lone and, in all likelihood, impecunious author.

[200] A good part of the reason is that "[i]deas, knowledge and information are generally non-rivalous... patents and copyrights (as well as other IPRs) 'are not a consequence of scarcity. They are the deliberate creation of statute law...The construction of scarcity through the commodification of knowledge plays a vital role in the operation of contemporary global capitalism" (May, 2003).

5.2 Copyright or copytheft – the corporations v. Nancy Stouffer[201]

A recent example of one author's attempt at seeking justice from the labyrinth of copyright law is demonstrated with the public charge of copyright infringement (plagiarism)[202] brought by American author, Nancy Stouffer, against the author of the Harry Potter series, J.K. Rowling. Stouffer claimed in various media appearances that her self-published 'Larry Potter' children's 'activity books, written and 'sold' from the mid-1980s, were the unrecognised source of the *Harry Potter* series, which Rowling began writing in the 1990s.

Rowling, for her part, backed by her book and film publishers, countered that Stouffer's claims were baseless, even fraudulent. In face of Stouffer's claims, Rowling, Scholastic and Time Warner took what the Washington Post described as "pre-emptive" action.

> "To shut Stouffer up, Rowling and her corporate protectors---Scholastic Books, publishers of four Harry Potter novels in America, and Time Warner, holder of the super-lucrative cinema and licensing rights to Harry Potter—have filed suit against her in New York. The corporations don't want Stouffer bad-mouthing the beloved wizard of Hogwarts, especially now when the hyped-to-high-heavens movie version of Harry Potter and the Sorcerer's Stone is scheduled to open in November. And they don't want to be sued by Stouffer for trademark infringement somewhere down the line" (Weeks, 2001) (cited by LitNet, 2001).

---

[201] The general discourse is that deviant consumers are potential pirates that must be regulated, but there is *ipso facto* the possibility that corporations could be involved in organised piracy themselves.

[202] Plagiarism is derived from the Latin word *plagium* for 'kidnapping,' used, it seems, first in a literary context by the Roman poet, Martial, who complained about unauthorised recitals of his works, showing that "the moral impulse to protect authors is older than copyright" (Goldstein, 2003 p30), and certainly older than the tradition inspired by the printing press.

Stouffer, who said she found the whole episode difficult to comprehend, had been unsure about publicising her claims. "For a while I kept everything quiet. There was danger in going public. I could kill myself in the industry."[203]

The case was going to be difficult for Stouffer. Even the supportive Linton Weeks (Washington Post) wrote that between the 24 page activity books written by Stouffer and the novels of Rowling, "[s]ome similarities are remarkable; many are inconsequential" (Weeks, 2001).[204] Stouffer, when asked about her motivation in taking on Rowling, said she "wanted it stopped, or I wanted to be compensated...If I infringed on Time Warner or Scholastic they'd be all over me like flies on you-know-what" (Weeks, 2001).

The case: **Scholastic, Inc, J.K. Rowling, and Time Warner Entertainment Company** *against* **Nancy Stouffer**, was heard in the United States District Court for the Southern district of New York in 2002. On 17 September, 2002, the court ruled against Stouffer, ordering her to pay sanctions "in amount $50,000 in damages" and "to pay a portion of the plaintiff's attorney fees" (Lexis, 2002).

Stouffer's attorney, Thomas McNamara, said he and his client "were surprised and disappointed with the decision", adding that they were "particularly troubled by the court's determination that she [Stouffer] submitted falsified evidence" something her lawyer said Stouffer adamantly denied (Italie, 2002) (Gomes, 2002).

---

[203] Stouffer had brought another trademark action prior to this, defending her Larry Potter books in the early 1990s. That time was in particular reference to the use of a 'Muggle' character in a cartoon series. The cartoon series was subsequently cancelled (Weeks, 2001).

[204] The reported resemblances included title, characters and even distinct similarities between jacket illustration in the two works. Stouffer also claimed that she had met Arthur Levine, Scholastic's editor (who bought and brought the Potter books to the States from the UK) and that he had expressed an interest in her work. Scholastic denied any knowledge of this (Weeks, 2001). At the time of writing her first Potter book, Rowling was nursing a small child. Had she somehow seen Stouffer's activity book (meant for small children) and even read it aloud to her child? Whatever the possibility of that, there were also reportedly "vast differences between the two sets of books...The first [Harry] Potter book was 309 pages. Subsequent instalments stretched even longer. Stouffer's productions, on the other hand, are 24-page activity books with simple stories, pencil games and pictures to color" (LitNet, 2001).

A copyright lawyer who had been approached by Stouffer, said in an interview conducted for this study, held in her New York office in December 2004, that she had had more than one meeting with both Stouffer and her publishers. When asked: "Was she [Stouffer] lying?" the lawyer replied: "No, she wasn't."[205] The lawyer went on to say that she thought Stouffer had had a good case. The lawyer decided not to represent Stouffer because she felt her publishers were not united with Stouffer 'in the belief' they could make a legal challenge against a major brand like Rowling and win the case.

Even if Stouffer's petition had merit, her task to convince the court was formidable. She was up against a wealthy, famous author, who clearly wanted to protect her reputation—an author who was backed by two powerful corporations which were also determined to protect their financial interests in the lucrative brand Rowling and the Potter books represented. Stouffer could not equal the resources of and behind Rowling.

How much legal substance there was in Stouffer's arguments, whether her case at law was strong enough in face of copyright legislation, is impossible to ascertain here. What is notable from the perspective of Stouffer's own personal courage (or foolhardiness) is that she was prepared to go public with her position, to appear again and again on TV networks to argue her case (Weeks, 2001), well before going to court. And apart from Weeks's 'supportive' article, one particular blog commentary on Stouffer and her claims demonstrates at least some of the opposition she had to face. The blog mercilessly

[205] In a BBC interview with J.K. Rowling, broadcast Boxing Day 2000, to coincide with Stephen Fry's marathon on air reading of Harry Potter and the Philosopher's Stone, Rowling described how her literary agent, Christopher Little, while 'auctioning' her first book to U.S. publishers, kept calling her with news, almost hourly, telling her how 'the sum' was rising toward six figures (Scholastic eventually bought the U.S. rights to the first Potter book for £100,000). Rowling said she kept pacing in her flat. She said she couldn't sleep that night, describing how worried she was, making the statement that she kept thinking: "They're going to find me out." Find her out for what? She never elaborated, and the interviewer never pursued it.

represented Stouffer as 'a gold-digging-nobody-wannabe', hoping to bathe somehow in Rowling's reflected glory, and get paid off in the process. But a closer look at this example of anti-Stouffer commentary and it seems not all is as fair and free as it might be in 'democratised free world of the Web blog.' The following was published on a web site headed—Making Light.

> You'll have heard the original news story: How, back in March 2000, American author Nancy Stouffer brought suit against J. K. Rowling and her publishers, claiming that Rowling's hugely successful Harry Potter plagiarized her own children's book, The Legend of Rah [and the Muggles], and her series of stories about "Larry Potter", all of which were published in the mid-1980s.
>
> I found her case unconvincing from the start. "Muggles" is not a new word, "Potter" is not an uncommon surname, and the other alleged similarities were nothing you couldn't find in dozens of other works. Stouffer is just not all that credible. On her own website, she claimed that each of her titles—which were issued by a vanity publisher—had a first printing of 100,000 copies, and that all of them had sold out their first printings within a week.
>
> Just for the record, that's impossible. First, if they'd sold like that, you would have heard about them, they'd have been on bestseller lists, and they'd still be in print. Second, in order to get that kind of *initial laydown in the stores (italics added)*[206], her publisher would have to have had a full-scale professional marketing & distribution setup already in operation. If you're a real publisher, a setup like that is expensive but indispensable. If you're a vanity publisher, it's ruinously expensive and completely pointless. Third, both Borders and Barnes & Noble have confirmed that they turned down Stouffer's books as being of inferior quality.
>
> Stauffer's [sic] case didn't prosper. Neither did she. Nobody wanted her books, and *her first lawyer dropped her* (italics added) for undisclosed reasons that at this point scarcely need explaining.

[206] This doesn't seem to be the language of an average blogger or even average outraged consumer, a disinterested non-industry observer. It seems more the language a publishing professional would use.

The Making Light site does not show who is writing or what is behind these views, but by tracing via its URL: http://nielsenhayden.com/makinglight/archives/001463.html,[207] we arrive at http://nielsenhayden.com, where we discover who NielsenHayden is. In their own words: "We edit books, mostly but not exclusively science fiction and fantasy, for Tor Books." Going back further via the URL trail we find Tor Books is "an imprint of Tom Doherty Associates, LLC—the largest publisher of science fiction and fantasy books in the world."[208] Then we discover that "Tor titles are distributed to the trade in the United States by Von Holtzbrinck Publishing Services, and that via, 'Imprints Explained' at http://www.tor.com/forge.html, we find Tor's "Corporate Cousins" (the site's own description) include: Holtzbrinck Publishers Ebooks and Print On Demand, St. Martin's Press, Stonewall Inn, the gay-interest imprint of St. Martin's Press, St. Martin's Scholarly and Reference, Henry Holt and Company, Farrar, Straus and Giroux, Macmillan Publishers, Ltd., Pan Macmillan Australia, Nature magazine, Macmillan Magazines, Ltd., Scientific American, and W. H. Freeman & Co., another subsidiary of Holtzbrinck."

The commentary on Stouffer can be traced back to a subsidiary interest of a major global publishing corporation, which it could be fairly argued has a common interest with Scholastic and Time Warner in defending the ownership of intellectual property against 'lone mavericks' like Nancy Stouffer—an outsider to the corporate publishing circles of fame—who had the 'gall' to challenge their 'collective power.' Is this an example of

[207] The blog and URL seemed too organised to be the usual web-'shouter.'
[208] http://news.teamxbox.com/xbox/9081/Tor-Books-to-Shed-Light-on-the-World-of-Perfect-Dark/

corporations working in concert to protect corporate interests?[209] Each publishing corporation's interests in cases like this seem, in effect, to be identical to all others.

The message of power here is clear: Don't 'mess' with a major publishing corporation's copyright assets. It is also clear that Stouffer's power was not equal to her adversaries and that her 'Foucauldian revolt' came to nothing, less than nothing. Before the court's judgement, she said she had already spent all her saving fighting the case (Weeks, 2001). Barring perhaps 'some hidden behind the scenes deal' made secretly with Rowling *et al*, to really shut Stouffer up, then Stouffer's financial status (based on her own statements) after the court judgement must be close to bankruptcy.

Trade publishing at the corporate level is not the 'gentleman's profession' it once was (Fister, 2001 p511) (Thompson, 2005 p135). Corporate trade publishing is a business involving fierce corporate defense and no-holds-barred ownership of intellectual property.

One writer suggests that any 'moral' image or practice demonstrated by publishers in the last fifty years relies "on the outsized personalities at the helms of the independent houses" (Simon, 2000). But most independently-owned publishing houses have been absorbed by corporations, who are constantly "tightening their control over markets and technology through mergers, acquisitions, and strategic alliances"(Korten, 2001 p23). Maverick authors and consumers can expect no quarter, only sales talk.

With regard to recent developments in intellectual property rights, corporations have lobbied and enlisted the support of governments.[210] Quoting an unnamed CEO, Hertz writes that the only thing corporations seem to fear is "consumer revolt" (Hertz, 2001 p126),

---

[209] If indeed Tor is 'another' corporation.

[210] This alliance between government and business is something financier George Soros describes as "the greatest threat to freedom and democracy in the world today...the formation of unholy alliances between government and business... not a new phenomenon. It used to be called fascism" (Soros, 2000 pxi).

whatever revolt in this context actually means, or amounts to, in reality. Perhaps though dormant revolt is 'out there.' According to Kretschmer "[t]here are strong indications that a significant creative element of society no longer accepts the current structure of copyright, with long exclusive rights bundled in the hands of major rights holders" (Kretschmer, 2005).[211]

Some observers, of course, disagree with the substance and inferences of these assessments, offering the point of view that it is the corporation which is under threat in the digital environment, with their power "to influence economic events, much like the power of governments to influence them...melting in the light of personal computers and their empowerment of individual choice" (Levison, 1999 p8). It is hard to see how this argument can be sustained; it ranks along with Murdoch's disingenuous (perhaps ironic) public statement: 'We're only minnows'—when faced with questions on his growing power (Wolff, 2001).

[211] "[P]articipants in the 2000 MORI Study 'Intellectual Property: Public Attitudes' particularly resented restrictions on non–commercial use" (Kretschmer, 2005)

5.3 The DMCA

The Digital Millennium Copyright Act (DMCA) was signed into U.S. law by President Clinton on 28 October, 1998. Considered the most significant piece of copyright legislation in the United States since the 1976 Copyright Act (Nimmer, 2003 p329),[212] the DMCA brought U.S. Copyright law into line with two copyright treaties by the World Intellectual Property Organization (WIPO).[213]

The Act has been identified as embodying "regulatory excesses" (Goldstein, 2003 p188), favouring copyright holders rather than individual consumers, particularly in the provisions contained in Section 1201.[214] An editor on the site of ArsTechnica in the U.S, goes further: "The DMCA, which outlaws the circumvention of copy protection mechanism, is widely recognized as one of the greatest frauds ever perpetrated on US consumers" (Bangeman, 2005). Legal scholar, David Nimmer, describes the act as seeming to be framed "in a foreign language," something that might be "more aptly described as 'paracopyright'...protecting new avenues of exploiting as yet undefined objects," with legal understanding of the law yet to be developed, based on "a case law vacuum" (Nimmer, 2003 p331).

---

[212] The DMCA " categorically gives copyright owners the exclusive right to control reproduction of their works, a right which would literally cover private copying", (Goldstein, 2003 p107) relevant to the later use of Peer-to-peer (P2P) online digital file swapping.

[213] The WIPO treaties inspired "two new prohibitions in Title 17 of the U.S. Code—one circumvention of technological measures used by copyright owners to protect their works, and one on tampering with copyright management information—and adds civil remedies and criminal penalties for violating the prohibitions" (U.S. Government, 1998). Of particular relevance to this study of trade e-books is how and what the DMCA prohibits in terms of digital works placed on line by copyright owners within Section 1201, described as "the anti-piracy provision, providing that: 'No person shall circumvent a technological measure that effectively controls access to a work protected under this title' " (Koschmieder and Smith, 2001) (Lutzker, 2005).

[214] The anti-circumvention provisions in the DMCA, "(Section 1201 of the Copyright Act) took effect at the end of a two-year evaluation period. They are accompanied by limited exemptions to nonprofit libraries, archives, and educational institutions" (Koschmieder and Smith, 2001)

Even though the general belief is that the DMCA substantially favours copyright holders, there have been some criticisms of the act by copyright owners themselves. Time Warner, Inc. claimed that "it will be exceedingly difficult – if not impossible – to limit permitted circumvention to uses that are not infringing or defensible under the fair use doctrine" (Koschmieder and Smith, 2001). It is not clear from this if Time Warner regards fair use provisions, as enshrined in the American constitution, as fundamentally unfair to copyright holders, or that the fair use provisions contained in the act are unfair to copyright holders, or that fair use provisions just get in the way of their prime objective of their businesses, building revenue 'at all costs.' Whatever the truth, it is hardly likely that Time Warner would be supportive of fair use in any description, because fair use is a quasi consumer right with the potential to limit corporate profits *(see 5.4 below).* The inference (embodied in Time Warner's complaint) is that fair use is unfair to copyright holders, and this idea could be described as hardly isolated to Time Warner. Most publishers or copyright holders view the idea and practice of fair use negatively.

The central purpose (and dilemma) of the DMCA can be found in "the relationship between control of works in the digital environment and the control of access to works by the creation of a new species of rights" (Lutzker, 2003). While traditional copyright law allows "a number of very specific rights - the right to control copying, the right to control preparation of derivative works, public performance, public display" etcetera, the DMCA now adds the question: May I even look at published material if I have not obtained permission?" Luzker maintains that the DMCA seeks answers to fundamental questions in the digital environment: "A) Who can control access to works? and B) When you legally control access to works, what happens thereafter?" (Lutzker, 2003). And this raises a

number of serious and fundamental issues related to reader/consumer freedoms (or lack of them) in their use of published information in the digital environment.

Goldstein argues that the DMCA does not need to be so extreme (Goldstein, 2003 p174),[215] because an "adherence to copyright's traditional strictures in the digital marketplace offers the surest prospect for the production and consumption of creative work in the widest possible variety and at the lowest possible price" (Goldstein, 2003 p188).

Chairman of the U.S. Congress's House Commerce Committee, Thomas Bliley, observed that the DMCA contained "anti-circumvention provisions" which create "entirely new rights for content holders that are wholly divorced from copyright law," challenging "the principle that has been at the center of copyright law from its beginning—that the rule of law is a fairer and more efficient means of protecting literary and artistic works than are physical barriers. The message from copyright owners...was that the rule of law" was no longer enough (Goldstein, 2003 pp174-175).

The evolution of copyright legislation has often been linked to technological developments, and the resulting law generally speaking has "strengthened the rights of copyright holders and reduced those of the reading public" (Lowry, 2002 pxi). But it is the law that is responsible for these changes not technology. Technology is the reason, the excuse, for strengthening the law. Creating and using the DMCA in this way has eroded "user rights (represented by legitimate scholarly use, fair use, classroom use, etc)" (Lowry, 2002 pxi).

There is no body of evidence to say that digital technologies have harmed copyright holders to any great extent. The music industry claims that online P2P "piracy" has affected sales is disputed by Big Music itself. A study by one major found that 75% of the decline in

[215] A 1995 White paper preparatory to the legislation proposed barring technological measures of circumvention even on the copying of a paragraph from a journal for research purposes, "even though under the law, such copying would qualify as fair use" (Goldstein, 2003 p174).

sales in the early 2000s "had nothing to do with Internet piracy" (The Economist, 2004). The DMCA was enacted on the basis of the potential threat it could or might represent.

The Electronic Frontier Foundation (EFF) objects strongly to the DMCA claiming that it "makes it illegal to fiddle with any technology that copyright owners use to 'lock up' their works" meaning that copyright balance as a concept has been discarded. Consumers cannot "bypass the locks" meaning they cannot "exercise any of the rights reserved to the public by the copyright act" (von Lohmann, 2001a). The EFF believes this needs to be rethought, revisited, to ensure that the act's provision does not "impair a consumer's ability to use the products he owns, so long as he doesn't infringe copyright" (von Lohmann, 2004).[216]

Not even two months after the DMCA was enacted, in a collaborative effort, the big music corporations "announced the Secure Digital Music Initiative...with leading Internet, computer, and home consumer electronics companies, to design a standard technology that would block the unauthorized use of digitally recorded music," setting up an open competition ($10,000 prize) to see if their 'watermarked' files could be 'cracked.' Ed Felten, an associate professor at Princeton University, together with some colleagues, took up the challenge and successfully lifted the watermarks from the digital music files without affecting the sound quality. The SDMI 'was not amused.' Felten, who had declined to sign a confidentiality agreement, therefore forfeiting his chance at the prize, decided a peer-reviewed article on his team's work, presented at a conference, was needed to publicize his

[216] Recently Sony BMG has found to be "using copy-protected CDs to surreptitiously install its digital rights management technology onto PCs...restrictive DRM, including possible incompatibility with computer CD-ROM players, DVD players, and car CD stereos. And in a deep-dive into the Sony end-user license agreement, the Electronic Frontier Foundation found some astonishing fine print. For example, if you lose the original CD or it's stolen, you lose the right to any digital copies you've made. You can't keep your music on computers at work. You must delete your songs if you move out of the country or if you file for bankruptcy. The list goes on and on...(Wood, 2005) (Axline, 2005).

work. The RIAA and SDMI threatened legal action, and after a period of internal pressure from his university and from the music industry, Felten and his colleagues, backed by EFF (Electronic Frontier Foundation) sued the RIAA, SDMI and the Attorney General, arguing the DMCA was unconstitutional. Their petition was dismissed with the observation from the judge that the complainants were "modern day Don Quixotes" tilting at windmills (Goldstein, 2003 pp176-181).

Consumers, it seems, have even fewer rights than professional researchers. Some artists have expressed solidarity with the position of the consumer, but as Kretschmer writes, in regard to the digital P2P possibilities, "[a]rtistic motivations are complex, with some creators favouring wide distribution over the exclusive control promised by copyright law... Others were happy with the exclusive structure of modern copyright, as they had learned to benefit from the system" (Kretschmer, 2005)[217]

Litman maintains that copyright law "never gave copyright owners rights as expansive" as the ones they are now claiming as their own (Litman, 2001 p114) (May, 2003). Loren argues that monopoly was never a right in copyright law, which was always meant to "strike a balance between granting a certain level of protection and guaranteeing a certain level of access and use" (Loren, 2002 p142) (May, 2003). In essence, many argue that the DMCA does not reflect "the balance of interests that copyright laws had slowly established over their half-millennia history" (May, 2003).

[217] From: "The Pew 'Artists, musicians and the Internet' study report (2004): 35 percent of 2,755 respondents in the musicians Internet survey 'agree with the statement that file-sharing services are not bad for artists because they help promote and distribute an artist's work; 23 percent agree with the statement that file-sharing services are bad for artists because they allow people to copy an artist's work without permission or payment. And 35 percent of those surveyed agree with both statements' " (Kretschmer, 2005)

Fernández-Molina maintains that the current scenario is tantamount to "a privatisation of access to information [and] privatisation of copyright" (citing Elkin-Koren, 2000) (citing Benkler, 2001), with copyright holders controlling the digital environment via the excuse that 'digital is different' and therefore somehow more dangerous than any other medium or platform. One of the possible consequences of this is that "privatisation" could well wipe away all the counterbalances and measures that copyright legislation has built up and into the practice over the centuries, all to the detriment of public facilities such as libraries and of course consumers (Fernández-Molina, 2004 p148-149).

Consumers are especially at risk, with their online activities and court battles over P2P, cast by copyright owners as enemies of 'good and sensible' copyright practice and law—especially the technologically able and informed consumers, who are cast as the super-enemy.[218]

Lawrence Lessig argues in *Free Culture,*[219] that 'culture' has never been more 'owned' than it is now, with "the concentration of power to control the uses of culture" more accepted and acceptable than ever before (Lessig, 2004 p12). The overall message from all this is that consumers are at risk of losing (and in some cases have already lost) basic assumed rights within accepted copyright regulatory environment and practice.

[218] A NPD group survey "estimated that 43 million citizens used file-sharing networks to exchange content in May 2003…The ease and inexpensiveness of file-sharing networks have inspired millions to enjoy music in a way that they hadn't before. Some of this enjoying involves copyright infringement. Some of it does not. And even among the part that is technically copyright infringement, calculating the actual harm to copyright owners is more complicated than one might think" (Lessig, 2004 p67).

[219] Distributed free online under a Creative Commons licence, while simultaneously published by Penguin Press in print form.

5.4 Fair use

Two fundamental legal issues are at stake for consumers, the rights associated with the doctrines of 'fair use' and 'first sale.' Both concepts exist and function in U.S. law, but, as legal concepts, are almost universal in their application in the Anglo-American world of copyright law (Rojek, 2005 p14 of draft).[220]

In the United States, "[t]he fair use doctrine is a principal tenet that allows for the legal reproduction and redistribution of a copyrighted work for certain types of purposes. According to the applicable section of the 1976 Copyright Act (U.S.), these purposes include "criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research' "[221] (Ou, 2003 pp91-92). The enactment of the DMCA left consumers in "an extremely weak [position] with respect to fair use." Observers of the scenario began asking why "the introduction of a new technology" should "force society to abandon what many consider a public right" (Alexander, 2001 p202).

The very idea of fair use in the digital environment has stirred the rights holders to action, with online digital music transference between parties (P2P) considered by rights holders as copyright theft by the back door, which is doing their businesses great harm.

AOL News reported that in 2003 there was a 32% decline in UK album sales; singles sales fell by 59%. Overall global sales for the same period dropping by 7%[222] (Rojek, 2005 pp4-5 of draft). Though the picture is not entirely a simple or clear one. As stated earlier an internal study by one of the majors demonstrated, nearly 75 percent of the fall in

[220] Most countries have their own copyright jurisdictions and there are international agreements, though these are more "voluntary codes of good practice among signatories.. left to the discretion of nation states to enforce them." With the Internet and globalisation there are creative exchanges "that cannot be fully codified" (Rojek, 2005 pp15-16).
[221] Quoting: 17 U. S. Code, Sec. 107, 1976. Fair use also includes parody, an established and accepted 'creative practice.'
[222] Rojek citing Levine, S. (2004) *The Art of Downloading Music*, Sanctuary Press, London

American sales "had nothing to do with internet piracy, with the result that no one really knows what is really driving the fall between "rising physical CD piracy, shrinking retail space, competition from other media, and the quality of the music itself" (The Economist, 2004).

Lessig summed up the copyright holder's fears in the digital era: "[C]yberspace appears to be the worst of both worlds—a place where the ability to copy could not be better, and where the protection of law could not be worse" creating "panic [among] copyright holders, who wanted to see legislative changes made to better protect the copyright" (Lessig, 1999 p125). Lessig writes of a dramatic change in copyright law that came with the DMCA. Practices that were once deemed "ordinary uses immune from regulation," are now, with digital technologies, potentially illegal. The simple act of reading 'a book' in digital form creates a copy. "Has this use been licensed? Is it permitted? And if not permitted, is it 'fair'?" (Lessig, 2005) As Lessig sees it, "copyright now regulates all rather than a minority of work," meaning a huge change in the function of copyright law is now in force (Lessig, 2005).[223] "[R]eading a book in analog space may be an unregulated act. But reading an e-book is a licensed act, because reading an e-book produces a copy. Lending a book in analog space is an unregulated act. But lending an e-book is presumptively regulated. Selling a book in analog space is an unregulated act. Selling an e-book is not" (Lessig, 2005).

Then there is the principle of the gift relationship. Internet exchange of copyright material may well be a gift, and "[t]raditionally manufacturers cannot interfere with gift relationships." This is supported by the "legal principle…that copyright monopoly must not

[223] Whether the copyright holders are in a genuine panic or are simulating panic over cyberspace and digital technologies, they have tightened their grip on copyright law. Whether this reaction stems from genuine fears or is an opportunistic grab by copyright owners is (or should be) of great importance to consumers.

prohibit cultural exchange that benefits all." Any prohibition of gift exchanges "is an unreasonable intrusion into civil liberties" (Rojek, 2005 p17 of draft).

A strict reading of the DMCA means that what was once 'fair use' in the print world, for instance, *reading a book*, is now not permitted in the digital world, meaning 'fair use' as built up over centuries of copyright regulation could well now be a thing of the past.

"We like books," the anti-dmca.org informs us on the website. "However, we do not like the power grab they represent to large corporations...with the advent of eBooks, publishers and Content Controllers would like to prevent you from copying 'their' works. This is understandable to a point, however they have gone way past acceptable. They would like to charge you pay-per-view" (anti-dmca.org, 2001).[224]

Goldstein adds another pragmatic point. Arguing that the moral right of an author and fair use "have much in common", but not in the mechanisms and practices of the marketplace. Underlying the law is the contention that fair use "is a hard-edged economic instrument that will excuse an unauthorised use of a copyrighted work as being a fair one [only] any time it is too costly for the parties to negotiate a license" (Goldstein, 2003 p139).

[224] An article posted on newstarget.com in 2004 talked of legislative 'plans' for a new U.S. Intellectual Property law: "The United States Senate is about to pass a new copyright bill that would turn everyday Americans into criminals. This report is not a joke: it's about HR2391, the intellectual property protection act," writes the author, Mike Adams, listing the wrongs he sees: "Anyone who uses the iTunes music sharing application could be charged with federal crimes...It would make it a criminal offense to skip television commercials...People who bring video cameras into movie theaters could wind up spending three years in prison...Fair Use would also be destroyed. Artists wouldn't be able to use images of President Bush's face in funny flash animations... Publishers would not be able to use a company logo in an article that makes fun of that company. And individuals would be denied the right to quote passages from articles, books, or magazines that deserve public comment. All such uses would be considered criminal and could earn you federal prosecution. If this Senate bill passes, it will transform virtually every young American into a criminal" (Adams, 2004)

5.5 First sale

The first sale doctrine maintains "that a copyright owner's exclusive right to distribute extends only to the first sale of a copy" (Ou, 2003 p90).[225] Once a copy, a book or CD is bought the new owner is free to pass on the single copy, to sell or gift it, as he or she sees fit, as she or he wishes (Ou, 2003 p90).

The argument and main issue at stake for copyright holders on first sale is that the once 'single analogue copy' can now be duplicated perfectly using digital technologies. Potentially a digital copy can be replicated and re-distributed in exactly the same condition as the original, enabling any number of copies to be produced and distributed in a "'frictionless environment' for content" (May, 2003). This for rightholders overturns first sale as a consumer right. Digital copying places the consumer potentially in the position of copyright infringement via available technologies.

This issue of copying as such was tested in a U.S. Court over twenty years ago and found for the consumer's right to copy—decided at a time when the 'imperfect' analogue videocassette copying technology did not allow perfect reproductions of the original.

In the case, Sony Corporation v. Universal Studios, heard in 1984, the Court "determined that as long as copying equipment could be used for legitimate, unobjectionable purposes it was legal even if it would be capable of infringing uses" (Ou, 2003 pp91-92).[226] The technology was deemed free from guilt, incapable of infringement. And the U.S. Supreme Court's judgement saw legal copyright in fair and private use.

---

[225] Quoting: Arlene Bielefield and Lawrence Cheeseman, *Technology and Copyright Law: A Guidebook for the Library, Research, and Teaching Professions* New York: Neal-Schuman Publishers, 1997, p43.

[226] Quoting: George H. Pike, "*The Diminishing Fair Use Doctrine,*" Information Today 19, no. 2 (February 2002): 15.

What remained contentious and potentially illegal was the "nature of the action, and its motivations and circumstances," the human factor, in other words. It was this "that would determine what constituted an infringement of copyright law or could not be defended under the fair use doctrine" (Ou, 2003 pp91-92).

The main message of the 1984 case is that technology, while not free of 'human intention,' being itself an instrument devised by human desire for progress, is not *ipso facto* deviant, or an evil intrusion into human affairs.

The message from created norms on digital copyright, particularly via the DMCA, is that the concept of 'technological guilt' has been reinvented—servicing the ends of the copyright holders. The accompanying message and inference which copyright holders have succeeded in selling to legislators is that consumers cannot be trusted, and must be regulated *a priori* regardless of the intention of the use of copyrighted material in digital form. The DMCA law as written pre-empts basic rights making a reader, a borrower, a lender, a giver and a receiver, all liable at law, even if there is no financial relationship or pecuniary motive in the action for any and all involved.

5.6 Confronting piracy

The prevention of 'piracy' (or unauthorised use of copyrighted material) has been presented and argued publicly by 'the culture corporations' as the greatest threat in the digital era. Yet piracy and so-called unauthorised use has always been a threat to copyright holders, ever since the printing press created and first allowed mass media production and distribution. And copyright holders historically have always shown themselves capable of either combating it, and or dealing with its negative commercial effects.

That said, copyright owners do have a strong point with piracy now, in that the danger potentially is now indisputably of a much higher order, as 'digital' provides a far greater facility to copy, therefore presents a far greater risk. Digital methodologies facilitate piracy in ways and methods never before encountered and this cannot be denied. Time Warner music CEO Richard Parsons put the threat in suitably stark terms. "This is a very profound moment historically. This isn't about a bunch of kids stealing music. It's about an assault on everything that constitutes the cultural expression of our society. If we fail to protect and preserve our intellectual property, the culture will atrophy. And corporations won't be the only ones hurt. Artists will have no incentive to create. Worst case scenario: The country will end up in sort of a cultural Dark Ages" (Litman, 2001)[227] (Vaidhyanathan, 2004 p22).

It seems one man's piracy in the digital scenario is another man's fair use. And this is where the question really pivots and turns; the line between what was considered to be piracy and what was considered fair use in the analogue world has now been blurred in the digital environment, perhaps quite deliberately by legislators, even if they are reacting to genuine fears over the 'digital replication threat.' Legislators were lobbied and pressured by rights holders, who saw an opportunity in the digital era to seek greater control over copyright than ever before, and the provisions on piracy in recently enacted legislation reflect this (Lessig, 2004 p181).

[227] This 'great threat' to society while "[t]he Internet proved entirely feckless in the political struggles surrounding the presidential elections of 2000, which were decided [not by unlawful citizens surfing the Internet] by elite institutions such as the Supreme Court...Interestingly, the failure of the Internet to rise to the occasion in 2000 coincided with the [beginning of the] collapse of so-called dot-communism, and concerted efforts by corporations to stop peer-to-peer online music distribution systems such as *Napster*, and the public's gradual realization that the truly profitable Internet companies are old economy giants trying out new media" (Beebee, 2002 p201) *(See AOL Time Warner 7.1 below)*. At the outset of P2P (1999) and in the early stages of its development, *Napster* was a 'student' led online start-up, facilitating P2P music file exchanges online, with 70 million file-sharers using the site and service at the peak of its unregulated operation (Rojek, 2005 p9). Others put the figure as 80 million users (Vaidhyanathan, 2004 p34)

In the online music scenario, further developed than digital publishing, consumers have been actively downloading music via various means, legally and illegally, for several years now, with music files available through various forms of P2P file swapping online (The Economist, 2004). The dominant big four music production and distribution companies—Universal, Sony/BMG, Warner and EMI, "slow to embrace the internet, which has seemed to them not an opportunity but their nemesis," (The Economist, 2004) instead of being able of finding a way of participating in the file-sharing boom, asked the courts to penalise "free-download users for theft" (The Economist, 2004).[228]

Throughout the period of digital growth and threat, 1999 to 2003, the sales of 'the big four' dropped 20 percent (The Economist, 2004). Though recently 'big music' said the threat to the music industry has now stabilised, in response to and because of, they add, its lawsuits. Though continuing to lament their position, music publishers are now more "sanguine" over prospects, believing that litigation can "manage the problem." The DMCA, effectively, as "a blanket piece" of copyright legislation, seems to be working (Rojek, 2005 p7 of draft).

P2P freely available files online have fallen from "about 1.1 billion in April 2003 to 800m" in June, 2004 (The Economist, 2004). The big companies are not complacent on this, continuing to blame Internet piracy and copyright infringement as responsible for "destroying the financial foundations" or their businesses in recent years (Rojek, 2005 p5 of draft). This while "the music industry made $33 billion worldwide" in 2002 alone (Vaidhyanathan, 2004 p43).

---

[228] The P2P pioneer , *Napster,* was forced, after a legal challenge by the RIAA (Recording Industry Association of America) to introduce a fee structure for music downloads via the site. The RIAA successfully disengaged the power of the site, though given the ingenuity of P2P music site creators, this victory has already shown itself "to be...pyrrhic" (Rojek, 2005 p9). Learning from *Napster's* experience, second generation P2P sites, such as *Grockster* and *Morpheus*, using "domestic terminals and mini-servers," and not holding "central index of files" as a commercial distributor might, now have successfully defended their 'First Amendment' rights in the U.S. Courts (2004), being able to carry on their facilitation (simulation) of the gift-relationship of online music transfers between consumers (Rojek, 2005 p10).

Vaidhyanathan identifies what perhaps the music industry's is truly fearing, the growth of "an ideology of file sharing"(Vaidhyanathan, 2004 p18). Consumers and copyright owners are in the middle of 'a piracy war,'[229] provoked by the Internet distribution of content via P2P (Lessig, 2004 p17) (May, 2003).[230] Lessig suggests, that instead of over-reacting, lawmakers and regulators should be very prudent in the handling of copyright law.

Copyright holders clearly have a motive in making alarmist statements about piracy. Lessig cites how film industry advocate, Jack Valenti, of the MPAA (Motion Picture Association of America), argued before Congress in 1982, well before the debate on digital technologies developed, that "[c]eative property owners must be accorded the same rights and protection resident in all other property owners in the nation." For Lessig, Valenti's approach is simple and brilliant rhetoric, brilliant for its simplicity, while warning that "there is no more extreme a claim" (Lessig, 2004 p117).

Creative property owners having the same rights as all other property owners "would effect a radical, and radically undesirable, change in our tradition" (Lessig, 2004 p117). Valenti knew this, Lessig writes, and was deliberately trying to get for the motion picture industry "the tradition that the British overturned in 1710" (Lessig, 2004 p117-118)—perpetual copyright ownership.Vaidhyanathan describes Valenti's reasoning as "[p]roperty talk...a closed rhetorical system, a specific cultural instrument that extends a specific agenda or value...shutting down 'conversation.' You can't argue against theft" (Vaidhyanathan, 2004 p22).

---

[229] Which perhaps would be more accurately named a 'territorial or rights war.'

[230] "[O]n one side content users have utilised technology they have legally purchased to 'infringe' the rights of content owners (MP3 technologies being the obvious example), while on the other, content users have sought to (re)establish robust control over their knowledge assets in the marketplace for use" (May, 2003).

Lessig argues that the tradition of intellectual property should be treated "differently" to all other property. "They have never been the same. And they should never be the same" (Lessig, 2004 p118-119).

Goldstein adds to this. Copyright is itself a mixed and sometimes contradictory affair, touching "directly on conflicting cultural, economic, and political values—the desire for art and literature; a commitment to free markets; traditions of free speech…John Milton in the Aereopagitica, excoriating censorship but supporting copyright" (Goldstein, 2003 p30). The realities of copyright can be seen in 80 million users joining in Napster's in P2P file sharing at the peak of its online experiment, as well in the actions of "a federal district court" shutting "it down" (Vaidhyanathan, 2004 p34). Consumer freedoms have always been at odds with the legal rights of copyright holders.

So there is the question of what is reasonable and fair for consumers, for freedoms, and what is truly inside or outside the law. Napster's creator, Shawn Fanning, did try to legitimise his creation, turning it into a legal entity back in 2001, "but the music industry decided instead to sue it out of existence" (The Economist, 2004).[231] The courts supported 'big music,' taking "one set of controls—the force of law read broadly and absolutely—to enable the implementation of a second set of controls—strong digital rights management schemes that protect digital music files and restrict legitimate use—to stifle competition from a relatively open, decentralized, protocol-based system" (Vaidhyanathan, 2004 p35).

Lessig defines as zero tolerance, rightholders working with government in a time of 'Internet chaos' to make an "extraordinary land grab," shifting "the law and technology…to

[231] Napster shot to fame offering a service online music fans flocked to. Begun in July 1999, the P2P pioneer "amassed over 10 million users within nine months. After eighteen months, there were close to 80 million registered users of the system." The courts "quickly shut Napster down, but other services emerged to take its place" with Kazaa boasting "over 100 million members. Even if the subsequent P2P systems "are different architecturally" they are not "very different in function: Each enables users to make content available to any number of other users. With a p2p system, you can share your favorite songs with your best friend—or your 20,000 best friends" (Lessig, 2004 p67).

give content holders a kind of control over our culture that they have never had before. And in this extremism, many an opportunity for new innovation and new creativity will be lost" (Lessig, 2004 p181).[232]

The primary objective of the music industry seems to have been to snuff out 'uncontrolled' P2P activity, using copyright legislation against 'piracy' as the legal and moral excuse. This is potentially unfair and unjust to P2P users, because it is clear that the music industry saw no benefit in allowing P2P to develop a culturally valid and economically independent status or power in the marketplace. The industry certainly was not moved by any argument for consumer freedoms, anymore than the freedoms they already have—that is, the right to choose from a range of recorded music provided by the industry at prices the industry decides upon.

The culture corporations are failing the consumer, and are using piracy as a cover for their failings. This doesn't start and stop with music but extends into all forms of publishing. "As one researcher calculating American culture, wrote: '94 percent of the films, books, and music produced between 1923 and 1946 is not commercially available. However much you love the commercial market, if access is a value, then 6 percent is a failure to provide that value' " (Lessig, 2004 p228). If the culture corporations care about the cultural consequences of all this, they give no sign of it, and they are sending out few or no messages of hope.

[232] According to Lessig: "Overregulation stifles creativity. It smothers innovation. It gives dinosaurs a veto over the future. It wastes the extraordinary opportunity for a democratic creativity that digital technology enables. In addition to these important harms, there is one more that was important to our forebears, but seems forgotten today. Overregulation corrupts citizens and weakens the rule of law" (Lessig, 2004 p199).

The real issue in the digital environment is not even about copyright law, or piracy, or freedoms, as Vaidhyanathan argues, but is in essence a more fundamental and narrow-based commercial issue that can be summed up thus: "What if no-one made money through the Internet?" (Vaidhyanathan, 2004 p35). The worst-case scenario always for publishers in any medium is the establishment of a marketplace that enables authors and consumers to successfully negotiate transactions between themselves.

'Big music' now describes the gap between consumers and themselves as having "narrowed." The industry now sells online, permitting consumers to download their music to share it via a digital-rights management system. The big music producers now see "the file-sharing networks as more "willing to talk and less adversarial" (The Economist, 2004). This is predicated, of course, on the success of their strategies of copyright controls.

It is logically impossible to accurately forecast how creativity with digital technologies would or would have developed if there were less regulation, or what would have happened if the whole scenario were completely unregulated, and how consumers and producers would have fared with either possibility. But there is still enough information to indicate that 'digital' could still be a tabula rasa, changing publishing concepts and products fundamentally, but only, of course, if the publishing power centres do not continually mediate against developments, and are prepared to 'allow it to happen.'

Goldstein argues that we should never lose sight of the fact that the creative author is the stimulus to "copyright's moral pulse, the economic relationship between authors and publishers" and will continue to dominate copyright in the twenty-first century (Goldstein, 2004 p259). And what of consumers and their rights? When do they figure and what do they gain from any battle producers and authors battle over digital rights? Accepting what is on offer in a rationalised oligopolistic marketplace seems less than enough for the informed and participant consumer in this 'digitally interconnected' world.

The corporate spirit so far seems unmoved by the needs or desires of consumers. "In September 2003, the RIAA sued 261 individuals—including a twelve-year-old girl living in public housing and a seventy-year-old man who had no idea what file sharing was. As these scapegoats discovered, it will always cost more to defend against these suits than it would cost to simply settle (the twelve year old, for example… paid her life savings of $2,000 to settle the case)" (Lessig, 2004 p200) (Rojek, 2005).

The RIAA threatened four students with "a $98 billion lawsuit for building search engines that permitted songs to be copied. Yet World.Com—which defrauded investors of $11 billion, resulting in a loss to investors in market capitalization of over $200 billion—received a fine of a mere $750 million" (Lessig, 2004 p185).

The message for consumers is as always that they have no power until they stand up and take it for themselves. And until that happens, until 'piracy' is redefined in the digital regulatory environment, amended to include more not fewer fair use descriptions and provisions, consumers will be denied the right to be full participants in the digital copyright market process. Consumers are currently doomed to be the party who pays the bills yet receives no invitation to join in the digital festivities, except through practices which are currently classed as piracy.

6. Power and the Cultural Industries

The cultural industries are now very close to the centre of global economic activity.[233] They matter far more than their economic value, the revenues and profits generated, interfacing as they do with consumers in the communication, social and political systems and spheres.[234] But even on economic value alone, together with telecommunications, the cultural sector is one of the general mainstays of the global economy (Schiller, 1998).[235]

Though some care must be taken not to confuse what is visible with actual structural conditions. The cultural industries have high profiles but as Hersmondhalgh demonstrates in his early 2000s comparison between multinational companies, the oil company Exxon Mobile with annual revenues of $210 Billion is almost ten times the earnings of the nearest exclusively cultural industries corporation, AOL Time Warner, with annual revenues of $25 Billion. Even corporations, such as General Electric and Sony, both with substantial media and entertainment divisions, generate revenue way below that of Exxon (Hersmondhalgh, 2002 p139).

Yet the cultural industries (CI) corporations are significant perhaps for more than their revenues, because they are highly visible and active within the fabric of society, and

---

[233] The Frankfurt School's term The Cultural Industry became The Cultural Industries via the work of French sociologists, Morin, 1962, Huet et al.,1978, and Miège, with the term picked up by policy makers (UNESCO). The French writers rejected the idea of The Frankfurt School's single entity, The Culture Industry, because it suggested a 'unified field,' a coexistence of cultural forms all obeying the same logic and operating under the same conditions (Hersmondhalgh, 2002 pp15-16). Cultural industries function as diverse economic activities, with diverse production of cultural goods and services, produced and distributed for diverse commercial reasons and affect cultural development in diverse ways (UNESCO, 1982). There are, however, many structural similarities across industries within the CI sector, and many of these similarities outweigh the differences. Hence the Frankfurt School's Culture Industry analysis cannot be now deemed as irrelevant.

[234] Covering in general areas of publishing from print (literary), recording, radio, TV to film (Towse, 2000 p97) and now activities including the Internet. Utopian on the new medium, Negroponte predicted back in the 1990s that the "Internet...will grow to be the enabling technology of all media – TV, radio, magazines" (McChesney, 2000 p120) McChesney did not share Negroponte's optimism as it was based on a "belief in capitalism as a fair, rational and democratic mechanism" (McChesney, 2000 p121).

[235] Telecommunications is a huge industry, the U.S. telephone companies alone generating in two weeks what the Hollywood film industry makes in a year (Odlyzko, 2001)

have the power to affect social activity and awareness disproportionately to their revenue-earning capacity. This is evident in how AOL Time Warner, Disney and News Corporation are among the most noticed (admired and hated), followed and "valued and discussed businesses in the world" (Hersmondhalgh, 2002 p1). News Corporation reputedly has the power to change governments, and help elect Presidents (Brasch, 2002) (Center for American Progress, 2004).[236]

The world of media and entertainment seems to have come a long way from the 1940s when Adorno and Horkheimer published their analysis of 'The Culture Industry.' Their description of the CI sector as distinctly inferior, in terms of its economic and political power, to industries such as "steel, petroleum, electricity and chemicals" (Adorno and Horkheimer, 1973 p122), seems now to be outdated.[237] And this can be seen in the fact that the AOL Time Warner merger of 2000, in terms of the share values involved, was the biggest corporation merger across all sectors "of any kind of all time" (Hersmondhalgh, 2002 p138).

The mass-market culture industries "have a typical oligopolistic structure" with a limited number of large transnational corporations dominating the scenario and fields, with "little price competition" and a tolerance of a multitude of small firms occupying niches as long as they do not seriously "contest the position of the dominant firms" (Towse, 2000 pp97-98). In a rationalised scenario—one of mega-mergers, amalgamations, buy-outs and absorptions—the culture industries ration power away from consumers and into the hands

---

[236] Murdoch's Fox Television intervention in the 2000 American election and The Sun's support of Blair's election in 1997—in both cases it can be debated, whether Murdoch himself gave the orders, exerted great power over and on the political process. An order perhaps wasn't needed in either case. Murdoch's staff know his views. Another viewpoint on this is that Murdoch is a businessman: "The political component in Murdoch's media operation is larger than people inside the company admit—and perhaps larger than they believe. But it is smaller than most people who dread Murdoch's influence assume. He is principally a businessman, of conventional business-conservative views, who vents those views when possible but not when they interfere with any important corporate goal" (Fallows, 2003 p98).

[237] Though as Horkheimer stated: '[p]art of the meaning of theory is the time at which it is developed' (Robins, 1979 p357).

of the corporate parents, with far-reaching effects on social and political systems. With more rationalisation there is less democratisation, less market choice and say and power for individual consumers. Consumers are homogenized groups without any true individual character, reduced to advertising 'types' and categories—grouped into areas of economic activity ready and ripe for corporate colonisation.[238]

The vertically and horizontally integrated[239] media giants of the early twenty-first century, AOL Time Warner, Disney, Viacom and News Corporation, often in league with the fast food and soft drink giants,[240] use the power of media subversion and their brand assets to inveigle and organise global consumers. The culture corporations have succeeded in creating a fast-food, fast-media, fast-sport and fast-entertainment 'universe,' filled with a bamboozled wide-eyed card-carrying supplicant-subject consumer base. Consumers are dragooned into cross-fertilised mass consumption by what Wolf calls the 'Megaplex' effect, the media and entertainment (and allied consumption) industries giving life to the subjects of 'doldrums communities,' people with "nowhere to go and nothing to do" (Wolf, 1999 pp8-14) (Schiller, 1989 p39).

In terms of content, what was once 'editorial' information of value, slips rapidly into throwaway items of the growing flow culture (Miège, 1987 p276).[241] Arguably, the

---

[238] Ideologically interpellated as undiscriminating 'cultural' subjects/victims, consumers have bought into a corporate-consumer culture planned for them—the 'corporate colonisation of the consumer- subject.'

[239] Horizontal integration is defined by Hersmondhalgh as companies buying up other companies "in the same sector" in order to diminish competition, while vertical integration is the buying of companies to fit "into a process of production and circulation [distribution]" (Hersmondhalgh, 2002 p20).

[240] The potential for sponsorship and media exploitation of sport led Coca Cola and McDonald's to become the world's first two integrated global advertising and brand partners in 1994 (Levere, 1996 pC6) (cited by Herman and McChesney, 1997 p76). Disney spent $45 million to produce the action-animated 1988 film *Who Framed Roger Rabbit?* directed by Steven Spielberg, and another $10 million in promotion. Coke and McDonald's joined in the promotion linking around $22 million of their own advertising campaigns directly to the film (Grover, 1988 pp46-48) (Schiller, 1989 p44).

[241] Miège quotes Patrice Flichy's distinction between 'editorial' and 'flow culture' with the latter "characterised as uninterrupted...new products render the previous day's obsolete" (Flichy, 1980).
It is only a short distance from this idea, which once clearly defined only print, audiovisual media culture produced and consumed on a daily basis, to a cross-media exploitation of material where film trailers become a cultural form in themselves, advertising sought for their value as mini-features, web page views and reviews read for 'a taste' of the text, 'the gist' only, readers/consumers/viewers not bothering to deal anymore with the

majority of consumers are now undemanding as to the quality of content on offer. The mass produced media and infotainment trifle force-fed to consumers contains the 'eternal' lie, that as members of this 21st century media and entertainment global statehood they somehow matter—that being a 24/7 consumer-subject of a seamless sports, media and entertainment universe is synonymous with being a desired, loved, meaningfully-engaged, and a useful consumer member of a leisure universe.

Consumers have been ideologically colonised by stealth in an "organic process by which the corporate 'voice' is generalized across the range of cultural expression," (Schiller, 1989 p156) (Althusser, 1971 pp108-114), playing on and using their ignorance. Consumers have been dazzled and blinded with shiny trinkets, all "in order to sell junk to them" (Schiller, 1989 p44-45). The reason consumers do not (or cannot) resist is that they are insufficiently "equipped to deal with a pervasive disinformational system...that assaults the senses through all cultural forms and channels" (Schiller, 1989 p156). But are the corporations also victims of the cultural environment they have created? Is the whole cultural mechanism out of control? With media, entertainment and leisure conglomerates planning the consumer's place in this technospectacle,[242] have they also misinterpreted their own ideological position? Do they understand the meaning of their own power?

---

whole text or meaning. The Museum of Modern Art in New York has run film and video exhibition/programmes of the 'Best of British Ads' in the past, with the humour and 'stories' presented, edited into a long single viewing, with each 'episode' offered as a quasi art form. No attempt was made by MOMA to disassociate itself from the content of the advertisements. One of the advertisement series for instance, shown at Moma as far back as 1983, was the Heineken-Wordsworth series of Ads, clever and entertaining in themselves (it is unknown if Heineken paid for this exposure which cannot have hurt the company's sales or image). In recent times product placement has become a major policy of product infiltration into art forms and commercial films in particular. This of course also lends itself to postmodern parody of products and product placement, begun first perhaps by Andy Warhol with his Campbell's soup cans, and later expanded into myriad forms of celebrity artefacts. It remains to be analysed though whether the majority of (especially prime 'target') consumers participate in this process knowingly or are simply 'victims' of the strategy.

[242] Technospectacle is a term used by Kellner (Kellner, 2003b p14) (*See 7.2. below).*

6.1 The AOL Time Warner merger: online future or cross-media flop

The Time Warner and America On Line announcement of a $163.4 billion merger on January 10, 2000,[243] was variously described: as the biggest merger in media history (Kellner, 2003b p13); a masterful convergence of old and new media (Johnson, 2000) (Rosenberg, 2000); or a classic mismatch of two completely unsuited "insecure" entities (Rosenberg, 2000), made in an age rampant with digital market dreams that had no substance. Or as Swisher put it: a merger of "a company without assets with a company without a clue" (Swisher, 2003 p2).[244]

The positive spin on the deal seemed bound up in the simple logic of integration between diverse but historically and culturally linked old and new media companies.[245] The public reason and 'face' to the merger was that it was to protect the future and value of each company in times of great change brought about by the digital scenario. Commenting on the merger at the time the deal was announced, a spokesman for the stockbroker, Bear Stearns, said: "Together, they represent an unprecedented powerhouse. If their mantra is content, this alliance is unbeatable. Now they have this great platform they can cross-fertilize with content and redistribute" (Johnson, 2000).

---

[243] Klein puts the "price tag at $183 billion", a figure which "remains the benchmark in the United States" (Klein, 2003 pp100-101). At the time the stock value of AOL was $164bn almost double Time Warner's $83billion valuation (January 7, 2000) (Swisher, 2003 p6). Time Warner wanted a 50-50 company, AOL a 60-40 split, with TW providing 80% of the revenue (Klein, 2003 p93). The deal set a ratio of 1.5 AOL shares to each Time Warner share, setting TW shares at $110.63—71% up on the closing price the Friday before the deal was finalised. AOL who said they were doing TW 'a favour' got 55-56% of the merged company, TW 44-45%. There was no 'collar' price set on the possibility of a falling stock price for TW, which found support from TW's investment bankers. No one wanted to send the market an ambiguous message (Swisher, 2003 p142) (Klein, 2003 p94).

[244] AOL and Time Warner were in fact distinctly separate businesses, and this became more and more of a problem as the companies grappled post-merger with the 'meaning' of their forced interconnection.

[245] Old media means analogue publishing and broadcasting, i.e. print media, terrestial television, cable etc; New media means anything digital, associated with Internet delivery of content and services.

The merger generated criticism as well as praise. In an on-air PBS-TV discussion, author Norman Solomon warned that the deal represented "a narrowing of choices under the illusion of having more diversity."[246] The World Wide Web was "becoming the World Narrow Web" with the clear objective of herding, goading and leveraging consumers "into cul-de-sacs where the links in these various media are self-referential" (Newshour with Jim Lehrer, 2000).

Not surprisingly, both Chairmen of AOL and Time Warner were buoyant over the deal, citing the 'perfect synergy' ahead for the merged media giant. AOL Chairman, Steve Case, described the deal as "historic", a deal set to transform "the landscape of media" (Johnson, 2000). The collection of brands in the new media, entertainment and Internet giant was formidable, including leading market names such as Time magazine, Warner Bros, CNN, and the leading Internet service provider in the U.S., America Online.

So what did the merger really mean? On the surface there were elements of a mismatch, no matter how much the corporate marriage was dressed-up as a match made in corporate heaven, no matter how much AOL was vaunted as the face of 'new media', no matter how Time Warner was vaunted as the guardian of 'old media.'

Time Warner's business included cable systems reaching 18 percent of all U.S. homes connected up to cable. The company was the second largest cable operator behind AT &T, controlling 22 of the biggest 100 markets, as well as being a proprietor of several cable content network providers, among them, well-known brand names such as CNN and HBO.[247] Time Warner (TW), which became the world's largest media corporation in 1996, after merging with Turner Broadcasting (CNN), overtaking Disney, also owned: 24 magazines, including *Sports Illustrated*, *Fortune* and *Time*; it was the second largest book

[246] Solomon is the author of *The Habits of Highly Deceptive Media* (Newshour with Jim Lehrer, 2000).
[247] CNN is the 24 hour news channel, considered at the time the market leader in the world and HBO (Home Box Office) was touted as the largest cable movie channel in the world.

publisher in the world (including *Time Life Books, Warner Books* and *Book of the Month Club*); TW distributed music through *Warner Music*, one of the world's largest music concerns; TW had the majority interest in WB, the U.S. TV network for distribution of Time Warner films; TW was a global player in films, owning one thousand screens outside the U.S; TW owned Cinemax pay cable channel, Six flags theme park chain, retail stores (including 150 Warner Bros. Stores), as well as a long list of other assets and stakes in other media companies (Herman and McChesney, 1997 pp78-79).

Time Warner was simply the biggest vertically integrated media and entertainment conglomerate overseeing content production, television stations, and cable distribution systems anywhere (Faulhaber, 2001b p2) (Klein, 2003 p72) (Tunstall and Machin, 1999 p54). Why would AOL, a much smaller company by comparison, even with a 'stellar' share price, even think of taking it over?

AOL was described as the "archetype of the portal" (McChesney, 2000 p166). Created in 1985 as an "interactive services firm, providing content and services to residential customers via dial-up modems" and not yet called AOL, (Faulhaber, 2001b p2), its subscribers were presented with a very new idea at the time—online delivered content and e-mail services.[248]

---

[248] In 1995 Steve Case would introduce himself as Chairmain, CEO and founder of AOL. The company he claimed the credit for starting was in truth created in 1983 by William Von Meister, a 'mad-cap electronic visionary.' Von Meister's original company was Control Video, which produced a modem that plugged into Atari Games technology (bringing games to the home via satellite). Von Meister had approached Warner in the early 1980s hoping that they would invest in a digital music scheme he was developing. They turned him to Atari, Warner's video-game unit. This in turn helped Von Meister create Control Video, which transformed into Quantum and later became AOL (Klein, 2003 p101). In 1983, Steve Case was a junior salesman at Control Video, employed there because his brother, Dan, an executive of a venture capital firm in New York financing the Control Video venture, asked Von Meister to employ his younger brother. Before joining Control Video, Steve Case was a travelling pizza-taster for Pizzahut. When the Atari venture failed, Von Meister resigned and the company was put in the hands of James Kimsey, an ex-Vietnam vet and expert kickboxer, who promoted Case, eventually making Case CEO in 1990. As the story goes, Case rose to the position by chance. As the business kept on failing to lift off, Kimsey kept firing the officers above Case, and Case kept filling their shoes (Klein, 2003 16-26). The then called Quantum, in league with Commodore computers (who were looking to improve flagging sales), made its first move into the online communication business by licensing the software from another struggling firm PlayNet for $50,000 in 1985. To Quantum's amazement the software worked. But by January 1986 they had only 10,000 subscribers and the investors

As the Internet grew and the World Wide Web appeared in early 1990s, the entity that had become AOL, adding access to the Web to its Internet service and proprietary content offerings, grew exponentially. By 1998 AOL had reached $2.8 billion in revenues, with 80% percent of subscribers never going beyond AOL sites (McChesney, 2000 p166).

By the time the Time Warner and AOL merged AOL boasted 27 million subscribers, and was holding 40 percent of all U.S. online subscribers. Its closest competitor was Earthlink which had 4.7 million subscribers (Grice, 2001), followed by Microsoft's MSN with 4 million (Kapadia, 2001a). AOL was a provider (not a producer) of an array of well-received content. But the choice of content was so well-received by subscribers that by the end of the 1990s AOL was regularly extracting a premium from content producers and advertisers—all for the honour of being one of AOL's "preferred content providers" and for getting their logo on the AOL site (Klein, 2003 pp165-167). Everyone paid up because they perceived the future in AOL, and because AOL's subscriber base was so large (Faulhaber, 2001b p2) (Faulhaber, 2004). At one stage, at a share market value of $140 billion, AOL was worth more than CBS, Disney and Viacom put together (Klein, 2003 p186). AOL had no real assets but did have strong revenues and a high stock valuation. Time Warner had countless assets but with a continuing stagnation in its stock price. New media, it seemed, was breathing down old media's neck.

In essence, AOL was only a dial up Internet service using ordinary bandwidth telephone lines. The company believed that it needed to find a strategy to get more and more involved with broadband, as it was facing stiff competition from cable and telephone companies (McChesney, 2000 p167). One way to fix the problem was for AOL to ally itself

---

began dropping out. With investors calling him daily to yell in his ear, Kimsey would calmly tell them what he was going to do to the company: "I'll bankrupt it, and you'll get zero, absolutely zero." Kimsey searched for new investors. One, Patricof, liked what he saw and invested $750,000, a lifeline at the eleventh hour for the struggling Quantum—an investment which returned $20m to Patricof in the 1990s (Klein, 2003 pp32-35).

to a company who could provide broadband services. Time Warner being an owner of cable systems could do just that.

Time Warner seemed as solid as media and entertainment companies get, with collection of 'old media' businesses that brought in annual revenues of $25 billion in 1997. But TW's CEO, Gerry Levin, believed the company was poorly positioned for the Internet future, and the stockmarket "had fallen in love" with 'the dot.coms' (Klein, 2003 p70). Forbes magazine had described Levin in 1996 as "presiding over a 'beached whale' of a company," with bets being placed on Wall Street on when he would be replaced (Swisher, 2003 p120).

So who had more to gain by merging, who had more to lose by staying separate? Some observers maintained Time Warner had to merge or sink in importance. Old media was doomed. Any merger activity or takeovers between themselves, ones that did not include new media, was like a rearranging of the 'deck chairs on the Titanic' (Rosenberg, 2000).[249]

Caution over expecting too much from the Internet had been voiced a few years earlier.[250] Herman and McChesney had been wary all along as to the true value and importance of the Internet and digital revolutions, concluding that they were not threats to the power of the large media corporations, certainly not in the [then] foreseeable future (Herman and McChesney, 1997 p107).

In hindsight, of course, everyone got the picture right. "[W]hat was considered at the time the deal of the young century" became a corporate stigma (Reuters, 2003c). AOL Time Warner, "the great New York company, [was] doomed from the very beginning"

---

[249] References were made in the media and by analysts to "'synergy,' 'one plus one equals three,' 'the media value chain,' 'the convergence of media, entertainment and communications,' and 'new benefits to consumers'... an avalanche of hype: One analyst declared, 'It is probably the most significant development in the Internet business world to date' (Rosenberg, 2000).

[250] And then again after the merger announcement (Welch, 2000) (Rosenberg, 2000).

(Wolf, 2003).[251] When this was all clear to everyone, and to the new company itself, Time Warner dropped the AOL prefix and went back to being simply Time Warner all over again (Reuters, 2003c).

But who or what was really driving the move for this merger and what did it mean for new and old media? It seems that it was AOL and Steve Case. In 1997, Case mentioned the idea to Gerry Levin, CEO of Time Warner (Klein, 2003 pp89-90). For his part, Levin said he wasn't thinking of a such of deal but knew AOL was looking for "a big merger"(Swisher, 2003 p133).

In 1997 Jerry Levin had been reported as fretting over the rising market valuations of Internet companies, telling colleagues that it would give new media enormous power over the established media and entertainment companies. Levin felt that the Internet companies, "especially AOL as the largest online player, could easily contemplate a takeover of [Time Warner] if their stock rose further"(Swisher, 2003 p94). Other Time board members, such as John Malone, a cable pioneer (and partner in other ventures with the then Internet-adverse Murdoch), said they didn't see such a threat. But Levin was reported as almost obsessive in his desire to have Time Warner be "the leading media company to embrace the Net" (Swisher, 2003 p94).[252] So was Time Warner's acceptance of AOL's initial proposal due to personal obsession on the part of the company's CEO?[253]

---

[251] "Many believe that if Levin had simply delayed the deal talks even for a few months, as the dot-com valuations started to wane, he might have been in a position to completely control AOL rather than the other way around" (Swisher, 2003 p167).

[252] By the end 1998, the Internet stock boom began and "transformed a handful of struggling start-up companies." No one knew what really was happening and "media executives had no more idea than anyone else where the future was heading...Six months later these Internet fledgings were worth more than $600 billion. The new media had never made a profit, yet by April 1999 it was worth more than all the old media companies in the world put together. A whole value system had turned on its head" (Chenoweth, 2001 pxv).

[253] The question of company cultures also was a factor. At the time Yahoo, with a similarly inflated stock price, would have liked to buy Disney but there was "no way" Disney would "take Yahoo's stock [as Time Warner had taken AOL's stock] and there was "no way Michael [Eisner] [was] going to be number two in any company" (Welch, 2000).

A short time after the merger, many thought Time Warner had been effectively 'taken for a ride' by a sharp new media operator, who knowing AOL's stock value had reached its inflated peak at the height of the dot.com bubble "snookered" an old media company into "selling [its] jewels for fake currency" (Swisher, 2003 pp15, 134) (Klein, 2003 pp287-288). Others concluded that the old media and entertainment companies had simply been "'terrified of being blindsided by the Internet'" and jumped without looking (McChesney, 2000 p168). Klein suggests that Case, in "a classic sales maneuver" made it seem to Levin that Time Warner was getting the best of the merger (Klein, 2003 p96).[254]

Business observers looking at the merger argued that established businesses often forget a simple axiom: mergers seldom work. Ron Elsdon, director of DBM, a human resources consultancy company based in New York said in an interview that "[m]ergers have an unusually high failure rate, and it's always because of people issues" (Gale, 2003). Writing in The Guardian, Victor Keegan wrote that mergers were generally formed for defensive reasons, corporate self-aggrandisement, or as a quick buyout method of a competitor. On paper the business strategy of merger may seem sound, the idea timely, but it usually failed due to an internal company "civil war triggered by merger"(Keegan, 2003).

Michael Hiltzik, a business journalist at the Los Angeles Times added 'historical precedent' to the mix of opinion, saying the same "rosy predictions" [now voiced on AOL Time Warner] had been trumpeted by executives when "Time and Warner Communications jumped into bed 10 years ago" using similar rhetoric on how the world was going to change (Welch, 2000). The main legacy of the earlier Time and Warner merger was that the Time Warner "stock spent the next eight years as 'dead money'"(Welch, 2000). That merger

[254] There was a great deal of anger and bitterness among Time Warner staffers who saw the company's stock plummet in value, feeling they had been caught by a 'classic sting operation' by AOL (Klein, 2003 p288)

became even more complicated with the additional merger in 1996 with Turner Broadcasting (CNN) (McChesney, 1998).

So if Time Warner had suffered significant merger problems, under the same management, why would the company try it all over again? The Time and Warner logic was that in the synergies created in the merged company Time would be more aggressive and Warner "more classy" (Wolf, 2003). It is perhaps fair to say that by 2000, given the company's history, Time Warner should have known better and not fallen for the old synergy mantra. But was the desire for synergy the whole story?

Time's founder once said: "Getting bigger and more profitable was never the main point of Time Inc" (Klein, 2003 p75). Does this statement hold the key to unlocking the company's public reasons and ideological spin? Or was the real mission to "[c]onquer the digital world?"(Klein, 2003 p76). Was the underlying philosophy of the merger to win the main commercial battles (battles "of historic proportions") (Klein, 2003 p77) and let the revenues and profits take care of themselves. If a company is big enough (and TW clearly was already huge) such a policy might just work, because as we have seen with Murdoch's News Corporation and other majors,[255] big companies can absorb anything, market failures included, one part of the company paying to keep another part afloat, all summed up in another hidden big company mantra: market control at all or any cost.

By 2003 the AOL Time Warner merger had lost the combined company $135bn in stock value. This fall led to the Chairman of the conglomerate, Steve Case, and AOL Time

[255] Murdoch carried the losses of his UK Sky satellite operations for many years before making a profit (Chenoweth, 2001).

Warner's CEO, Gerry Levin—the two principle architects of the deal—being forced to step down from their respective posts (Yang and Capell, 2005).[256]

On the surface the synergy between the two companies had failed, with Time Warner talking of selling off AOL altogether—AOL had already been subsumed into a division of the Time Warner company (Klein, 2003 pp291-292).[257]

The idea of digital delivery of content had failed to generate the anticipated growth. The whole episode raised a fundamental question: was the real power of such a merger in old media's content or new media's connectivity'? And what did 'the failed merger' spell out for digital delivery of content in general?

One AOL executive, who wondered why a vibrant new media company needed to mesh with "an old, slow-growth company," and who, perhaps unsurprisingly, lost his position within a year of the merger, summed up the deal's meaning for new media: "The Internet bubble ended the day we announced the AOL-Time Warner deal. That was the day we realized the Internet would not stand on its own" (Klein, 2003 p100).[258]

The overall power message of the seemingly unseeming debacle was that 'old media' had won the power fight with new media. And was that not perhaps the main point? An old media conglomerate had spotted a potential rival one which it needed to own or destroy. AOL's stock price made an outright takeover too expensive (a sure sign that AOL was in fact a threat), so Time Warner, representing all old media, did the next best thing—it

---

[256] After the SEC announced in January 2003 that it had "started an investigation into $49 million of 'inappropriately recognized...advertising and commerce revenues,' " by AOL, Case was forced out as Chairman, though he remained on the combined company Board (Klein, 2003 p298). Levin had resigned earlier as CEO in 2002, after AOL Time Warner reported the biggest loss in U.S. corporate history—$100 billion—though was kept at the company on a "$1 million a year" consultancy contract lasting up to 2005 (Klein, 2003 pp300-301). On October 16, 2003 'AOL' was officially lopped off the corporate name. There was no ceremony (Klein, 2003 p307). On October 31, 2005, Steve Case left the company altogether (Teather, 2005), the announcement almost going unnoticed.

[257] " 'It was like the Mongolian invasion of China,' said one major player of the merger. 'It was a takeover from within' " (Klein, 2003 pp291-292).

[258] "[T]he Web descent began on April 4, 2000, less than three months after the AOL Time Warner announcement. On that day the NASDAQ dropped 575 points, losing more than 13 percent of its value" (Swisher, 2003 p168).

merged with the company, just as Rupert Murdoch's News Corporation had done with Gemstar, another new media company with a very high stock valuation. Even though the News Corp-Gemstar merger only cost these two parties a paltry $9.3bn, was the strategy and effect the same—absorption of rivals at any cost?

In key ways the two histories, Time Warner's with AOL and News Corporation's with Gemstar, mirrored each other. The new AOL Time Warner camp had forced the new Chairman to resign and Time Warner took the whole company over for themselves. Likewise Gemstar's Chairman, Henry C. Yuen, was forced to resign, and Murdoch's News Corp. took control of the merged TV-Guide Gemstar company.

Both new media sections inside the new AOL and Gemstar mergers suffered a stock loss during their time as 'equal entities' as part of the merged companies. Both Chairmans of the merged companies, from the new media ends of both businesses respectively, were forced to resign with allegations, investigations and rumours of financial improprietry hanging over their reputations. Having had the experience of merging Time and Warner in 1989, and again in 1996 with Turner Broadcasting Inc., is it not fair to assume that the board of a company as experienced as Time Warner's would not have foreseen at least some of the pitfalls of merging afresh?

The possibility remains that Time Warner calculated on a fall-out from the deal. Merging came at a price, was the price, the company had to pay to maintain market dominance. The big prize though was the destruction of new media and restoration of the dominance of old media. The AOL new media threat was laid to rest, just as Gemstar, as a threat, was dismembered and laid to rest in a merger with News Corporation.

Time Warner, whether it intended to or not, precipitated the crash in dot.com values, which fell well below the stock valuations of old media companies, and spelt an end to

what many called the new media bubble. But was it a bubble or was it made into a bubble?[259] And if it was a constructed bubble, there remains another conundrum. Could such an objective ever be actually planned for by one or more executives, or even the entire board?[260] Could anyone or any group implement such a policy? Or do plans like this, if they exist, live and breathe intentionally but non-subjectively inside the power fabric and culture of corporations?

The accounts of the merger by Klein and Swisher, the two most detailed and researched available, emphasize individual action and agency. A great deal of what is described in the AOL Time Warner merger history seems almost to fall into the category of individual risk-taking and aggressive market stunts. Both Klein and Swisher tell stories that turn sometimes on seemingly chance elements, driven by human agency, human fault, rather than reasoned design and in doing so underestimate, even ignore entirely, the concept of

---

[259] When the prospects for the merger started to look less promising (during the period 2000-2001 as it was going through the regulatory acceptance process) "some associates of Levin advised him to pay the 4.4 billion [charge] and get out, but Levin had staked his reputation on the deal." Levin was adamant, the deal was going through (Klein, 2003 p186). "Many agreed the time it took to close the deal hurt the momentum of the merger, since it allowed too much uncertainty to linger for too long" (Swisher, 2003 p162). It seems that a big company such as Time Warner, if faced with large losses due to lengthy regulatory processes, could and would use all its political clout and lobby-power to get the deal through as quickly as possible. Or did Time Warner, for some unstated motive, want the agreement to take as long as was necessary? All the while AOL's stock price fell and its power waned. There were also anomalies during the scrutiny process by the FCC, a delicate time. Time Warner provoked a very public spat with Disney "a fight over the price of carrying some Disney-produced cable stations. In the heat of the moment, claiming that its license to carry Disney's ABC station had expired before a new contract on all its cable properties could be settled on, Time Warner suddenly pulled the plug on the broadcast network in seven markets-leaving 3.5 million viewers in places like New York, Los Angeles, and Houston without ABC"...putting up on screen the words "Disney has taken ABC away from you" ...The FCC rebuked Time Warner saying it had "committed a clear violation of FCC rules" and that "no company should use consumers as pawns in a private contract dispute"...The FCC "stopped short of accusing Time Warner of monopolistic practices." It was an odd time to start quarrelling with the FCC just as Time Warner were asking them to approve, even hasten a merger with AOL. Or was this part of some hidden motive to extend approval time, and in doing so, dismantle AOL as a force forever. Disney lobbyists had started calling TW the "arrogant monopolist" pushing for "the government to split AOL Time Warner into two pieces separating conduit from content" (Swisher, 2003 p163).

[260] Pre-Christmas New Year holiday period of 1999, Levin spent a great deal of time at his Vermont home mulling over the deal (Klein, 2003 p90). This has been used to show that Levin was a 'loner' with a secretive almost 'Nixonian' style. Yet Levin insisted that he did not work alone on the merger (Swisher, 2003 p140).

power and collective objectives (even intentional non-subjective objectives) within corporate cultures.

In describing the early days of AOL (even before it was AOL), Swisher paints a portrait of a 'circus shoe-string' company—Quantum—lucky to survive one day to the next. Yet, Klein reveals that on the Quantum board were people like Alexander Haig, former Secretary of State in Reagan's administration, and political insider for nearly two decades. Later on General Colin Powell joined the company, part of a "long tradition of military men on AOL's board" (Klein, 2003 p97). The company's first chairman, Jim Kimsey, a West Point graduate, former soldier and bar owner, was reported as having been cooling his heels in the neighbourhood when he was asked to 'have a look at the company' by a "fellow West Point graduate and close friend, Frank Caulfield, and a venture capitalist" (Swisher, 2003 p28). Kimsey ended up running the company, finding the necessary cash to keep going at crucial junctures in the difficult 1980s. The 'creative genius' behind the idea, Von Meister, was described in terms of being a slightly comic madcap visionary, a lover of wine and fast cars, "a serial entrepreneur" (Swisher, 2003 pp24-25), "an obscure figure in history...credited as the [chance] father of America Online," (yet his photo and actions belie the idea of him being a wild maverick) (Klein, 2003 photo section pp148-151).

It seems reasonable to assume that digital communications, based on the former U.S. military controlled Arpanet, were never going to be left entirely to chance developments run by wild market and business mavericks. Perhaps the continuing military connection in AOL, like the events of the merger themselves, are not quite as arbitrary as they have been portrayed. There is the possibility that two main objectives and strategies were at work throughout: 1) the merger was an engineered market correction bringing new media 'back

to earth,' crucially back beneath old media stock values,[261] and 2) the placement of the biggest new Internet service provider in the U.S. was now safe within and under the control of a major establishment old media corporation.[262]

Time Warner was and is a company with "more media content than any other firm...[and] the largest library of music, films, TV shows and cartoons" (McChesney, 1998 p34). Even within the context of a failure in the stated objectives of the merger, however measured or described, the immense market power of the company remains indisputable. Time Warner lost no market position in the merger. Its shareholders were forced to take a financial charge, a substantial one, but a paper charge nonetheless.[263] There were personnel casualties, but the conglomerate itself achieved an obvious long-term goal—it grew larger and even more powerful.

---

[261] At a post-merger meeting with AOL staff, Case, trying to explain the way forward, was forced to defend the deal, taking questions: what would happen to the value of AOL's stock? "What did AOL need Time Warner for? Case's answer: 'Capital preservation' " (Klein, 2003 p104). In the days following the merger Time Warner's stock went up and AOL's "dropped precipitately" (Klein, 2003 p104). Time Warner executives had the option of selling stock, whereas according to merger arrangement AOL management and staff were forced to wait twelve months before selling their stock, by which time the value of their stock had fallen dramatically. "[S]hares were down 70 percent since the merger...to about $42 billion-about $200 billion less than its market value in January 2001 when the merger became official" (Klein, 2003 p293). Unlike Levin who never sold his Time Warner stock, Case *did sell* his own stock, drawing queries on the ethics, if not the legality of these sales. Reportedly Levin saw his own personal weath fall "from the neighbourhood of $400 million to around $10 million" (Swisher, 2003 p201). Though as Swisher points out, Levin's stock will rebound in price and with "a million a year in consultancy fees after years of multi-million dollar salaries, as well as a $400,000 a year as part of his pension - a fact that enraged critics," he wasn't out of pocket (Swisher, 2003 p201).

[262] Such a political economy styled theory raises the idea of a 'conspiracy' but the fact remains that the two main architects of the merger, Levin and Case, planned and negotiated most of the merger isolated together, with many of the executives of their respective companies shut out of the negotiations completely, a fact that some Time Warner executives mentioned. The deal was a *fait accompli* by the time they knew of it in any detail. Apart from the fact that secrecy was important, imperative for maintaining stock values at their same level during negotiations, it was an enormous responsibility, particularly for Levin, to take on alone (Swisher, 2003 p140). And crucially he insisted he was not alone in deciding, though who helped him is not known. Levin never admitted, even after resigning, that his judgment had been wrong. Equally Case took a huge risk, risking particularly regulatory scrutiny of AOL accounts, yet left the whole merger relatively unscathed, with only his 'reputation' having suffered. But even that is debatable.

[263] It is not easy to describe a Time Warner 'conspiracy' as such, as many Time Warner stockholders, including Time Warner Vice President, Ted Turner, the company's single biggest individual stockholder, saw the value of their shares plummet in the months after the merger (Swisher, 2003 p202). However, Turner was never 'a major Time Warner insider.' A 'maverick' with a self-confessed bi-polar disorder he was often ignored within the company, and in any case his shares always could be extremely valuable again over time, if he had wanted to retain them, as Levin himself did (Swisher, 2003) (Klein, 2003).

6.2 The power of entertainment in the digital scenario

Wolf quoted calculations of the late 1990s, that the U.S. entertainment industry in total was closing on a total value of $500 billion. "Entertainment—not autos, not steel, not financial services are fast becoming the wheel of the new world economy," he wrote (Wolf, 1999 p4).[264] Castells described it as "the fastest growing industry" with five million workers in the mid-1990s, a figure "increasing at 12% per year" (Castells, 1996).

At 5.4 percent of a U.S. consumer's budget, entertainment was then a bigger part of a spending than health and clothing, both then calculated at 5.2 percent of the average U.S. consumer's budget (Wolf, 1999 p4) (cited by Kellner, 2003b p3). In an era of infotainment splurge consumers are being asked to buy into, be part of a wireless, satellite, multichannel, laptop, broadband, computer games, hardwire, cable, Web, P2P, Internet universe—with the inference that if they are not myriad digitally connected they need to 'get a life.'[265]

The *"networked infotainment society"* missiles products of the "culture of technospectacle" (Kellner, 2003b p14)—a smorgasboard orgy of infotainment beamed into homes, at the treadmill, blasting in headphones, flipping on sign boards in city blocks and on freeways. Consumers live a corporate-directed vicarious reality as 24/7 bit-players in this technospectacle of consumer culture (DeBord, 1967 section 42) (cited by Kellner,

[264] This clearly is a very broad definition of leisure, entertainment and media, and perhaps we are seeing here the true breadth, power and economic significance of the Cultural Industries. Wolf includes in his category of entertainment, "movies, television, videos, popular music, spectator sports, theme parks, radio, casinos, magazines, newspapers, books, children's (and grown-ups') toys, and so on [a category] true for developing economies as it is for mature ones...[E]ntertainment content has become a key differentiator in virtually every aspect of the broader consumer economy...much the same way that compterization made it presence felt in previous decades." Entertainment will soon compensate for the decline in military spending, an industry whose products do not grow value over time, whereas entertainment products do...In 1988 the defence budget spending in Los Angeles created "242,000 jobs in aerospace alone...Ten years later Californian officials estimate that for every job lost in aerospace the local economy gained two in entertainment, leading to a 83 percent growth in that sector since the end of the Cold War" (Wolf, 1999 pp4-7).

[265] In terms of content and information exchange, Google's entry into the marketplace is having something of the same effect with content, connecting all of us to information we never had before (NewsTarget Network, 2005) (Lohr, 2005) (Milliot, 2005a).

2003b p3).[266] The technospectacle is a major force in Anglo-American social life. And while the audiovisual atmospheric display hype irradiates us, the power of control lies in the hands of the culture corporations.[267]

The question is not: do the cultural industries have power? They have considerable power. And while consumers can resist the process, opting out more frequently than is perhaps implied by Wolf, DeBord and Kellner, it is not an easy task. Consumers have to first learn enough of the alternatives then learn to separate truth from fiction in a jungle of propaganda and misinformation. Miège suggests not all new technologies necessarily lead consumers to become victims of commodification (Hersmondhalgh, 2002 p16). The new message sent out by technologies such as the Internet (and even digital books in certain information areas), is that for the time being they provide the means of impeding the commodification process and are therefore aiding consumers. On one level alone, providing an alternative flow of information to that published by the cross-media corporations, who have been hard at discrediting new media's standing and value, is a step toward more consumer freedoms. But if and when the Internet is 'properly' colonised by the corporations, if and when they learn to extract revenue from it on a regular and substantial basis, then those freedoms will evaporate. The new media and Internet opportunity for consumers seems to have a built-in shelf life. The reach of the Internet's alternative view will be then severely restricted.[268] But where is the sort of power implied in this process situated and who exactly has it? What is the power arrangement and what are the effects?

---

[266] Drawing on and citing from French theorist, Guy Debord's concept of "society of the spectacle."
[267] Miège agreed with the Frankfurt School that new technologies led to "increasing commodification, but that it also led to exciting new directions and innovations" (Hersmondhalgh, 2002 p16).
[268] Currently on the Internet is the free to download *The Unauthorized biography of George H.W. Bush* by Webster Griffin Tarpley and Anton Chaitkin (www.tarpley.net/bushb.htm). In the early days of Internet publishing, the argument went: if a book was downloadable free from the Web then this was evidence of its lack of quality—a general view still held by many who distrust the Net and Web. But while the work may have many detractors (so far the former President has not sued the authors) the appearance of the biography is

Content copyright seems a big part of this puzzle. Creators sell the rights to their intellectual property to corporate publishers. If the rights have strong enough market value, Corporations will develop and grow the economic value of the intellectual property rights, accruing cultural power because of these rights, bundling them into their global intellectual property holdings."The capacity to achieve a position of global power is a combination of the international nature of intellectual property rights...corporations owning the rights operate on a multinational level, and the fact that many of the media and entertainment corporations are conglomerates display a high degree of horizontal integration by operating in a number of different areas of cultural output" (Macmillan, 2002 p107). Following the logic of growth in value of intellectual property over time, it follows that media and entertainment corporate power grows equally over time, and that the power "enjoyed by media and entertainment corporations is self-reinforcing" (Macmillan, 2002 p108).

The intellectual property holdings therefore give the power to media conglomerates to acquire more power. Supported and facilitated by government regulation and political support, itself rewarded via the agency and holdings of the corporate empires, media and entertainment corporations are in a position "to demand of government that it take steps to protect their interests," and hence their power (Macmillan, 2002 p109).[269]

With the growth of organised, rationalised power in the culture industries, the culture filter that corporations have and use translates into less diversity in the range of intellectual property products finding its way to consumers. Equally, those intellectual

---

a stimulus for debate and supports the idea of free speech, which is underpinned by the current functions and freedoms of the Net and Web.

[269] "Increasingly...the distinctions between governmental and private sectors are blurred. Since the depression of the 1930s and World War II there has been a rapid fusion of economic and political power, a merging of science, industry and government, and a high degree of interaction between the intellectual, governmental and business worlds...[P]ower has become much more organised in what we have commonly considered to be the private sector" C.J. Warren in Curtis Publishing Company v. Butts (Patfield, 1993 p299) (cited by Macmillan, 2002 p108).

property rights within the sphere and under the asset control of culture corporations fall into a pattern of increased exploitation.

That which pays is asked to pay and pay again—Mickey Mouse has netted an enormous profit for Disney over the years of its brand/cartoon character/theme park lifetime. This creates no harm, it seems. But publishing, media and entertainment corporations "control and homogenize" almost everything in the media entertainment spheres that "we get to see, hear and read," with the likelihood that "[t]he more powerful the copyright owner the more dominant the cultural image," the greater the possibility "the copyright owner will seek to protect the cultural power of the image through copyright enforcement" (Macmillan, 2002 pp110-111). This might mean artists wishing to paint George Bush as Mickey Mouse could be subject of an injunction by Disney Corporation.[270] Consumers of cultural products are "being taxed and restricted by monopoly rights in cultural enjoyment and in the exercise of their imaginations" (Waldon, 1993 p848).

The power to control consumer culture (and control the consumption of culture) affects—even directs—our lives in myriad ways. From the time we were young, the cultivation by Disney of Mickey Mouse, one of the world's most recognizable entertainment icons, seeped into our consciousness, into our lives.[271] Mickey Mouse, as a permanent cultural artefact, influenced the first steps children around the globe take towards apprehending the

[270] Disney regards any 'private' uses of any of its characters, for parody or otherwise, negatively, which says "something about the concept of imposed cultural homogeneity" (Macmillan, 2002 p116 n.54). Underpinning their cultural power is Disney's economic foundation, its enormous corporate value. Disney grew "from a market capitalisation of $2 billion in 1984" "to around $60 billion" in the late 1990s, a greater corporate value than General Motors (Wolf, 1999 p230), describing the growth of the power of the media/entertainment empires in recent times. Wolf writes that even "the BBC have recognized that Mickey has a lot to teach" (Wolf, 1999 p231).

[271] This expresses "the original Frankfurt school model of the culture industry...a highly commercial and technologically advanced culture that serves the needs of dominant corporate interests, plays a major role in ideological reproduction, and in enculturating individuals into the dominant system of needs, thought, and behavior" (Kellner, 2000).

global cultural environment around them.[272] 'The Mouse', as an item of private intellectual property became a public artefact living in consumer consciousness. Yet "[t]he private appropriation [ownership]...of public artefacts restricts and controls" (Waldon, 1993 p885) us, restricts and controls our minds and ways of seeing. We are led on to believe that we are participants-owners of artefacts in a cultural landscape over which we have no legal or moral rights over whatsoever. Consumers are culturally enfranchised and disenfranchised in the same moment. Wolf uses the term "brand autocrats" to describe corporate control over image artefacts and brands, and this is the kind of control media and entertainment empires enjoy over consumers (Wolf, 1999 p235).[273]

Most struggling authors, if asked, would probably support the idea of more and better recognition of consumers without much thought being expended. Lowly-paid authors and consumers have much in common. Consumers deserve recognition of their rights, and lowly authors deserve recognition for their efforts. But authors once successful, and part of the corporate machine, lose sight of most of the original moral character of rights for either consumers or other authors.[274] Successful or brand authors become synonymous with their corporate paymasters, participating wittingly or unwittingly in corporate market strategies.

The legal attack/defence by J.K. Rowling on Nancy Stouffer was not a fight between two authors over who had more moral or legal right to a literary property than the

[272] This without doubt had more effect in the Anglo-American publishing and entertainment environments, but overtime that environment has become global, if it has not been almost entirely global from the beginning of its spreading cultural influence.

[273] Wolf, in describing the brand control exercised by executives at MTV, was in effect speaking for entertainment corporations (particularly Disney), though he added that he didn't mean MTV executives were "brand fascists," though in Disney's case the term does not seem wholly inaccurate, at least in spirit. Disney descends with swift, merciless, legal fury on what it sees as any unauthorised use of its image, artefacts and brand. In MTV's case, any brand protection "cannot hold itself...aloof from youthful derision... Parody of self [is still] very postmodern" (Wolf, 1999 p235) and hence an integral part of the MTV culture itself. Mickey Mouse poses no 'postmodern dilemmas' for Disney.

[274] Not to be confused with *droit moral*, a legal right that developed in Europe, securing for authors to see that their works are not subject to revision, change or abuse by unauthorised persons.

other, nor was it an attempt to uncover 'the truth.' The action was a corporate legal strategy, tantamount and comparable to strict 16th century English crown censorship.[275] It was no less than a demonstration of significant economic and cultural power of the cultural corporation over a powerless author using the legal norms of an industry so as to force the powerless to conform to the strictures of a political economy.[276]

Another factor is the development of the economics of copyright, with final products embodying a bundle of rights. Painters sell paintings but retain the copyright to the image and design (Towse, 2000 p95). Book publishing has long dealt with the bundling of various rights. But along with moves to deal with royalties on resale rights of single works of art—creative artists are demanding recognition of and participation in the growth in their value as artists, the growing value of works previously sold. Book agents have also entered this argument, challenging established First Sale rights of books, asking that royalties be accrued and distributed to authors on the resale of books (Trachtenberg, 2005).

In the online discussion site dmca.org, a contributor argued First Sale is codified in U.S. law,[277] and the publishing industry having "failed to circumvent the first-sale doctrine through DRM on ebooks" now want to impose sanctions on online used-book marketplaces, such as Amazon provides. "The online transaction providers should pay a fee," says Richard Pine, a partner in New York literary agency InkWell Management LLC. "The

[275] Two corporations who had paid Rowling generously to have her attached to their brands were not about to see their author's brand image tarnished (Weeks, 2001). Rowling was relieved to win the case, and said as much (Lizo, 2002), but it was the corporations paying Rowling who had transformed her into their brand that were driving the action.

[276] Political economy is used in the sense that it "places much greater emphasis on ethical and normative questions" (Hersmondhalgh, 2002 p30) whereby copyright legislation and court judgments do not generally favour the disempowered. In an interview with the copyright lawyer (who had decided against representing Stouffer) the question was put: is the 'little guy' favoured by U.S. Courts in copyright suits? The lawyer said there was little evidence to support this, saying Stouffer's fate contradicted the idea outright.

[277] U.S. law (17 USC 109) (Compall, 2005)

commission should be paid directly to the publisher, who should pass through 100% of that income to the author" (Compall, 2005) (Trachtenberg, 2005).

Towse argues that although there is great deal of recognition of the economic size and importance of the "copyright-based industries" there has been little discussion or research on how much individual artists earn from copyright, with most earning very low per annum wages or salaries from their works. "[T]he unintended consequence of copyright is that it has facilitated the development of large multinational corporations in parts of the cultural sector of most countries by the creation and protection for 50 or 70 years of valuable, tradeable assets. The first point demonstrates that bargaining between parties is inevitable and the second leads to the conclusion that artists' bargaining power is increasingly weakened with the growth of large firms that are strengthened by copyright law" (Towse, 2000 p96).

6.3 Content versus connectivity

With digital content delivery systems spreading rapidly, challenging the hold analogue product has enjoyed over the distribution of cultural products, it seems the economic power held in intellectual property is being challenged by the power of the telecommunications companies and systems bringing the content to consumers.

The size and scope of the telecommunications sector is big and it is global. Although a UNESCO report in the 2001 pointed to the fact that a quarter of the world's population (2 billion people) have yet to make a telephone call, it seems hardly probable that this will continue for long in this century (UNESCO, 2001). Where land-lines have not yet gone, wireless soon will go.

In the Western world, telecommunications have underpinned the growth of new media. In 1995 the telecommunications sector reported "126 deals, merging assets of $39.1 billion" (Stone, 1997 p195). From 1995 to 1996 the value of telecommunication equity offerings and mergers doubled. Apart from private consumption of communication tools and networks, almost all businesses are now in need of fast and efficient communication systems (Herman and McChesney, 1997 pp110-111).

The world's major telecommunication corporations have had annual sales larger than either Time Warner or Disney (Herman and McChesney, 1997 p114). Andrew Odlyzko writes that the revenues of the U.S phone industry combined with the U.S. postal service is higher "than [U.S.] military spending, and almost three times higher than the revenues of the airline industry... [T]he spending on phone services is higher than all advertising outlays... '[C]ontent is not king'... the dazzling success of the Web has created a misleading picture of what the Internet is, or is likely to evolve towards" (Odlyzko, 2001). Digital technology has led to "a convergence of markets and industries" (Stone, 1997 p196).

So is there perhaps more power and value in the act of communication, than in the content being transmitted, regardless of what is being communicated? Text and phone messaging attest to this. It is simply the transmission that generates power in messaging, sent and received with or without much reason. Is this where the digital environment is leading us all? Of course this returns us to McLuhan's argument that the medium is the message, which is technologically deterministic and ultimately empty of content itself.

Still, Odlyzko demonstrates that history supports the developing argument of connectivity over content. Though while the communications sector is nowhere near the largest sector in the U.S. economy, being "smaller than cars, housing, food, and especially medicine," it still very large, and is "growing relative to the rest of the economy in a process that goes back centuries. As a fraction of the U.S. economy, it has grown more than

15-fold over the last 150 years. More is spent is on connectivity, the standard point-to-point communications, than on broadcast media and distributed 'content' " (Odlyzko, 2001).

The U.S. postal system of 1832 carried newspapers which "weighed about 20 times as much as letters" with "newspaper 'content'...delivering at least a hundred times as much information as letters." Yet the letters brought in "85% of the money needed to run the postal system" in that era (Licklider, 1978) (cited by Odlyzko, 2001). In terms of the Internet of recent times, "it is e-mail that is king" even if the 'text volume' is slight. Even if "Web traffic dominates the Internet in volume, with about 20 times as many bytes as e-mail." E-mail accounts "for under 10% of Internet volume" (Licklider, 1978) (cited by Odlyzko, 2001), but it is the email 'application' that matters most to consumers. This was true even in the early days of the network, "much to the surprise of the system's designers" (Licklider, 1978) (cited by Odlyzko, 2001). "[V]olume is not the same as value" (Odlyzko, 2001). Odlyzko does not try to devalue content for its role in communication, but instead places it in perspective of the act of communication itself.

In *The Rise of the Network Society* Castells sets out to theorise "'cultural change around the emergence of the grand multimedia fusion'" (Castells, 1996 pp369-375) (cited by Hersmondhalgh, 2002 p235). Castells seems to be attempting—not successfully, according to Hersmondhalgh—'to get a read on' where the network is leading the computer, communication and media industries, seeing a pattern, a convergence, in "an *integration of all messages in a common cognitive pattern*" (Castells, 1996)(p371) (Hersmondhalgh, 2002 p235).

Media information, education, and entertainment are blurred together (the distinctions between all media eroding) making for a "'culture of real virtuality...in which

reality itself is captured, fully immersed in a virtual image setting, in the world of make believe' (Castells, 1996)(p373). In other words if you're not in the system, you effectively don't exist" (Hersmondhalgh, 2002 p235). Messages converge in an organised pattern of power arrangements in media, a network of intentional but at times apparently non-subjective convergence of entertainment and media products and markets—tributaries carrying various media, flowing together into one big river of virtual information.

In an article for Businessweek Amey Stone described a comparable vision by another convergence theorist and visionary, a businessman who hoped to see his theories form a viable integrated virtual media practice and business—Henry Yuen. "If you believe that in a few years our leisure time will be spent either surfing, shopping, or chatting on interactive, Web-enabled television sets and reading novels, newspapers, or magazines on electronic books, then Gemstar International Group (GMST) is the stock for you...Gemstar has the technology to make both watching TV and reading -- the top two leisure-time activities -- more interactive and more fun...Yuen has a long way to go until his vision becomes reality -- if it ever does" (Stone, 2000).

The 'long way' ended abruptly and Yuen's virtual vision failed, but he and Castells shared the same mindset—a convergent media culture and practice in the digital era. Yuen's goal was "to get the electronic reading habit endorsed, validated, and engrained." But like John Holyroyd-Reece and his pre-Penguin paperback, Albatross (Feather, 1988 p208), Yuen was ahead of its time. Yuen's Gemstar and Holyroyd-Reece's Albatross spiralled into closed loops in media history and disappeared.[278]

In 1997, Alan Stone foresaw the twenty-first century leading us to an "emergence of hypercommunications groups embracing local-loop service, international long distance,

[278] See n.164 on p158 for more on Albratross.

national long distance, cable television, Internet provision, satellite, wireless (cellular, PCS and other technologies" (Stone, 1997 p200).

As Norbert Wiener theorised—the fundamental power of media is in the act of transferring information (Wiener, 1954 pp9-12), in the connection as much as in the content. Virtually speaking we are all already living in a pattern of media convergence with the connection seemingly as important as the content. But this is a return to the medium is the message conceptualisation of technology, that it is technology that is leading us by the nose. A connection without the right content, the content we want, is an empty medium.

6.4 The case of Google's book search[279]

Is the real power-threat to established publishing to be found in a networked world battle between connectivity and content—what connectivity potentially means in the control over information and who should control intellectual property rights?

According to book publishers, the global search engine company, Google, wants to exploit the world's storehouse of written information by circumventing copyright.[280] Does organised publishing have a point to make against Google, or are they simply mounting a defence, a discourse against a new entrant into the publishing market? Do they simply want to destroy a dangerous rival?

---

[279] Known as Google Book Search from November 17, 2005, the project is an "extension of Google Print (www.print.google.com), which is based on agreements with publishers and allows the full text of books to be searched" (Butler, 2005).

[280] In 2004, "Google... announced a decade-long project to scan millions of volumes at the universities of Harvard, Stanford, Michigan and Oxford, as well as the New York Public Library. The resulting archive would allow computer users worldwide to search the texts online. But many publishers complain that they were not consulted by Google, and that scannning library collections could be illegal. Under the scheme, people searching with Google would find library volumes relevant to their query at the top of their search results. Clicking on a title would allow them to browse images of the full text of works in the public domain. Only brief excerpts and bibliographic data would be shown for material under copyright. Participanting libraries would also be given a digital copy of their collection" (Butler, 2005).

Google's mission statement is to organise "the world's information...making it universally available" (Tagholm, 2005). They haven't said they want to own it—not yet anyway. So far only libraries, universities and few publishers have shown themselves attracted to Google's proposal. Google is working with five research libraries and some publishers "to create a searchable database of the written word." And for their efforts so far, they have received writs from the (US) Author's Guild and the Association of American Publishers for "massive copyright infringement" (Rothstein, 2005).[281]

Google argues that its policy of placing books online is allowable under fair use provision, and that it is simply offering a service to consumers—*their* consumers it is true—but all consumers as well, as the Internet does not willingly discriminate (so far) by language, nation, creed or location. Google's fair use argument is of course highly contentious, but fair use is contentious by nature. Rothstein reports that search engines have already been judged to have fairly used fair use by indexing "copyrighted material found on the Internet." The argument now is whether they can also index copyrighted material not found on the Web, and have it included under the fair use provision (Rothstein, 2005). Speaking for the Association of American Publishers, Allan Adler claimed that "if Google's theory of fair use was adopted, it would put Google in control of other people's content" (Milliot, 2005a).

[281] Susan Wojcicki, Google vice-president, product management said: "We regret that the US Authors Guild chose to sue Google over a program that will make millions of books more discoverable to the world—especially since any copyright holder can exclude their books from the program. Many of Google Print's chief beneficiaries will be authors whose backlist, out-of-print and lightly marketed new titles will be suggested to countless readers who would not have found them otherwise" (Bookseller, 2005).

In London in April 2005 to address the Publishers Association on Google's plans, Tom Turvey outlined the company's plan. It was limited to page-by-page views only, with downloading and printing-off prohibited, all wrapped in a system with other occasional controls. Mark Le Fanu of The Society of Authors (UK), wrote to UK publishers prior to the meeting, informing them that these controls were "likely to be circumvented," though he never explained how or whether he was an authority on this, finishing on the point that authors had to be consulted, one by one, before publishers could permit digitisation in any case (Tagholm, 2005).

And as Rothstein points out the service will not be totally free to consumers in any case. Consumers somewhere will pay up for the advertising that Google attracts (Rothstein, 2005).[282] But there are issues of consumer freedoms as well. Lessig argues "that if the publishers and authors win their lawsuit against Google's Print for Library program (now renamed Google Book Search) they would gain total control over content that would stifle future innovation and development. The definition of fair use needs to be expanded in the digital age" (Milliot, 2005a).

Google argues that it is only offering to digitally 'shopfront' book content, which in turn will generate sales for publishers. Publishers reply that their content will be used to attract Google customers and generate advertising revenue, none of which will flow to publishers.[283] And while Google seems to be offering 'free web advertising' of books for publishers, the consumer-led research service is also out of publishers sphere of control.[284]

As a distribution platform, Google, it seems, is without digital or analogue peer. So Google's interest in book content has sent organised publishing scrambling for the rule-book (Gregory, 2005) (Quint, 2005) (Roush, 2005). And while the public argument made by publishers turns on copyright ownership, is there a hidden agenda? Does publishing fear that its position of 'unquestioned' middleman is finally under serious review?

---

[282] Americans reportedly pay on average $30 a month for the advertising seen on free-to-air television. Advertising is a built-in hidden cost to consumers.

[283] Publishers also do not like the used book business, because they do not make money out of second-hand bookshops. The truth is they do, indirectly, as second hand bookshops (along with lending libraries) play a role in promoting literacy, choice and the culture of the book. And this surely transforms eventually into new book sales. And Google will potentially have the same effect.

[284] The relationship between publishers and bookstores translates to special allocation of window and other high-visible space to high-profile authors. So far, Google's plan offers nothing like this.

Google says it wants only to work *with* publishers not take them over (Teather, 2004) (Rickett, 2004) (Cowley, 2005). Stated like this Google's intentions seem benign. But what will happen when and if Google has in its possession the entire collection of writing (if that were possible)? Would the company then turn on the publishing world and claim ownership? It seems almost absurd. But this is the discourse and rhetoric currently employed by publishers, authors' societies and literary agents. Rees-Mogg argues that Google must pay up in order to protect the whole copyright ownership system. Google is being cast as the enemy[285] of books, publishers, authors and consumers (Rees-Mogg, 2005) (Wylie, 2005).[286]

As a way of accommodating (or controlling) Google, observers such as Wylie and Rees-Mogg are calling for pay-per-view. When consumers go to Google they should automatically pay for page-by-page viewing use on that site, with a few pennies flowing to publishers every time they do.[287] But does pay-per-view happen like this in a bookshop? No, it doesn't. And if pay per view is instituted Google's service would no longer be free of charge to consumers, a major factor in the search engine's rapid and enormous success. From Google's perspective this would seriously alter the company's business.

It seems either that organised publishing is confused over what Google is offering, or it knows perfectly well, and is seeking to exploit what could well have been a genuine

---

[285] André Schiffrin says it creates an English language bias: "This confirms the risk of a crushing domination by America in defining the idea that future generations will make of the world" (Lottman, 2005).

[286] Rees-Mogg gives a personal account of how Google is threatening to ruin small antiquarian publisher and booksellers like he once was. Having been 'a minnow in a world of sharks', he got through "the first electronic revolution," but now this small industry faces another information revolution, this time brought on by a 'killer whale.' Does this flourish of metaphors bring us any closer to the truth? Apart from bringing many books back to life, Google, if anything, threatens to increase the antiquarian book trade not devour it, just as eBay and Amazon have made a global market for previously unwanted, ordinary, second-hand and specialist market items. Rees-Mogg admits that as an antiquarian, he was able to live "comfortably for twenty years," and that he does not want "to stand in the way of the diffusion of knowledge," but as far as he is concerned one thing matters: Google must pay up. Where do consumers figure in this vision of the information and book trades?

[287] This of course can only happen on a system invented and developed, made popular and maintained by Google.

offer by Google at the outset. Having seen the reaction of publishers, Google could be excused for asking themselves: why should publishers control information anyway?

Are publishers trying to do what they are in effect accusing Google of trying to do; do they want to undermine Google's market reach and power? As we have seen, in percentage terms of all cultural products produced between 1923 and 1946 (films, books and music) 94% is now unavailable to consumers. Statistically at least, publishing and the cultural industries' commitment to providing the world with culture and knowledge is 6% of what could be provided. Can a provision of 6% of cultural goods produced ever be considered adequate? (Lessig, 2004 p228).

Literary agent Andrew Wylie argues that his authors (not all authors - *his*) will not get paid when consumers go online to have a look at one of his authors' books. This seems to be Wylie's major concern. Because, as an agent, when his authors get paid, so does he (Wylie, 2005). Wylie it seems is not worried about the provision of knowledge and the availability of cultural products, or about consumers, without whom, it must be said, Wylie would not earn one red penny.

What publishers seem to fear is Google could spell the end of their five hundred year monopoly over published information. As Wade Roush writes in a MIT TechnologyReview.com blog: "Digitization and the rise of e-books are upsetting the traditional balance of powers between authors, publishers, libraries, booksellers, and readers. The future is highly uncertain, and naturally university presses [and all print publishing] would like some assurances that Google won't destroy their business" (Roush, 2005). Roush is right. Publishers have a right to know. But consumer rights activists are also right when they describe publishers as businessmen who have happily exploited cultural products and copyright legislation for centuries. Lessig argues that a change

towards more consumer freedoms, more democratisation of information, is long overdue (Lessig, 2004 p271) (Lessig, 2005).

And if Google's intention is to release information while profiting themselves, what is the great harm? The search engine could be instrumental in shaping the creation of the biggest library of published information, the world's first truly democratised virtual library—the world's first 'infinitely' interconnected "e-book."

7. Power and Publishing – Theoretical and Practical Considerations

Commonplace notions of power support the idea that it is tangible, something to obtain and possess, a tool to be used as the holder sees fit. This notion of 'a real and ownable power' is disputed by Foucault but in regard to publishing power and the development of the e-book, it seems, logically, to be the first idea that requires examination.

Publishers oversee book markets, deciding who and what is published, in what form and format, and this includes new products like the e-book. It seems therefore that they have real power, disseminated into more than one place or function, which when brought together manifests this pre-eminent position in the publishing scenario.

Clegg argues that "[t]he greatest achievement of power is its reification. When power is regarded as thinglike, as something solid, real and material, as something an agent has, then this represents power in its most pervasive and concrete mode. It is securely fixed in its representations. However, reified power will rarely if ever occur entirely without resistance. To this extent power is infrequently the complete reification that it is sometimes assumed to be" (Clegg, 2002 p257-8)

Big publishers have the economic resources to commission works, to produce and publish books and to bring them to market. In this way they seem to have the power of control over authors and the power to direct consumers. Authors and consumers also have power, but that power is limited. Authors can decide not to publish their books with a certain publisher, and consumers can decide not to buy published books. Though both these forms of resistance seem more negative than positive, that is they represent the power of

denial. Publishers have this power as well, but they also have the power to produce to create, to influence and drive markets. Authors will only have any real effect if they are major names or brands—where denial might affect a publisher's balance sheet.[288] And consumers will only have any real power effect if they work in concert, *en masse*.[289]

Publishers, using effective marketing campaigns, can influence consumers to buy books. Critiquing the effect of advertising in an unfree market, Adorno and Horkheimer describe how the market techniques and costs-flow mean power remains "in the same hands," similar to the way economic controls function in a "totalitarian state." Advertising resides as the mechanism guiding consumers within their illusion of independence, individual identity and power of choice. Today products appear in films and on the shirts of footballers. In this way "[a]dvertising and the cultural industry merge technically as well as economically" creating psychotechnological manipulation (Adorno and Horkheimer, 1973 pp162-163). For Adorno and Horkheimer the socio-political effects of these techniques represent controls within society for drawing consumers into the 'capitalist centre' into "well-organised complexes" (Adorno and Horkheimer, 1973 p120).

Technological power deviates from the commonplace notions of power. Bereano writes on how power can and will maintain itself via technological intrusions. "[M]odern

[288] J.K. Rowling would have a disastrous effect on the balance sheet of Bloomsbury if she were to decide to publish with another UK house.

[289] Hannah Arendt argues that "[p]ower corresponds to the human ability not just to act but to act in concert. Power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together. When we say of somebody that he is 'in power' we actually refer to his being empowered by a certain number of people to act in their name" (Habermas, 1986 p76) (Lukes, 1974 p28). Arendt is not arguing here for the collective power of 'ordinary consumers', she is speaking of political power. Still, she speaks of power as resident in groups whatever their nature or scope. As to consumers this should be interpreted as consumers having more power if they act in concert. Without effective collective action, the position of individual consumers is often ignored. Individuals and consumers need perforce to unite to make their voices heard on any scale. Collective action is almost certainly a primary, necessary and important ingredient of consumer power, and forms a strong if not the major part of any effective consumer protest.

technologies are powerful interventions into the natural order. They tend to be mechanisms by which previously powerful groups extend, manifest, and further exacerbate their power." This inner structure, the mechanisms of socio-political control inside the "social and political aspects of technologies are often hidden behind the appearance of decentralized 'choice'"(Bereano, 2003 p86).

So behind what we generally see, the publishing industry, having the technical means to publish, is technologically in the position to decide upon, preempt and control choice. As Adorno and Horkheimer wrote: "[T]he basis on which technology acquires power over society is the power of those whose economic hold over society is greatest. A technological rationale is the rationale of domination itself" (Adorno and Horkheimer, 1973 p121).

Clegg + Adorno & Horkheimer + Bereano represent a scenario of domination. Organised technologies of publishing control are directed and run top down by an industry with the objective of making the consumer a compliant subject. There may be a nod to the potential for resistance from consumers, but this is largely negated and mediated against by the mechanism in and of the illusion of independence in consumer choice.

With regard to consumer rights and recent copyright legislation, the power of the DMCA legislation demonstrates that the illusion of independent consumer power is a hoax. The difference now is that there isn't even the pretence of consumer rights anymore. With the introduction of regulatory digital controls, the consumer rights and copyright watch organisation, dcma.org, warns that the use of power is not being concealed anymore. "WTO + WIPO = DMCA. The World Intellectual Property Organization (WIPO) is asking for stronger laws. Countries are implementing them. People are losing rights" (anti-

dmca.org, 2001). And in the framework of continuing rationalisation and growing oligopoly in the provision and management of information it seems the large mixed-media conglomerates,[290] with huge powers over individual freedoms, can afford, in most cases, to be indifferent to the power of protest—buying consumers silence with promotional offers and other marketing tricks.

Michel Foucault, while not denying domination, argues that power is not arranged *a priori* in a top-down pattern of domination. With regard to the adversarial position of corporate versus individual-consumer power, there exists "a relationship of power and a strategy of struggle…a reciprocal appeal, a perpetual linking and a perpetual reversal" (Foucault, 2001 p347). Foucault did not believe in "fundamental phenomena", only "reciprocal relations" (Scranton, 1994 p168, citing Foucault Live, p267), that no one agent or subject had *a priori* purchase on control.

> "Domination is, in fact, a general structure of power whose ramifications and consequences can sometimes be found reaching down into the fine fabric of society. But, at the same time, it is a strategic situation, more of less taken for granted and consolidated, within a long-term confrontation between adversaries" (Foucault, 2001 p347).

[290] Adorno and Horkheimer argue that the mixed-media conglomerates are subservient to the true 'political centres of power', or other more powerful industrial conglomerates, which Adorno and Hokheimer described as "steel, petroleum, electricity, and chemicals [with] [c]ulture monopolies…weak and dependent in comparison" (Adorno and Horkheimer, 1973 p122). This can be seen in the way Murdoch's Fox Television served the Republican (wider corporate) cause during American election night November, 2000. Fox executive, John Ellis, a first cousin of George W. Bush, called the count in Florida for Bush, while voting was still continuing, while the count was in fact favouring the democratic candidate, Al Gore, altering the facts to change the general media's call of events, and influencing remaining voters (Brasch, 2002) (Center for American Progress, 2004). Later, Murdoch was aided (if not rewarded) by the Republican controlled FCC, who supported his acquisition of DirecTV (satellites) from General Motors, against strong arguments by the Democrat members of the commission against Murdoch's growing monopoly (Reuters, 2003b).

Foucault provides consumers with hope, even if his description of power does not actually map out how consumers actually acquire or can use this power. Foucault describes power simply as "a relation between forces… every relation between forces [being] a 'power relation'" (Deleuze, 1988 p70). So a Foucauldian reading of publishing is that all forces—publishers, authors and consumers—exist in a network of power relations and the position of each actor and agent in the process is not constant, neither is any position or dominance irreversible.[291]

Drawing on an analysis of power from an empirical perspective, built first by Machiavelli (Dahl, 1986 p39), Foucault does not say where power is or where it resides but asks that we look at "how is it practiced" (Deleuze, 1988 p71). Power shows up "as an effect, since force defines itself by its very power to affect other forces" (Deleuze, 1988 p71), and that power is diffused, "multipunctual, lying within an element that no longer even has any form" (Deleuze, 1988 p74, 81, 83). As Hall informs us, "Foucault shifts our attention away from the grand, overall strategies of power, towards the many, localized circuits, tactics, mechanisms and effects through which power circulates – what Foucault calls the 'meticulous rituals of the micro-physics' of power...going 'right to the depth of society'" (Foucault, 1977 p27) (Hall, 2001 p77). Foucault wrote of "a productive network, which runs through the whole social body" (Foucault, 1980b p119) (Hall, 2001 p77). Power does exist as a thing in itself; "only local exercizes of power" are in fact real. And "[u]nlike Lukes and the Frankfurt School...Foucault does not think of power as something possessed by those who exercize it" (Couzens Hoy, 1995 p212). Or as Foucault himself put it: "power is exercized rather than possessed" (Foucault, 1977 p26) (cited by Couzens Hoy, 1995 p182). Foucault viewed individual subjects are "entirely constituted by the operation

[291] Supporting Foucault's ideas, Barbalet writes: "[T]here can be no adequate understanding of power and power relations without the concept of resistance" (Barbalet, 1985 p532).

of power" (Dews, 1995 p158), as existing within and constitutive of the operation of discourse (Hall, 2001 p79). This is supported by the idea that publishing and consumer choice is multi-level and multi-faceted. Book and cultural product decisions are made at all levels and consumers react to market offerings by choosing in countless ways for countless reasons.

Weber maintained that "[p]ower (Macht) is the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests" (Dahl, 1986 p39), a definition that Galbraith called "the common perception" of power (Galbraith, 1978 p212). And this does not preclude the reversing of positions between the initial pre-eminence of the publisher over both authors and consumers. For Weber, domination of some kind or another, meant "[d]omination in the quite general sense of power i.e., of the possibility of imposing one's will upon the behaviour of other persons, appearing "in the most diverse forms" (Weber, 1978 p29). As Weber explained, "not every form of social action reveals a structure of dominancy. But in most of the varieties of social action domination plays a considerable role, *even where it is not obvious at first sight" (italics added)* (Weber, 1978 p28).

Paraphrasing Lukes's template of the operational workings of potential and actual power based on Dahl's 'intuitive idea of power': **A** (the publisher) has power over **B** (the consumer) to the extent that A can influence B on book purchases leading B towards a book purchase B would not otherwise consider, which culminates in the "successful attempt" by A to get B to actually buy the book (Dahl, 1957) (cited by Lukes, 1974 pp11-12).

A's capacity to influence B and then succeed in getting B to do as A intended, represents "the difference between [the] possession [of power] and its exercise" (Lukes, 1974 pp11-12).

If A is a corporate or even a regulatory force, or a corporate and a regulatory force combined, and B is either the single or collective consumer, any resistance does not necessarily require organised action. It simply requires a decision not to be influenced or coerced by A into buying the book on offer, which in most circumstances is not ever going to be an onerous task for B. So, taking Lukes's position, any power relation of this kind seems to be situation specific.

Lukes also offers the possibility that A can influence B to do as A wishes, without B being fully aware, or aware at all, of the process. Lukes describes this as a "third dimension of power" operating to prevent individuals from recognising their "real interests" (Lukes, 1974 p33) (cited by Hindess, 1996 p86). And this links up with The Frankfurt School's ideas and negates Foucault's 'democratic' notions of power.

However, turning this position around to one of positive resistance, B could perhaps effectively negate A's power, influencing A to act according to B's wishes—that is, if B were an influential consumer or author with the power to somehow organise or generate effective resistance, as evidenced by the case of author, Michael Moore.

7.1 Real-world publishing power conflicts: *Michael Moore v. HarperCollins*

Prior to the attacks on 9/11, American author Michael Moore signed an agreement with HarperCollins to publish his book, *Stupid White Men, And Other Sorry Excuses For the State of the Nation*. All seemed to proceeding well toward publication, until the two planes crashed into the twin towers in New York. 50,000 copies of *Stupid White Men* came off the presses the evening of September 10, and Moore asked his editors at ReganBooks (HarperCollins) if they could delay the release of the book. Being a New York resident he did not think it right to head out on a book tour immediately after such a dramatic event (Moore, 2002b pxi). His instinct was hardly remarkable. Life was dramatically different in New York, if not in all of the United States, and 'this shift in reality' included Moore, though perhaps not exactly in the way he had imagined when he asked for the tour postponement.

The political mood in the United States moved to 'the right' very quickly (Wood and Thompson, 2003) (Kellner, 2003a p174), and ReganBooks (an imprint of HarperCollins) now decided Moore had to make radical changes to his text. The book publishing division of Rupert Murdoch's global media empire, News Corporation, no longer believed Moore's political views were acceptable—critical as they were of President George W. Bush.[292] The President's political fortunes soared after what was described as "the worst terrorist acts on

[292] Moore wrote that Bush was "a crook" and "Thief-in-Chief" after the Supreme Court's 5-4 decision "to uphold the official, but highly controversial, election results in problem-plagued Florida" (Brasch, 2002). In the Chapter *Dear George* "Moore writes a heartfelt letter to Governor Bush, and sadly concludes that America's chief executive has been a drunk, a thief, a possible felon, an unconvicted deserter, and a crybaby, who only got to where he is because of Daddy's connections"(www.battl.nl/mmamerica.doc).

American soil" (Conyers, 2004). Moore asked the publisher if the order to censor him came from Murdoch himself, but "[n]o one would respond" (Moore, 2002b pxii).[293]

In Moore's own account of events, which appeared later in a preface to the paperback edition, published subsequently by Penguin, the author wrote: "What I heard next was not what I expected to hear anywhere inside a free country: 'We can't release your book as it is written. The political climate of the country has changed. We would like you to consider rewriting up to 50 percent of the book...removing the harsh references to Bush and toning down your dissent. And we would like you to give us $100,000 to reprint the books we've printed' " (Moore, 2002b pxii) (Adie, 2002).

Stunned, Moore accused his publisher of censoring him "to conform to the corporation's political philosophy" (Moore, 2002b pxii, xiv) (Brasch, 2002) (Adie, 2002) Moore said he offered a compromise solution, and received what, in his words, was publishing's equivalent of "fuck off" (Moore, 2002b pxiii). Moore said he "agreed to a title change and a revision of the cover design, but he was loath "to lose his journalistic integrity" (Brasch, 2002). HarperCollins continued to insist on a major rewrite.

Moore pondered what he could do during a stand off that continued for two months, offering at one point "to buy the 50,000 copies, [in order to] sell them himself; the publisher, says Moore, refused" (Brasch, 2002) (Adie, 2002). Things looked bad for the book.

---

[293] "Murdoch told Newsweek before the [Iraq] war, Bush 'will either go down in history as a very great president or he'll crash and burn. I'm optimistic it will be the former by a ratio of 2 to 1...One senses he is a man of great character and deep humility' " [Newsweek, 2/17/03]. "Murdoch [also] said before the Iraq war, 'The greatest thing to come out of this for the world economy...would be $20 a barrel for oil. That's bigger than any tax cut in any country.' He buttressed this statement when he later said, 'Once [Iraq] is behind us, the whole world will benefit from cheaper oil which will be a bigger stimulus than anything else' " [Guardian, 2/17/03] (Center for American Progress, 2004). Murdoch's Fox network as we know supported Bush in the 2000 election (CBS News, 2000), and the price of oil at the end or 2005 through early 2006 was not $20 a barrel.

The day after ReganBooks gave Moore their final decision, that they would not be publishing the book (1 December, 2001), the writer gave a speech to the annual meeting of a Citizens Action Council in New Jersey. Moore recounted to his audience what was happening to him and his work. A librarian sitting at the back, a member of the governing Council of the American Library Association, was incensed by what she heard. Together with the new U.S.A. Patriot Act—which made it illegal for her to withhold from the police what library-goers were reading— Ann Sparanese felt the attempt to stop Moore's book was a major assault on the Constitution-protected idea of the freedom of speech.

Two days later, Sparanese began emailing around the United States. She asked everyone she contacted to write to HarperCollins to "demand they release" Moore's book (Moore, 2002b pxvi). To her mind the Moore episode was "all about a publisher censoring itself on a book because it may have been politically intimidated'" (Brasch, 2002) (Kellner, 2003a p280n). Her colleagues " 'picked up the ball and ran with it'...writing each other and the publisher" (Brasch, 2002) (Adie, 2002).

Dismayed, HarperCollins executives called Moore to tell him they were receiving "hate mail from librarians." HarperCollins accused Moore of organising the librarian campaign against them (Moore, 2002b pxvii) (Adie, 2002).

Together with the librarian's email campaign, a sudden build-up of orders prompted Jane Friedman, chief executive officer of HarperCollins[294] to ask why Harper's were "distancing" themselves "from something we approved of and worked on" (Brasch, 2002).

HarperCollins finally agreed to publish Moore's book but approached the marketing of it without enthusiasm. Moore wrote that the publishing house "booked...zero broadcast network TV Shows" by way of publicity. So Moore went on the Internet himself. "Within

[294] Jason Epstein described Friedman as one of the few 'good' American trade publishers left (Epstein, 2004).

hours, the first 50,000 copies were sold out. By the next day, *Stupid White Men* went to #1 on the Amazon.com bestseller list" (Moore, 2002b pxviii-xix).

HarperCollins seeing that they had a runaway hit on their hands changed their tactics again. By February 2002, Moore was travelling on "a 12-city author tour, coupled with several appearances on national TV shows to promote the title... HarperCollins even featured *Stupid White Men* on its web site home page...Within six months of distribution, there were more than 500,000 sales, making the book a surprise run-away best-seller" (Brasch, 2002).

On the back of his speech, the librarians campaign, Moore's own Internet letters to consumers, press coverage, positive word of mouth, and a 'counter-productive' HarperCollins campaign to kill the book, *Stupid White Men* quickly raced to No. 1 in the United States. It went to No.1 in the UK and Ireland via Amazon online sales as well, before the book had been physically released in either country (Brasch, 2002) (Moore, 2002b pxix-xx). The Internet was instrumental in crucial areas of Moore's defence against the publisher's action to stop his book. The email communications were fundamental at the beginning and throughout the process; then online book sites made the book available to an international audience.[295]

The public controversy clearly worked for Moore and international sales soared. Sales in Germany alone went past one million. Moore, backed by librarians, was able to successfully 'argue' his case in a twenty-first century version of Habermas's *public*

[295] ReganBooks [HarperCollins] denied the librarians had any effect on their decision to publish. "We did not receive a lot of comment from librarians, not a lot of feedback from outside," Herling [of ReganBooks] claims. She says the decision to publish was 'made by a team of people'—she refused to identify who was on that team—'and certainly not because of feedback from outside' " (Brasch, 2002). But speaking at "the ALA annual meeting in June 2002, [a grateful] Moore...forcefully noted that the librarians' campaign was a major reason ReganBooks decided to release *Stupid White Men*," naming librarians as " 'the most important public servant in a democracy' " (Brasch, 2002).

sphere—the Internet (Kellner, 1999 p195) (cited by Agger, 2002 p455) (Dean, 2000),[296] and when he did, public opinion decided the issue, not the publisher or its parent corporation. Or, at least, so it seemed.

Few authors, if confronted with the same situation, would have been able to meet the challenge of the strategies adopted by HarperCollins. Resistance of this kind against a major publisher could put at risk a writer's entire writing career. Big publishers usually enjoy substantial contractual power over individual and generally isolated authors, all in order of having the effect, if not the intention, of keeping them reasonably quiet. Moore is and was clearly an exception to this general trade publishing 'rule.' In Moore, HarperCollins had an informed and tactically aware adversary, who, it must be said, had everything to gain and practically nothing to lose by exposing the tactics of HarperCollins. But it was HaprperCollins who placed him that position.

In the post 9/11 intensely pro-Bush media, HarperCollins (at least initially) clearly felt 'liberal mavericks' like Michael Moore would have to be (and could be) made to fall into line. In this time of right-wing media bias it was quite demonstrably a time for media professionals to 'toe-the-line or else' or else.[297] It could well be that there was a deliberate campaign of political censorship by HarperCollins against an anti-Bush author, and it was directed from the top. Though it is also possible that HarperCollins staff, knowing their owner's political beliefs, and sensing the mood, largely made the decision by themselves.

---

[296] "Kellner ...argued that the Internet is a potentially emancipatory element of a technopolitics that creates an electronically mediated public sphere through which people not only participate in direct democracy via electronic plebiscites but also write back and forth in public discourse" (Agger, 2002 p455).

[297] "A journalist who said Bush was 'flying around the country like a scared child, seeking refuge in his mother's bed after having a nightmare' and another who said Bush 'skedaddled' were fired from heir respective jobs. [Washington Post, 9/29/01 (B)]" (Wood and Thompson, 2003).

Whatever is true or the major part of the reason, corporate interference with the sacred bond between author and reader, the crude attempt to stifle free speech, was enough to incense one librarian whose spark of publishing conscience lit a literary bonfire.

Of course, it is possible, though unlikely, that Moore orchestrated the whole campaign himself, manoeuvring, and 'organising' the librarian to get 'politically exercised' on his behalf. Though this would have been far more risky a path for Moore to take than for HarperCollins in attempting to censor him. Moore trades on his 'individual political integrity,' and had he been 'caught out' this way he would have had everything to lose in terms of his brand image. Whereas, HarperCollins representing more than one political position via their many publications can afford or attempt to shrug off criticisms of political bias, which is, in effect, what they did.

There is also a third possibility, though it seems even more remote than a Moore-engineered-scenario—that the author and publisher were working 'together' all along in a 'plan' to pose as adversaries, in order very publicly to create controversy and publicity, driving the book to market success.

The most likely scenario is what is accepted as having happened. The intervention of HarperCollins to suppress Moore's book failed, and paradoxically laid the groundwork for Moore's market success. And following this line of argument, even if we accept for a moment that HarperCollins's command of the strategies available to them was not in itself poor (given their reading of the political mood), their lack of recognition of how power could be reversed on them certainly left them vulnerable. That is, if the company's true and

only objective was to 'kill' the book, then they constructed "a perfect failure."[298] Whatever the complete truth, it is not unusual for Murdoch (if indeed he was involved) to employ simultaneous and at times competing strategies, changing tack within an evolving political or business event to suit his predominate interests at any one time (Chenoweth, 2001 p133).[299]

For Moore to succeed against the book publishing division of a cross-media empire with the size, reach and power of News Corporation—which had exercised its 'power to censor' before[300]—the author needed to understand how to use the instruments of power available to him in the public sphere.

Moore's career was tailored to this task. The strategy employed by HarperCollins seems to have been misguided, poorly handled; they over-estimated their own power and underestimated Moore's capacity to martial public opinion to his side. But more than this, what is perhaps more extraordinary is that HarperCollins seem not to have considered Moore's main *raison d'être* for writing and making films—confronting corporate arrogance of one sort or another. His whole career had been built on this very premise. This makes HarperCollins's decision to attempt to stifle his book a little odd, a touch bewildering.

---

[298] Borrowing from historian Theodore Draper's description of the Bay of Pigs fiasco, "one of those rare events in history – a perfect failure" (Dallek, 2003 p363).

[299] Neither is it beyond Moore to adopt conflicting tones, or to send out equivocal messages. This from a letter he posted on his website and emailed to his list of site subscribers: "I was trying to remain quiet about whole affair, but once a number of reporters found out (not from me), and a group of librarians organized a letter-writing campaign, HarperCollins, after weighing all their options (and the potential reaction to those options), decided finally to release the book AS IS -- unchanged and uncensored, on Tuesday, February 19th. They did the right thing, and I appreciated and admired their courage to do so when I know this was not an easy decision for them to make, considering the pressure they must have been under" (Moore, 2002a)

[300] On other notable example was the cancellation of Chris Patten's book on Hong Kong, when "Rupert Murdoch...cravenly pandered to China's tyrants by ordering his HarperCollins Publishers to kill a book" (Alterman, 1998) *(see next section).*

Moore's position was morally as well as tactically superior. And with the moral cause on his side, he was able to muster substantial support from the general consumer power base. Though Moore ended up in a much better strategic position than the publisher, his success was also due to the fact his resistance was a collective action.

Perhaps the inner principle and (almost hidden) strength of his Foucauldian bottom-up power position is that ordinary consumers when organised are capable—were able in this case—of exploiting a 'morally superior' position, disempowering the corporation.

7.2 *Chris Patten v. HarperCollins*

In 1998, HarperCollins chose to reneg on a contract to publish a book, *East and West*, written by Chris Patten, the former and last British Governor of Hong Kong. Seeing the book as potentially damaging to his wider business interests with China, Murdoch was reported as having banged the table and shouted at Anthea Disney,[301] his New York based News American Publishing chief executive, demanding that she "[k]ill the fucking book!" (Chenoweth, 2001 p283) (Power, 1998).[302]

Patten's memoir differs to Moore's *Stupid White Men* in many respects, but is another example of how HarperCollins used (or abused) its power over authors, free speech and

[301] Anthea Disney had earlier the same month cancelled 106 HarperCollins book contracts (70 authors had missed their completion deadline, 36 were considered non-commercial) in what she described a 'cleaning house' operation, "writing off $270 million of the HarperCollins balance sheet." Eddie Bell, Chairman of HarperCollins UK, in a show of independence (and power), did not follow suit with the policy (Chenoweth, 2001 p282).

[302] A version of events that Murdoch denied (Chenoweth, 2001 p283). Power writes that "Murdoch's underlings should not have been surprised. Indeed the only question is why they signed up Patten [in the first place] since their boss has a long record of cosying up to Beijing and Patten has an equally long record of fighting Beijing tooth and nail over his admirable effort to introduce a degree of democracy into Britain's last colony before Hong Kong was returned to China last year [1997]" (Power, 1998). Patten had been variously described by the government controlled Chinese press as a 'criminal of a thousand antiquities', a 'serpent', a 'drooling idiot', a perfidious whore', or when the Chinese "were really cross...a 'tango dancer' " (Chenoweth, 2001 p283).

general provision of information to consumers. Patten's book played out under entirely different conditions to those surrounding Moore's book.

Patten chose not to resist Murdoch's decision in the way Moore did. Patten took his authorial advance and moved on (with his editor, Stuart Profitt) to another publishing house—Penguin. Patten and Profitt subsequently sued Murdoch over his actions (globalethics.com, 1998).

To keep his TV satellite negotiations with China on track, Murdoch was prepared to take the 'financial charge'—a £125,000 advance[303]—and any adverse UK publicity by cancelling Patten's book, in order to avoid conflict with the Chinese authorities.[304]

In effect, Murdoch removed from discussion any views by Patten that were critical of China. It seems, in Murdoch's own mind at least, that he was simply acting as any sensible businessman would when dealing with a major client—particularly one as politically touchy as China. Though it was also "common knowledge that Murdoch detested Patten" (Chenoweth, 2001 p283).

Writing in the Guardian, a former senior Murdoch employee, Andrew Neil (former Editor of the *Sunday Times)* wrote that, "Murdoch made a simple calculation when dropping Chris Patten's book: Some flak in Britain was worth suffering when there are many millions of dollars to be made in China" (globalethics.com, 1998). Any adverse reaction from China represented far more potential trouble for Murdoch than the loss of an author, even a respected former Governor of a British colony. Neil was also reported as

---

[303] Negotiated by Bell, Adrian Bourne, head of trade publications, and trade publisher (and Patten's editor), Stuart Profitt (Chenoweth, 2001 p282).

[304] To protect his business interests with them, "[Murdoch]...consistently caved in to China whenever the opportunity presented itself -- going so far as to boot the BBC off Hong Kong-based Star TV when the Chinese complained about a BBC documentary on Mao that hadn't even appeared on Star TV. As with the Patten incident," Alterman wrote, "Mao himself could hardly have handled the matter more efficiently" (Alterman, 1998).

saying that "Murdoch was furious that despite raising the matter with Bell [his UK HC chief] twice…the book contract had not been cancelled" (Chenoweth, 2001 p283).

Anthea Disney flew over from New York to see Bell, while Profitt, the man directly responsible for Patten's book, continued unawares to push the book toward publication. Profitt continued describing the book to all he met as " 'the most intelligently written book I've read by a politician in 15 years of publishing' " (Chenoweth, 2001 p284).

A few days after Disney's visit, Profitt was called to the office of his immediate superior Adrian Bourne. Bourne informed Profitt that he and Bell had decided "to drop the Patten book" because it did not now seem to "conform to the outline", and in any case was uninspiring from a commercial point of view (Chenoweth, 2001 p284).[305]

The reaction to the decision was very strong in the UK. Writing on the issue, author Jonathan Power described Murdoch as having taken "one step too far. In axing Patten, Murdoch had "met with outrage, a boycott by authors, the threat of a major court case and, most important, a tangible sense that the tables on the deck have shifted." Power cited Andrew Neil as having similar views, reporting him as saying that this was a watershed in Murdoch's publishing career. The 'scandal', Power quoted Neil as saying, had devalued "the status of everything he publishes" (globalethics.com, 1998).[306] Power went on to describe his own position:

---

[305] Later on, "Murdoch said dropping East and West was his decision, made [months before] but not conveyed to author Patten…In an interview with his Times newspaper, Murdoch shrugged off the author rebellion. 'You are always concerned if important authors desert,' he said, 'but there is always a difference of opinion about who the important authors are and we do over one thousand books a year' " (globalethics.com, 1998).

[306] This may well have been Neil's view at the time, though it betrays an uncharacteristic naiveté for such an old media hand. The cases of Murdoch of surviving media scuffles are countless, as are the cases of the media mogul dissembling on the issue of his own power. "In 2003, Rupert Murdoch told a congressional panel that his use of 'political influence in our newspapers or television' is 'nonsense.' But a close look at the record shows Murdoch has imparted his far-right agenda throughout his media empire" (Center for American Progress, 2004)

> "I'm caught up as a bit player in this drama. I was just about to sign a contract with HarperCollins to write a history of Amnesty International when the storm broke. I've now made it clear to HarperCollins that I will be withdrawing the book unless before next Monday Murdoch either apologizes to Patten or sells off HarperCollins. Even though my statement made the front pages of British newspapers--and was even reported faithfully in Murdoch's own paper, The Times--I don't expect my small stone to fell Goliath. But now that one of London's top literary agents has said he's asking more than 100 well-known writers to boycott HarperCollins, I wonder what kind of a publishing house Murdoch has left. I wonder too what they make of it all in Beijing. My guess is that analysts will be telling the politburo that Murdoch is too machiavellian by half for the good of China. They will be questioning in their convoluted way--conspiracy is an art form in communist societies--why Murdoch signed up Patten in the first place?" (Power, 1998)

Power's analysis demonstrates an almost complete failure to calculate Murdoch's capacity to shrug off criticism or his capacity to enact his will—and above all Power's words show that a 'bottom up' power strategy requires know-how in order for it to be effective.

Murdoch's current financial and corporate position shows that he is secure. He still owns HarperCollins, which continues to publish books, build revenue and make profits.[307] It seems that the Patten episode has scarcely affected him personally, or the moral or financial standing of his empire.[308] In a statement to the press, Murdoch described the affair (which made a publishing 'martyr' of Profitt) as a "cock up", the fault of HarperCollins executives, who were not "forthright enough" and had "screwed it up" (Chenoweth, 2001 p286).

---

[307] "[HarperCollins's U.S] [s]ales…rose 4% to $1.32 billion and operating income got a boost of about 4.5%, to $164 million, in the year ended June 30 [2005]. The results continue Harper's near-decade-long run and further strengthen the publisher's claim to the title of the country's second-largest publisher" (Zeitchik, 2005).

[308] The BBC in 1998 reported Murdoch's wealth as £3.9bn (http://news.bbc.co.uk/1/hi/uk/165768.stm) and in 2005 Forbes reported it as $6.7 bn (£3.8 billion) (http://www.forbes.com/lists/2005/54/639W.html). If the two figures are genuinely comparable, Murdoch's personal wealth perhaps at least is showing signs of slipping.

HarperCollins settled its lawsuit with Patten, apologizing unreservedly "for any suggestion that *East and West* was rejected for not being up to professional standards" or that it was too "boring." Adding to the HarperCollins declaration, Murdoch conceded that "[m]istakes had been made and we all share responsibility" (Chenoweth, 2001 p286-287).

Patten's agent said that the statement was "one way to describe a malicious falsehood concocted with the sole purpose of protecting...the wider interests of the [Murdoch] empire" (Chenoweth, 2001 p287).

Murdoch's involvement in the affair demonstrates (as HarperCollins's handling of Moore's book does) that forces 'at the bottom,' if organised—with professional and strategic (legal) help—can mount an effective challenge to any top-down displays of power. But equally, it does not prove that any arrangement or appearance of bottom-up forces, in any dispute, necessarily has any greater or *a priori* purchase on power in a conflict with top-down forces. It also forces us to define clearly what 'bottom up' means in this context.

On the surface, both the Moore and Patten cases seem to support part of Foucault's thesis on power, that it is "reversible", with more potential effect travelling 'bottom-up' than from the 'top-down' (During, 1992 p133-134). But when Foucault tells us that "power comes from below and we are all enmeshed in it" (Dreyfus and Rabinow, 1982 p186), that "power is exercized rather than possessed" (Foucault, 1980a p26, Couzens Hoy, 1995), it is not entirely clear whether Foucault means the lower disempowered echelons of society have access to power as well, or means that power is simply "deeply rooted" within strategies, or that his meaning involves both (Foucault, 1980b p59).

On the surface at least, the cases of Moore and Patten demonstrate different kinds of 'bottom-up' power at work and that the power effects of strategies flow both ways. Though both Moore and Patten are men who possess power themselves through their contacts and

their careers. Moore built a very successful writing and documentary film career, and has had wide media experience. Demonstrably, Moore is a master of media relations. He exploited his own position with *Stupid White Men* (even with considerable librarian help) not because he had more power *a priori* from his position at the bottom, but because he seemed to understand how to use his own power, as much as he understood the public mood better than HarperCollins. He understood what strategies were available to him, and therefore was ahead of, on top of, the strategies of HarperCollins. Moore's message, morally, was straight to the point and projected clearly. He represented authorial integrity, whereas the message HarperCollins' projected was confusing, contradictory and predatory. In general, the publisher's traditional public image as 'protector-producer' of authors and books (if it ever had an image like this) clearly conflicted with the parent company's political philosophy, and this set up the conflict with the author.

Patten's case was also one of integrity and freedom of speech. His message was also clear and served him and his editor well. Even though Murdoch stated "there were no winners or losers in the controversy", (Chenoweth, 2001 p287), Murdoch clearly did not gain by the episode, and in blaming his own staff for setting him up for a fall, makes an extraordinary admission. In an interview with the editor of The Times, his own newspaper, Murdoch said: "I did not tell people to try and censor the book or invent excuses not to do it. I said, 'Why don't you go and say we would rather have someone else publish this and if there is any chance of losing money we will make it good?' They chickened out and got themselves into the position where they were inventing reasons why they just didn't want to publish it which were nonsense, leaving me in a completely inexcusable position" (Chenoweth, 2001 p286).

If events occurred as reported it is because Patten held and still holds an unusually prominent position in British life, and the spat had at least the potential to create serious

problems for Murdoch. The MP for Thurrock, Andrew Mackinley, argued that the episode demonstrated that there was now "an overwhelming case for his [Murdoch's] UK media empire to be broken up by legislation" (Chenoweth, 2001 p286). Neil Chenoweth writes that Murdoch was concerned enough over the actual and potential fall-out of the Patten book that he asked for a meeting with Tony Blair. At the meeting, which was reported to have taken place at Chequers two days after a legal settlement with Patten, Murdoch "was reassured about his high standing with the Prime Minister" (Chenoweth, 2001 p287).

7.3 Publisher-consumer power relations & the e-book

In any discussion of the power of publishing corporations over consumers and potential consumers of e-books, the question of the application of their already demonstrated power in terms of e-book development can be put quite simply: Have publishing corporations exerted power deliberately, unfairly, and undemocratically over e-books?

The question of potential or actual distribution of power between the publishing industry and consumers would proceed in a fairly straight-forward manner if the e-book market could somehow be declared free from undue interference in supply and demand mechanisms. That is, if the market could be declared free from any undue covert or overt pressures, overt or covert agendas publishers might have, individually or collectively that have distorted (and are distorting or could distort) the marketplace. The publicised corporate publishing approach to the e-book Anglo-American trade book market implies that it is developing e-books under conditions that are 'freely competitive.' Penguin, Random and HarperCollins at times have gone public and more than once in strong shows of support for e-books (Boumans, 2001) (Kirkpatrick, 2001e).[309] At best, big publishing has been paying lip service to the e-book, at worst, it has engaged in deliberate misinformation.

At issue here is not only the nature of the power publishing corporations have and employ over consumers, but how it is applied, by what strategy, and crucially, whether or not it allows a 'free' flow of information enabling an informed participation by consumers in the process. On the one hand publishing power can be exerted directly, convincing consumers

[309] As well as the fanfare made by HarperCollins over its e-book imprint PerfectBound.

to act in a manner publishers want by means of product attractiveness, marketing argument and persuasion. Secondly, publishers can exert power over consumers by pyschotechnological manipulation of their thoughts and desires, and as consequence controlling the will of consumers (Adorno and Horkheimer, 1973 pp162-163) (Dahl, 1957 p204) (Lukes, 1974 pp11-12) (cited by Hindess, 1996 pp26-27), via manipulation of the free flow of information, using marketing techniques that clearly and unfairly influence consumers. And then thirdly, and perhaps more importantly, corporate publishers can influence and control consumers simply by default, denying them access to or knowledge of products such as e-books and associated reading technologies, something consumers could desire, if properly informed.

Leaving aside absolute market tyranny as a strategy, which for Foucault negates it as a legitimate power issue or force, we are left with three options a consumer has in any choice over whether to buy or not buy an e-book:

1. the publisher employs overt or covert persuasion; the consumer decides
2. the publisher employs a covert strategy of persuasion, resulting in psychological manipulation of a consumer; the consumer 'decides'[310]
3. the publisher removes choice from the equation; the consumer, aware or unaware of the strategy, has nothing to decide i.e. *selective production*, or pre-emption, involving product/corporate removal from the marketplace

In all three instances the question remains, though predominately in examples 2. and 3.— what is a consumer's true capacity and freedom to decide?

[310] "The triumph of advertising in the culture industry is that consumers feel compelled to buy and use its products even though they can see through them" (Adorno and Horkheimer, 1973 p167).

Lukes "third dimension of power" preventing e-book consumers "from recognising their real interests" is at work (Hindess, 1996 p86). It is this aspect of power that is particularly important here, because consumers are by and large being kept in ignorance.

Without a free and unbiased flow of information on e-books, together with a commitment by powerful and resourced corporations to fully develop and provide consumers with opportunity to freely consider e-book products, consumers are not in a position of having or making a free market choice. Consumers haven't the information necessary to enable them to even consider action to participate in the market, or to protect their own interests.

Marcuse places the necessary freedoms fully in context, arguing that individuals can only be free to choose anything in today's developed societies under 'ideal' conditions, precluding "all propaganda, indoctrination, and manipulation" with individuals fully informed "capable of knowing and comprehending the facts and of evaluating the alternatives" (Marcuse, 1972 p196) (cited by Hindess, 1996 p89)

In the case of e-books, *selective production* removes a consumer's capacity to 'evaluate any alternative', without even entering into a discussion of the control mechanisms at work in the market fray, filled as it is with all forms of advertising and marketing strategies to persuade, influence and/or coerce consumers to act in one way or another.

Foucault's arguments against domination balance this picture, positing the theory that there can be no power without the freedom to resist (Foucault, 1982 pp210, 221) (Couzens Hoy, 1986b p139). Yet, resistance in this instance would be a consumer's demand for clear freedoms of choice in the e-book marketplace. Resistance of the power held or exercised by major publishers can succeed, as Moore's case shows, but requires knowledge of workable strategies along with the capacity to implement them.

This is built on the presupposition of sufficient information being available to those engaged in the resistance.[311] For consumers to be able to fully resist corporate power, first they need unbiased information, produced and provided in a way that is consistent with free choice, from a freely competing, pluralist press. The very corporations controlling the e-book market, about which consumers are seeking information, also own the media outlets providing consumers with information. Control, manipulation or preclusion of vital information from consumers can and does lead to conditions of market monopoly or tyranny. This together with a preclusion of a range of product choices, a preclusion of a truly free e-book market system, prevents consumers from being able to decide freely, representing a fundamental distortion of the market.

Consumers are prevented from 'knowing the market,' and the pre-emption of e-book products renders them unable to even consider resistance. E-book consumers, therefore, are potentially already under, or subject to, a form of corporate tyranny.

If Foucault means that power is necessarily or automatically informed by knowledge, and those below have just as much access to it as those above, then Foucault's ideas seem a little over-skewed towards an unsupportable evening-up of the equation.

It is true that the power of collective consumers potentially seems directly related to the amount of knowledge they have at any one time. Without knowledge there is no power

[311] Foucault's 'bottom-up' strategies (Dreyfus and Rabinow, 1982 pp185-186) imply consumers can make their voices heard on e-books. But this is all dependent on a fair and free information flow. The power of bottom-up strategies requires these 'freedoms' before strategies of resistance can be fully considered and formed. There seems little evidence that bottom-up strategies as a matter of course outweigh top-down strategies in power struggles, except when the 'top' in some way loses control, as perhaps the way Hollywood Studios 'lost economic control' of the American film market at the end of the 1960s. Critical theory argues that the consumer of mass media culture products is invariably a victim of market dominance from the top down strategies (Adorno and Horkheimer, 1973 p134-135) (Marcuse, 1972 p119).

for consumers. Foucault's power/knowledge nexus seems important here, but perhaps not only in the way that he wanted us believe.[312]

Foucault believed that power is a strategy—"the dominated are as much a part of the network of power relations and the particular social matrix as the dominating" (Couzens Hoy, 1995 p182). This may be true but does not resolve who genuinely holds more power—top or bottom—and why.

Strategy, in its general meaning at least, denotes or implies that it has an intention inside it, and does not preclude (even encourages) the notion of a limited distribution of knowledge being part of that strategy. That is, it not often in the interests of a strategist to reveal what lies behind the strategy at least until the strategy is operating, or 'is in force.' While knowledge and power may have a nexus, it is in the distribution that the arrangement can be manipulated. If knowledge of products is denied consumers then the distribution of that power will accrue in an inversely proportional way, producing more power for the corporations the more they restrict knowledge. But consumers will rarely, if ever, have access to a method of effecting this inversely proportional power arrangement.[313] Generally, they only have access to a directly proportional arrangement of power-knowledge. The more knowledge they have and display and distribute demonstrates itself in the power they have. It seems to follow therefore that consumers being at the bottom, will always be, potentially at least, in a disadvantaged position.

The Foucauldian idea that bottom-up consumer 'power' will be decisive or equal to the adversarial top-down position remains contentious. This of course is and will always be

---

[312] "One can understand nothing about economic science if one does not know how power and economic power are exercized in everyday life. The exercize of power perpetually creates knowledge, and conversely, knowledge constantly induces effects of power. Modern humanism is therefore mistaken in drawing this line between knowledge and power. Knowledge and power are integrated with one another, and there is no point in dreaming of a time when knowledge will cease to depend on power" (Foucault, 1980b p52).

[313] In any 'power dispute' with a corporation—which is in a market dominant position and has more knowledge, and more ways of using that knowledge, either via release or restriction of its flow—the power of consumers must necessarily be limited to the extent of their knowledge at any one time.

situation and event-based and biased, but still 'degrades' what Foucault tells us of the nature and effect of power coming "from below" (Dreyfus and Rabinow, 1982, p186).

According to Foucault, power "circulates in and through the production of discourses in society" (Fraser, 1995 p136), "is not causally linked to knowledge" (Couzens Hoy, 1995 p180), "is never monopolized by one centre" (Hall, 2001 p77), and does not even exist even as a thing in itself (Couzens Hoy, 1995 p182). Power is abstracted to the extent that it is contained and embodied in relations that are forever changing. But this illuminates us little on how some entity has power over a consumer's life, fortunes or perspectives. The success of Foucault's non-theory theory of power (Dreyfus and Rabinow, 1982 pp184,188)[314] could lie in the fact that his ideas seem to inform and reject common sense in equal measure, cancelling out objection in the process. His ideas are not meant to be applied generally as a theory, yet seem general enough to theoretically inform common sense, because they appear to describe power relations in any context. But they say little or nothing of those everyday realities of how power is actually employed, except to say that power is distributed throughout, saying little on how power is employed or employs itself in the context of a relationship where power is distributed in unequal proportions.

[314] As Dreyfus and Rabinow tell us: "Foucault's account of power is not intended as a theory. That is, it is not meant as a context-free, ahistorical, objective description. Nor does it apply as a generalization to all of history. Rather, Foucault is proposing what he calls an analytics of power, which he opposes to theory." (Dreyfus and Rabinow, 1982, p184) Or: "Foucault's refusal to elaborate a theory of power follows from his insight that theory only exists and is only intelligible when it is set against and among particular cultural practices" (Dreyfus and Rabinow, 1982, p188).

7.4 E-books and power messages

We could still be riding in *horseless carriages*, listening to *the wireless*, going home to read our *codexes or papyruses*, communicating on the *talking telegraph* and sitting in front of our *radios with pictures* (Levison, 1999 pp14-15). Without developed identities and nomenclatures the above technologies—the car, radio, book, telephone and television—could still have developed into be technologies that they are today, but it seems unlikely.

The question of a truly representative title or name for an emerging technology may not seem so important at first glance, but history shows it is crucial, perhaps even fundamental to its survival. In fact, it is probably axiomatic that in order to succeed technologies perforce have to outgrow their original descriptions. This is supported by paradigm shift theory. A name is a power message—as is a body of thought or theory. The right name is an essential link to growth for a technology.

The above transport, media and communication technologies developed far beyond their antecedents. Each has its own indubitable image, and each 'transmits' its own message of what it is, what it means in the wider context of other technology options and tools. In other words each technology implicitly transmits a message of its own position, meaning and relative power in terms of the wider socio-political-cultural sphere or society.

What is the e-book's position and power with regard to its name? The meaning of the current power message of the term 'e-book' is that it is a surrogate, subordinate to the print book, just as the audio book is a surrogate of the print book. It is clear the e-book could be many things, have many uses that could be quite different to the current uses of the print book. The e-book could be more than the book could ever be. An e-book could

combine audio, video, Internet digital games technology, any number and descriptions of textual arrangements, arranging them in ways not yet even imagined by average readers of print books. In short, the e-book, if conceived of and named/titled 'correctly' could well push technologically far beyond the sphere of print book design and format, and in the process become an entirely new form.[315]

Yet so far the e-book has been tagged an e-book, which denotes clearly what it is, a print book with all the standard formatting etc., only presented and delivered in electronic form. This is no accident. It seems likely that the publishing industry recognised this very point early on, even if they didn't actually plan this surrogacy. It seems probable that this was done in order that the new technology remained under industry control. A technology must perforce develop its own image to construct its own reality. And trade book publishing, or more likely, the corporate media conglomerates who own trade publishing, did not and do not want true independence for the e-book, certainly not yet, at least.

The e-book has consistently been subject to top-down pressure, in the form of deliberately unfree market strategies limiting its growth and potential. Major publishers consistently priced e-books uncompetitively. The most significant attempt to forge a market nexus between e-book and e-reader technologies made by Gemstar was dismantled and dismembered by Murdoch's News Corporation. The access to millions of viewers via Gemstar's interactive TV set top box decoders, for cable and satellite, put Gemstar in a unique position to influence e-book development and consumers profoundly. And Murdoch, owning a major print book enterprise, wanted none of that. And no doubt his efforts in this

[315] "The Internet…is seen in a rear-view mirror par excellence. Its critics are prone to see it as a television screen; its devotees…are inclined to see it as an improved kind of book. But it will be all and more than that (Levison, 1999 p16). In 2005 OeBF (Open eBook Forum) quietly renamed itself the IDPF (International Digital Publishing Forum). No mention of the word 'book' anymore, meaning digital publishing can be whatever form it eventually evolves into (meaning also the e-book is now not the main, and central reason for the IDPF's existence).

regard were much appreciated by other publishing moguls, who also found their print book assets under threat from the new technology. The message that News Corporation sent the world, for its own purpose and on behalf of all big publishing, was that the e-book and e-reader technology was not ready, or worse, not even relevant. As Murdoch always planned to push Yuen aside (Grover, 2002), he also planned to push the e-book and e-reader out the publishing picture, at least until he can re-introduce the technologies according to his own terms and conditions. In terms of his book publishing interests, it seems that Murdoch (along with other major trade print book publishers) wanted to prevent the e-book/e-reader revolution from happening, if they couldn't destroy the e-book outright for all time.

Had Yuen succeeded with his ideas, it is more than a remote possibility that he would have succeeded with it on a mass level. In many ways, he was poised to do just that. Clearly corporate trade publishing did not enjoy the idea of a substantial e-book market presence challenging their print book investments, with the idea that e-book could go mass an absolute anathema.

Perhaps over time, corporate trade publishing will allow the trade e-book to happen. But for the time being the 'power message' on and of the e-book is that it is a serious threat. Unless it maintains its surrogate position, unless it remains under the control of the print publishing empires, it will be viewed and dealt with as a potentially disruptive, and crucially, a *culturally* dangerous intrusion into the trade print book scenario. So far the publishing industry has interpellated the e-book's image and power, what it means, and poorly informed consumers have bought into the constructed image and ideology.

In an article for *Newsweek*, entitled "The End Of The Word As We Know It", Fred Guterl describes another level of message in the e-book, which is even more threatening to print culture. Arguing that electronic publishing is heading inevitably towards a video bias,

degrading reading and the written word, Guterl makes the point that "language, writing, printing, e-books and text messaging form a continuum based on the written word, [but that] videogames and their ilk appeal to a completely different part of the brain" (Guterl, 2005)[316]

E-books, being as potentially video in nature as anything else in the videogame and hypertext sphere, fit far more readily into that category rather than into what McLuhan called "linear print technology." McLuhan predicted that "a rupture in history marked by the rise of novel media and computer technologies...would create innovative forms of society and culture and eventually the mutation in the human species" (Best and Kellner, 2001 p154). It is this message of the possible mutation of existing orders (let alone the print species) that seems to have everyone in publishing reaching for the stop button. Both the positive and negative potential for transformation in such a change is reflected in the Guterl's final paragraph: "Some people defend electronic media by arguing that it encourages the use of the written word on Web sites and in blogs. This may be true at the moment, but it's probably false comfort. Bigger bandwidth and greater computing power seem destined to lead to an increase of video at the expense of the written word; when teens get instant video messaging, for instance, it's hard to imagine that they'll prefer text. Does this mean that future generations will be unable to concentrate long enough to finish a novel? Perhaps. But visual media, using technologies we don't yet know about, may rise to the level of literature. Using brain imaging, Just has found that the brain takes in written and visual input differently at the level of perception,[317] but that higher functions—following a plot, grasping irony—are the same regardless of how the brain gets the

---

[316] As great a change as from the oral tradition to the written word (Guterl, 2005) (Kaplan, 2000) (Kaplan, 2000 p208) which was not heralded in its time as a great leap forward either. "Socrates affirmed that only that which the reader already knows can be sparked by a reading" (Manguel, 1996 p86). Plato wrote that "writing is a crutch" (Guterl, 2005).

[317] In Guterl's article, Just describes "[h]omo sapiens with a finely honed visual sense: an ability to take in the vast sweep of a landscape and pick out the smallest movement—a lion in the shadows?—or a partially hidden grove of berries. Whereas reading is a technically difficult skill that takes years to learn, our visual brains take almost effortlessly to videogames. 'It's an accident that our culture invented writing and reading,' says Just. 'It's a cultural artifact we've developed, but it's not in the nature of man. Two hundred years from now, we won't need this medium to transmit knowledge' " (Guterl, 2005).

signals. The intellectual health of future generations may ride not only on whether they read books, but on whether they can come up with another medium as good, or better" (Guterl, 2005).

Dark dystopian sci-fi visions of the future aside for the moment the cultural and societal messages that organised trade publishing is generating itself is that print culture is under severe threat. And for organised publishing to remain in control, it seems it must act in undemocratic, anti-consumer ways. This apparently is necessary for good management of information provision and is in the interests of the public good and cultural well-being in general. Or so the discourse goes. But in this way organised publishing may keep its power, but lose the support and respect of the next generation, the body of consumers it needs for growth. Short-term corporate totalitarianism of this kind seems doomed to failure.

Much of the publishing industry's value to society is generated in its own interests and by its own myths. Since Gutenberg there has been the myth that the printing press was instrumental in and responsible for advancing literacy, social and political freedoms. In part this is true, but to what extent? Cook argues that the Gutenberg Myth is technologically deterministic. It is "erroneous" to assume, for instance, "that mass literacy" emerged "from the introduction of a single technology." Just as it is incorrect to say the provision of computers has necessarily "put more information into the hands of more people" (Cook, 1996 pp78-79).[318]

[318] Cook writes that "[b]y 1650, movable type technology was a fact of life in hundreds of communities throughout Europe. But the spread of the technology did not carry with it a broad social revolution in literacy and learning. ..[I]lliteracy in Europe in general stood at 80 percent in 1650, and the ability to read and write remained significantly associated with class and gender... [T]wo hundred years after Gutenberg, access to the world of learning was not a fact of life for the masses" (Cook, 1996 p73). In the eighteenth century, illiteracy began to decline at a greater rate. By 1700 it had fallen to between 65 and 70 percent. As the nineteenth century approached the figure neared 50 percent[and] with the development of employment and trades so literacy increased. The idea of individual and social equality 'found expression in the political, literary, and philosophical writings of the time: Locke's contention 'that all people are by nature equally free; Jefferson's declaration that 'all men are created equal; and Rossueau's 'insistence that social inequalities are unnatural

The rationale and ideology of organised print publishing is that authors communicate with consumers via the conduit of the publishing industry. Yet the digital revolution in communication technologies places the position of the conduit as one of choice rather than one of 'necessity.'



The publishing myth is that only publishers have skills—that their 'middleman function' has unquestionable value—but authors, successful and unsuccessful, have also demonstrated that they can market their works directly to consumers if they so wish.



From the outset and over time, the trade publishing industry 'messaged' the idea of its own necessity. Once the post-Gutenberg era evolved (beyond the Statute of Anne) into the tripartite system that still exists today—authors–publishers–booksellers—publishers quickly galvanised this position of pre-eminence. Publishers projected their ideological construction of the industry as a 'concrete,' reality. Publishers successfully sent out the message that the various issues and functions of the industry were best under the control of organised publishing, when in fact organised publishing had only 'simplified' the charged or contentious matters requiring resolution, by placing them inside a 'concrete' control

---

creations of our institutions', led Cook to conclude that any decline in illiteracy was more a "product of changing social, political, and moral values than as a consequence of the continued presence of the centuries-old technology of printing" (Cook, 1996 p73).

mechanism they themselves developed. The 'concrete' construction was simply an ideological subterfuge sold to an unsuspecting public.

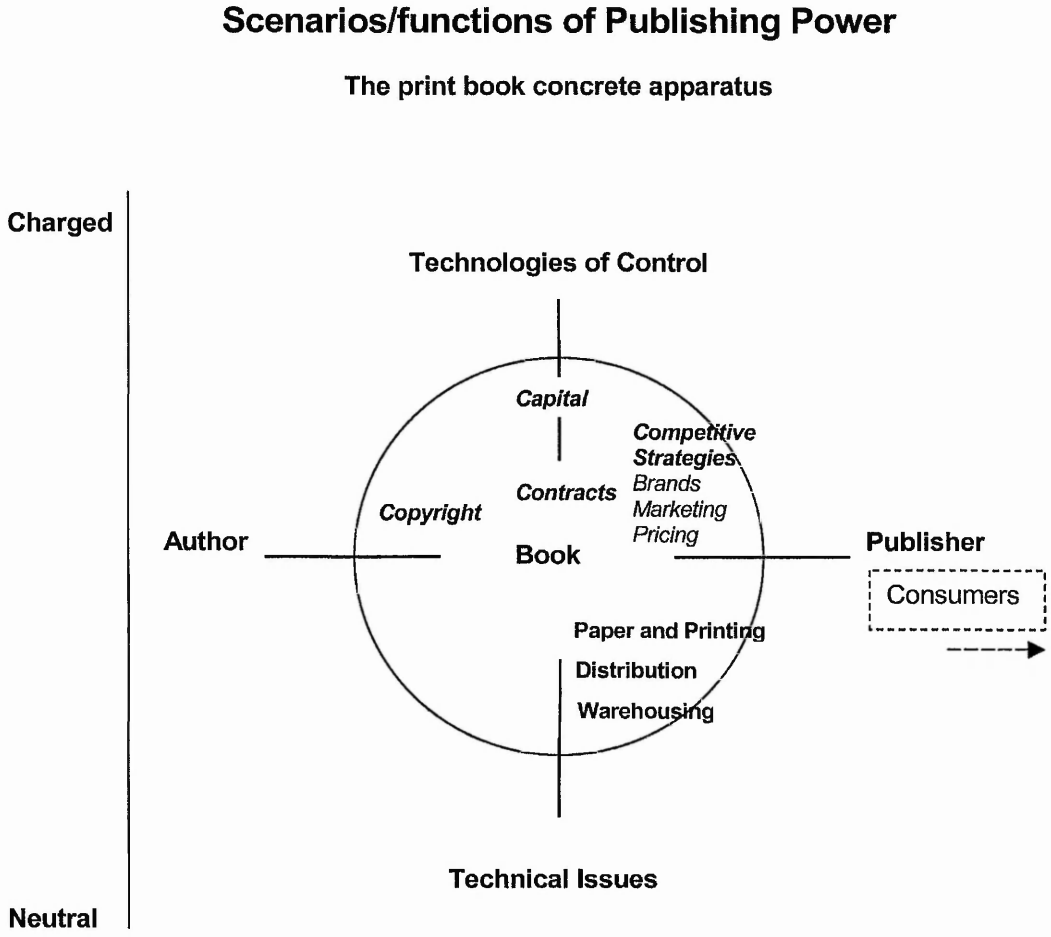


Figure 4 - The print book concrete apparatus

Everything was inside the sphere and under the control of organised publishing. Consumers were kept out of the scenario, yet were the linchpin to the whole process. Without bookbuyers there is no industry. Yet, organised publishing industry's construction of a concrete need for their control over the industry has endured centuries, allowing an ideological construction to assume the status of a concrete reality in the minds of all. This is

only possible because of the lack of effective agency by powerless consumers, and a majority of powerless authors. The original immediately post-Gutenberg book industry terrain could well have been a lively interactive and contestable terrain for all participants, and would have been, if authors and consumers had been brought in as full participants, as is, arguably, their rightful place. Instead, the scenario became part of a corporate controlled sphere of capitalist activity filled with and obfuscated by 'management issues.'[319]

The Stationers Company monopoly was the beginning of the Anglo-American model of corporate publishing. The Stationers Company was the birth of the publishers' constructed ideology that they were fundamentally necessary to the provision of information. At the outset they were necessary by statute, and this continued right up until Parliament refused to extend the Stationers Company monopoly with the expiry of the Licensing Act in 1694 (Goldstein, 2003 pp32-33).[320]

Subsequent to the Statute of Anne, the booksellers and publishers continued their argument of 'position by right' via persuasion of common law, and then when that failed, by argument of 'common sense.'[321] Publisher's 'argued' that they were needed to handle copyright issue, to contract authors, provide capital, all in order that an author's works could be properly produced, priced and marketed to the consumer. It was important for

---

[319] This scenario made possible at the outset only by working on behalf and at the behest of the Crown.
[320] "Well before printing had arrived in England, the Stationers Company had set up...in London as a guild of scribes, bookbinders, and booksellers [evolving into] a closely knit, powerful cartel with a single object—maintaining order and profits in the publishing trade" (Goldstein, 2003 p32). Organised Medieval scriptoria had existed, but handwritten books were a specialised, limited, luxury trade.
[321] The Statute of Anne was challenged by booksellers and publishers in the 18th century (inheritors of the Stationers Company monopolistic tradition and ideology), only for the courts and the House of Lords to overrule their appeal to common law precedents over statutory powers (Millar v. Taylor (1769) and Donaldson v. Beckett (1774). "Feather believed that the underlying intent of the Donaldson decision was again to break up the system of long-term monopoly control still held by the inner circle of the former Stationers Company [(Feather, 1988 p83)]...The decision had this effect but at the same time contributed to the emergence of the publisher alone as the dominant figure in the book industry" (Bettig, 1996 pp23-24).

publishers to maintain the illusion that this terrain was essentially non-contestable and free from ideological dispute i.e. best handled by publishers in the interests of society.

Consumers (and most authors) were entirely absent from the control elements of this scenario. The arrival of the e-book potentially alters all this, initially challenging all the assumptions the Anglo-American model of publishing was founded upon. Corporate publishing moved to control the burgeoning e-book industry, and failing, switched strategy to one of shutting it down. Constructing an ideological model, corporate publishing set out to pass off their own e-book 'construction' of the e-book scenario as a concrete reality, as they did once with the print book industry 'concrete' model.

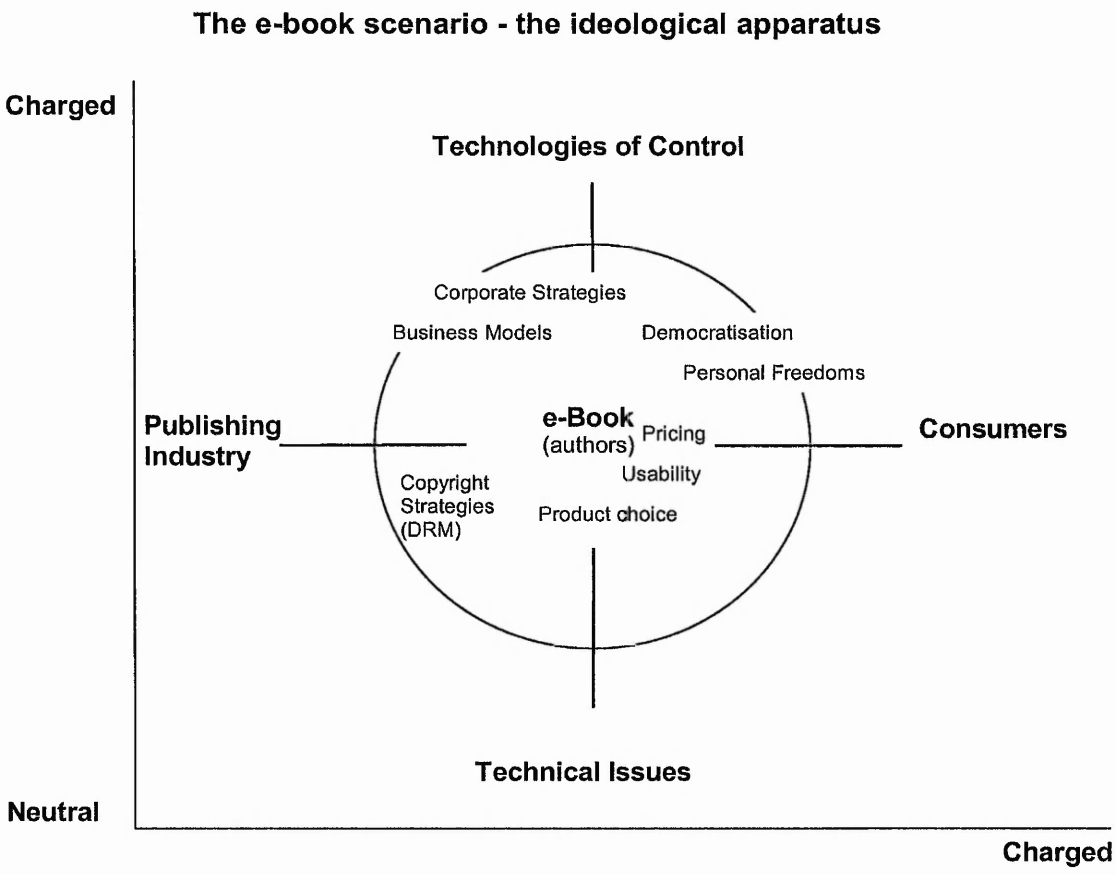


Figure 5 - The e-book scenario - the ideological apparatus

Even though consumers were 'admitted' into the scenario they still had no say. Copyright (Digital Rights Management), product choice and usability issues were 'dressed up' as 'technical issues.' The power message established publishing transmitted in the early days of the e-book was that even in a 'charged' scenario, even with consumers and authors as 'players', corporate publishing was still in charge and could and would resolve everything.

The truth is that it was not in charge. Early resolution of this new market did not happen. The reality of the digital scenario is that the terrain is wide open, with everything contestable and vigorously contested. Had authors and consumers united early on in the development of digital publishing, arguably they could well have filled the power vacuum corporations failed to fill, or vacated, altering if not decimating organised publishing's historical position or pre-eminence in the provision of published information.

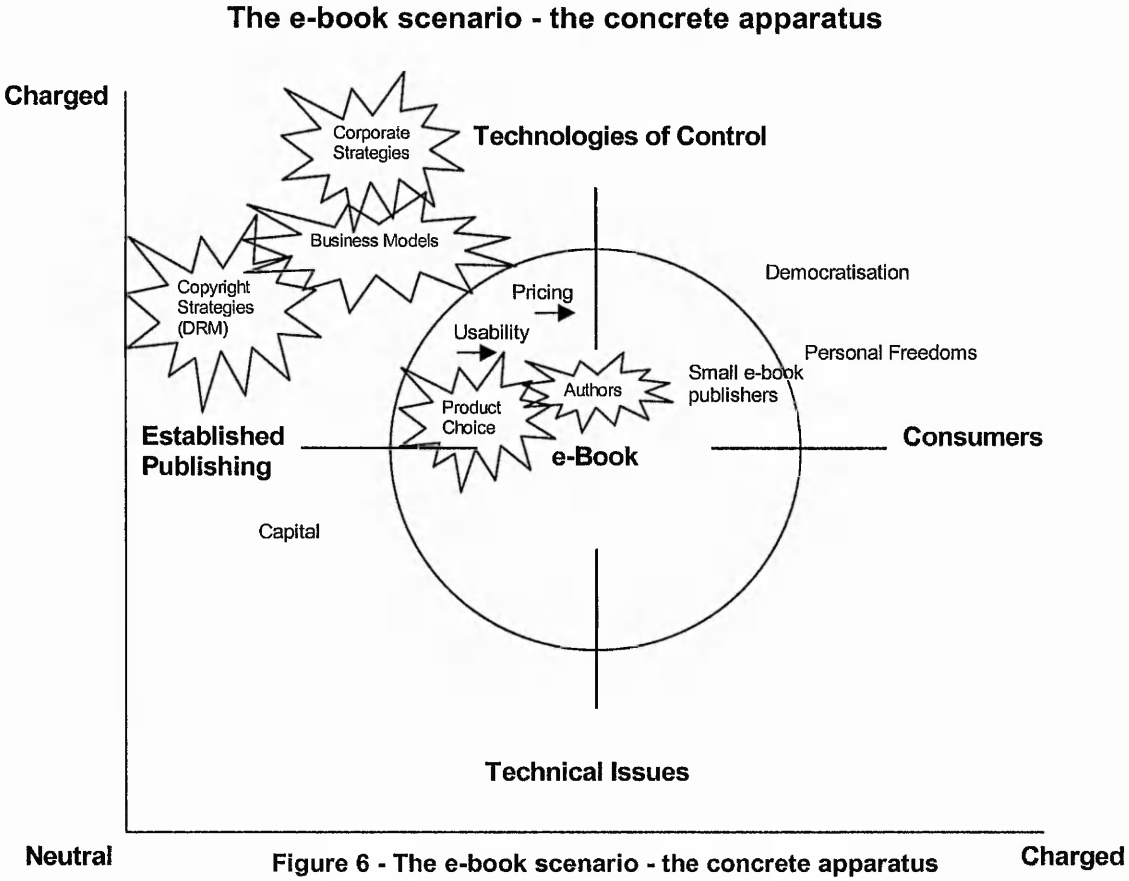


Figure 6 - The e-book scenario - the concrete apparatus

In the early concrete, true to actual conditions, market apparatus that formed, everything was and still is 'in development.' Everything is a power issue. Early business models and corporate strategies were, and still are, in a state of flux. The e-book is still in a state of complete uncertainty, and crucially still resides largely outside the sphere of established publishing's control. Early strategies that were tried, and failed, mean that almost all factors, in essence, still remain outside the sphere of corporate control.

Digital books forced established publishing back to the drawing board on almost every factor: copyright, business models, products, authors and corporate strategies—issues that organised publishing had taken for granted as inside their sphere of control. With the sudden and rapid growth of independent digital publishing in the late 1990s corporate publishing was clearly at a loss on what to do. The whole publishing environment was up for grabs, the road forward anybody's guess.

Usability and pricing, issues which established publishing thought they should and could be in charge of, or could resolve (if given enough time), instead fell into the sphere of control of a new small group or entrepreneurial e-publishers. These small e-publishers, ominously, began working with authors and consumers in mind, and were forging a whole new market ethic, a whole new market mechanism in the process.[322]

There were and still are, stable and fixed items on the ledger. Capital was and still is in the hands of corporate publishing. And seeing their early e-book failures manifest themselves, the corporations carefully put any capital, tentatively earmarked for e-book development, back under lock and key.

Two issues appeared early on the consumer's side of the ledger—democratisation and personal freedoms—and these potentially still represent a nasty barrier for corporate

[322] The reason why Random House flew into a panic when RosettaBooks signed some of their authors.

publishing. The breadth, scope and sheer complexity of the Internet stands in the way of any easy strategy to control the development of these two factors and their influence over the e-publishing process (Lessig, 2004 p9).

Even with new and harsh laws enacted by allies of corporate publishing from 'the political sphere', digital copyright, by the very global and decentralised nature of the technology, still remains largely outside the sphere of corporate control. But current digital publishing law is clearly on the side of established publishers (Lessig, 2004 p12). The music industry has taken advantage of this, pursuing consumers with what clearly is, in many cases, unwarranted zeal. But deviant digital publishers are always hard at deconstructing corporate control of the culture industries, just as the latter is vigorously defending its territory (Rojek, 2005) (Denegri-Knott, 2004) (Hellweg, 2005b) (Vaidhyanathan, 2004 pp34-35).

Recent moves by conglomerates into the Internet demonstrate that the corporations have renewed their project of gaining economic control over the whole digital publishing scenario (Brook, 2005).[323] In the book world, the recent show of interest by Google seems to have jolted corporate publishing into action again. With legal and economic domination of the digital environments, the media and entertainment corporations can still deprive consumers of Net freedoms.

Corporate publishing is increasing its attempts to colonise the Net and Web environments, trying to derail the current trend of online-cultural-product-users—acting as

[323] Murdoch, a late starter to Net acquisitions, spent $1.5bn in 2005 on buying up specialised websites, including Intermix, which numbers in its holdings "Grab.com, a gaming and social network site, coolquiz.com, myleague.com" and "MySpace.com [a] two-year-old website that allows friends to share blogs, photos, instant messages and music online [and is considered] the jewel in the crown of Intermix. [B]y page impressions [MySpace] is the fifth most popular site on the internet...[L]isted on the Nasdaq market [Intermix] reported profits of $4.5m last year on revenues of $79m." Though not everyone it seems is happy with the arrangement. "Marc Moller, a partner of US law firm Kreindler & Kreindler.. has launched a class action against the sale on behalf of Intermix Media shareholders...Intermix Media, which owns the community and entertainment website along with 30 others, was worth 'over a billion dollars' said Moller" calling the MySpace sale, in particular, a "giveaway" (Brook, 2005).

free non-paying citizens of a new global scenario of information, with hitherto unrecognised 'cultural rights.' In a speech to American editors in Washington, Rupert Murdoch issued a stark warning to the industry, arguing that the web was "a fast-developing reality we should grasp. Consumers wanted "control over the media, instead of being controlled by it," pointing to the proliferation of website diaries known as "blogs" and message boards" (Tryhorn, 2005).

Informed and proactive digital scenario observers believe that consumers should not only be free to choose but that a good deal of the information provided should be free as well. For the corporations though, this kind of discourse clearly spells 'commercial war.' And it seems they will do all in their power to prevent this happening further, if not reversing the trend altogether. Once wayward consumers are made to see 'the error of their ways' and are put back where they should be—mute interpellated subjects of the corporations—corporate controlled trade publishing industry can re-engage its project of re-establishing more or less complete control over the electronic publishing scenario.

Appendix 1 – Transcript of Interview with Jason Epstein, December 2004

Conducted and transcribed by Richard Guthrie

- EPSTEIN: [on superstores, the big chains, Barnes & Noble etc]. They ran out of places to open new stores. Each new location was marginally less valuable than the preceding one, which made it hard to raise capital, growth was not there; they had to think of something new to do and they invented these superstores, the chains did, they liquidated their mall stores and opened these other things. They were thinking of The Tattered Cover and stores like that and the original Borders Store which had huge inventories and did very good business and they thought they could do the same thing. And they set out bravely to do the same thing and discovered that they couldn't because the store has yet to come out of the ground somehow to have that kind of audience. It has to build a following. You can't just plunk it down somewhere and hope something will happen. Also their overheads were enormous, huge spaces, and so they needed turnover and they simply became larger versions of what the mall stores had been going from one bestseller to another, not, except in their best locations, carrying much backlist, and so leaving the publishing industry in a predicament, where does it sell its backlist, how does it keep its backlist in print? And that remains the problem and getting worse, and it's very demoralising for the people who work in the business now for most of them, from top to bottom. The young ones, many of them don't know any better. They do what they're told and they think that's how it's meant to be, but the ones who understand what's going on, who actually publish pretty decent books—we're publishing as many good books as ever—they see what happens to them as they [the books] disappear after a few months, and are discouraged and should be. The solution to that is the same one that music publishers and now feature film distributors are pursuing. They're bypassing the existing supply chain, by going right from the digital file where the music is stored to the end-user through iPod. It took a little while to get that organised but it's now going to happen that way. The selections that people want to hear are a little overpriced, a dollar a piece I think, but the record companies are trying to keep that in line with the cost of an album. They don't want trouble from their remaining retailers, because retailers will disappear, everyone knows that. Someone is now offering a DVD for a dollar a piece, one film play it once, and it disappears, and that'll bypass blockbuster, which is pretty good, and I guess you can't download to your own equipment unless you're very good at it.
- RG: Isn't there a problem with that?
- EPSTEIN: I have no problem with that. People can do whatever they want to do, but you don't to put the film companies out of business, the music companies out of business. That would be a disaster, so there has to be some common sense about it.
- RG: There is something similar in the book world. Sony has come out with this new idea, Sony Librie. Book sales are falling in Japan and they're highly techno-literate, so they've gone to this new e-reader. Their model is to sell the book, similar to a paperback, three dollars a copy, sixty days and the file self-destructs.
- EPSTEIN: Yeah, but you can't read those things. People who do that don't know anything about books. They've never read one. You can't read those things. These people understand technology and fundraising and all that sort of thing, but they don't know anything about books, or what people actually do with them. They think

a book is a best seller. They don't see that it's an entirely separate business to book publishing. Book publishing is creating backlist.

- RG: The way you describe it in your book, it's really taking the electronic file and creating an infinite library so you can download it into an ATM form as you said.
- EPSTEIN: And into all languages. Well we have the machine. There is a machine, that was invented completely by accident. The people who did it did not know anything about the book business. They had no idea what they were doing but they stumbled on the right solution. It happened like this: a man who had worked for the Central Intelligence Agency most of his life and was now retired continued to invent things. His job was like the man in 007 movies who invented gadgets. He applied for and got a so-called process patent, the patent that doesn't require the inventor to produce a model only to prove that no-one had thought of it before. And the process he patented was one in which a device would receive a digital file, adjust itself appropriately, and reproduce a book, a single copy on demand. He then went to an engineer friend of his and said: Can you make a thing like this? We'll take it around to Expos and sell it to publishers, not knowing that publishers would find no use for it because they don't want to create, they didn't at that time anyway—they don't want to contemplate an alternative retail channel to get them in trouble with Barnes and Noble. They're over that fear now (Barnes and Noble is truly killing them)—get it into publishing itself, and it has to by the way, it's real zero sum game. There's only so much out there. So they took this around to Expos, this machine, not knowing what its implications were, or even how to use it, thinking someone might see a way to use it, but the publishers who saw it—first of all publishers don't go to these things, printing companies do—no one got the point of it. Then I gave those lectures, printed one of them in the New York Review of Books and a friend of mine who was interested in the implications of digitisation for books and knew something about machinery, he had been in that business before, went to that Expo and saw it and said, Oh that's what Jason's talking about. That's the magical last step in this sequence. So he called me up and to make a long story short, we own those patents or at least we own an option on them. Now, it's one thing to have the technology and we really do control it because the owners of that process patent sued Lightning Press, which is the largest producer of books on demand provider in the country, probably anywhere, for infringement and won and because Lightning had known they were infringing, they had been put on notice, the reward was 15 million dollars plus triple damages. That got their attention. There's some final post trial stuff going on now but that means the entire print on demand industry such as it is is now vulnerable.
- RG: Vulnerable in what sense?
- EPSTEIN: The owners of this patent will go from one to the other and say this is what you have to pay us in effect. The judge instead of granting triple cash damages imposed an intolerable royalty on them, so they would not appeal and settle and that would become the industry standard whatever it is they settle for about 3 or 4% of something. Anyway, we have a non-exclusive licence to that patent, so we do control what is going to happen. The problem is not the technology, or the patents, the problem is how do you deploy it. For publishers to take advantage of it there would have to be thousands of these things all over the country, in libraries, schools, churches, apartment houses, a building like this it would be in the basement.. Fedexes, a chain of little depots where people would brings things and pick them up, so does UPS, about four thousand of them. Eventually there would have to be about

ten thousand of these machines around the country, in good shape, working automatically, night and day. And how do you get them there? That was the puzzle. Publishers certainly can't afford to put them there and investors can't afford to put them there in the absence of an existing market. There isn't one yet. So it's a real chicken and egg problem.

- RG: It's a little bit like a laundromat.
- EPSTEIN: Yeah, it's like a laundromat.
- RG: You'd have to educate the public to go to these places.
- EPSTEIN: That would mean one person in each little village would open up his laundromat and people would come to it. There wouldn't be enough volume for one person in each village to do to do this. This is a more complicated thing.
- RG: What about leasing?
- EPSTEIN: Well, you can do that but it would be the same problem. Well here's what might be a solution. There are forty seven million probably 50 million Americans by now for whom English is a second language and most of them are hispanic, then many of them Russian, Chinese, Hindu. More than half the population of New York City speaks English as a second language, more than half the people in the Bronx, Queens, and Brooklyn, mostly Spanish but lots of them are Chinese. The busiest branch library in the world is in Flushing, which is a Chinese neighbourhood in Queens, one of the five boroughs, that lends five hundred and fifty thousand items a year mostly in Asian languages. So we have been talking to the New York Public Library about letting us set up an experiment in some of these branch libraries, to receive the digital files of foreign language books and make them into books for the libraries' own collection and for people to buy if they want to. If it works in the three or four, five New York test sites we can very quickly raise money and get it out to as many as we can all over the country and that might result in four or five thousand locations, each of them self-supportable, profitable. So that's the best I could come up with, as a way of deploying the technology.
- RG: Some people are heading down the track of e-readers, which is a piece of technology which doesn't work [as yet].
- EPSTEIN: It works for reference books. It works brilliantly for the OED and things like that.
- RG: For anything that you are doing for work. For anything that you have to look up specifically.
- EPSTEIN: I use the OED online all the time now. I never touch the hard copy anymore. And I use it for maps if I'm going somewhere. I have all the Oxford reference books online, I have to subscribe to them, they are too expensive, and other things, recipe books and so on, but for books you read and keep, the most efficient format is the traditional one...This would be [book on demand] exactly the same as the publisher's edition…Copyright isn't going to a problem. Our business is simply to transmit a file and turn it in a book. We're not going to own anything, licence anything the publishers will make their files available if they want to and we'll go on from there and our technology will keep them secure. We'll reformat them on the fly and they go right back to their original format as soon as they're in the system and they can't be stolen that way.
- RG: Simon and Schuster now keeps all their books in print, print on demand. They'll print one copy.
- EPSTEIN: That's a subterfuge. The agents will soon change that. But when this becomes the standard way of publishing backlist and every book will be in print

perpetually because it will be on a web site the term in print will take on new meaning or lose all meaning and so will foreign rights. There won't be any of them either.

- RG: There will be global rights, world rights.
- EPSTEIN: It will be very hard for the Chinese for example to control what people read unless they post a guard in everyone's apartment.
- RG: They'll control the machines.
- EPSTEIN: They'll have to control the machines.
- RG: Effectively what you are saying is that the book will go on forever. The book is not in danger.
- EPSTEIN: The book has to be what it's all about. And this is a way of using electronic transmission to create a book.
- RG: But you see that there is another stage. If you look at the Gutenberg revolution what you're are saying is correct. We just went from the handwritten book to the printed book. And so all we doing now is going from one style of printed book to another style of printed book. We are not actually changing the concept.
- EPSTEIN: No, we're not changing the physical book, no, that's not a good idea.
- RG: It's working. The book works?
- EPSTEIN: I can't think of anything more efficient. If we didn't have books, and only had hand-held readers, somebody would say, I just discovered a much better way of doing it, you take a piece of paper and print and fold it and put in your pocket, put on your bookshelf, lend it to someone, batteries never run down and so on.
- RG: They are working up in Boston on E Ink.
- EPSTEIN: They have no idea what books are. I know those people. They are ingenious. They'll come up with something.
- RG: Prof. Jacobson, who was one of the originators of E Ink, made an interesting statement. You can navigate in a book, you can navigate from page to page in real book. You have global sense of yourself in a book and he understood that, so what he originally thought of was a series of plastic pages, rechargeable, redownloadable.
- EPSTEIN: I don't know why bother. It's a lot of trouble for very little reward. No reward as far as I can see. I wouldn't want one of those damn things. I wouldn't be able to work it. I am very clumsy with machines as most people are.
- RG: But it would be an indestructible book.
- EPSTEIN: Well most books are indestructible if you don't destroy them. This house is full of indestructible books and some of them are very old.
- RG: But there are paperbacks made with toilet paper.
- EPSTEIN: Well that's very simple. You just use acid free paper and they have plastic binding and they'll last forever.
- RG: Well effectively you are saying is that this pseudo revolution in terms of technology is not going to happen.
- EPSTEIN: Well it may happen. I wouldn't say that. You never know but until the people who are doing it know what it's like to read a book. Understand we are not talking of The Da Vinci Code we are talking about the entire backlist repository or our entire civilization. I don't think they are going to work it out. They are going to think of the technology first and not the use. You remember Gulliver Travels in Book Three, when he goes to a place ...up on a cloud and its full of people like the ones at MIT and he notices first of all that nobody's clothes fit and it seems odd to him and then he says well while I'm here I better get a new suit so he goes to a tailor

who measures him with compass and a sextant. You get much more precise measurements this way and it doesn't fit. That's what we are talking about.

- RG: What do publishers think about all this?
- EPSTEIN: Publishers have to be very cautious what they say in public. They don't want a retaliation from Barnes and Noble. Not that there could be. It would illegal for them to do that, but they could make it a mess. They could be unpleasant. Furthermore they more or less run these publishing companies. They have people on the staff who are on the publisher's payroll but who perform the triage that separates out the books out from what will work for Barnes and Nobles from ones that won't. It's a very messy relationship. Privately, and even publicly, though anonymously, they say it's time for us to sell direct. Viking has already tried to do it, is doing it actually. The problem with selling direct is that book publishers are not organised for that. They can't fill an order for twenty five books. I made a joke about that in the book I wrote, about the W.C. Fields movie. He opened a drugs store and he was going to compete with existing drugstore by delivering a one cent stamp and had to go so many miles. That's what they are getting themselves into. The solution to that problem is what I am telling you about. If the books don't exist physically.
- RG: Could this be the salvation of the independent?
- EPSTEIN: It would be a different kind of independent bookstore. The machine can be anywhere it doesn't have to be in bookstore. It could be in Kinkos.
- RG: It has to be the right place doesn't it?
- EPSTEIN: You would buy the book the way you buy a book from Amazon, from your computer. You'd probably go to Google and you'd find the book you want there or if it's a book on fly fishing you'd go to fly fishing website and it would be posted there and you'd click on it and unbeknownst to you our software would then take over and find that file bring it to your computer for your to browse, if the publisher agrees, and if you want to buy it, the same software will find the machine nearest your house. It could be the Staples at the corner of the street here and there'll be a notice on your computer, the book is printed and ready for you to pick up and then you'll go to the store, put your credit card in and put it in a slot somewhere and the book will pop out, otherwise it will be a big pile of books at the end of the day and this is how they will sort them out. We have to figure out a way of doing this but you'll never see the machine. It will invisible.
- RG: But there's a problem here isn't there. You are talking about people who know what they want.
- EPSTEIN: That's the same at Amazon. They don't know what they want but Amazon will tell them. There's all that software that tells them that if you like this you might want that.
- RG: But serendipity for instance. You know how you go into a bookstore, go into a library you see a book suddenly, and say, Oh I'd like to read that.
- EPSTEIN: Amazon seems to have survived that problem. Perhaps I am not a good example, but I would have no problem. I wouldn't quite know what I wanted, but I would know the category. If I wanted something on Admiral Nelson, maybe I'm reading novels, so I would look up Nelson and there would be a lot of stuff about him and there would be bibliographies. You'd soon see what there the interesting books are if you have a chance to browse them.
- RG: I know what you mean. Depending on my state of mind, I can walk into Barnes and Noble and be overwhelmed by all the books confronting me.

- EPSTEIN: Or underwhelmed. Because what you see is mainly remainders from last years.
- RG: But there are so many titles, 70,000 books. If you were looking for a gift.
  EPSTEIN: A really good bookstore would have 150,000 titles; that's what you'd find if you went to The Tattered Cover. Books that you would never imagine. They have the best collection on ocean sailing that I have ever seen and they're in Denver. They really go at it. Maybe in the big Barnes and Noble in New York and Chicago you'll see something like that. You won't see it in most of the others.
- RG: Or Harvard Book Store...
- EPSTEIN: Look where it is...but that's Harvard Square for heavens sake, try that in Kansas City.
- RG: Do you think that the industry is such a poor state that it needs something like this [POD] to generate something, is this your argument?
- EPSTEIN: Something has to happen because you can't run an industry without a backlist and that's what publishers are increasingly having to do. It's harder and harder to sustain a backlist, to keep it in print.
- RG: Penguin do.
- EPSTEIN: Not as much as they used to. When I was young Penguin was everywhere. You knew that you could find everything in Penguin. I don't think that you can say that now. They're facing the same problem as everyone else is.
- RG: But Penguin Press, they have Modern Classics.
- EPSTEIN: They would have all that stuff, but Barnes and Noble is now putting out its own traditional classics. Why should Barnes and Noble buy from Penguin when they can buy from a printer at half the price.
- RG: Penguin always puts this essay at the front.
- EPSTEIN: Well, when I did the Library of America. I made a point of not having an essay in front, because who needs all that. I said we'll just have a chronology at the back that tells you all you need to know. It works much better than someone's opinion, so those essays sometimes help an inadequate teacher get through the class.
  RG: I think it's for students. They think it helps them.
- EPSTEIN: I suppose they do. Well Barnes and Noble can hire someone to write them for five hundred dollars. That's one of the reason publishers resent Barnes and Noble, it's treading on their territory.
- RG: How did Barnes and Noble get so big so quickly?
- EPSTEIN: Well I think they were trapped. They reached a certain point where they couldn't justify holding the real estate they had had after their expansion, so they abandoned that line of development and began opening superstores, these big things and they opened a lot of them very quickly because there was Borders right next to them, that if they didn't move fast they wouldn't get there. They were certainly well capitalised at that time, they could open as many as they wanted. They could get them to break even by selling coffee, trinkets, flags and posters and whatever else they sell. I find them very depressing that I can't go in them. Borders did a better job because it came out of better bookstore. The original Borders bookstore in Ann Arbor was a brilliant store and that tradition has carried on. They're doing alright. Border did expand overseas..(he talks about driving through Long Island where he has a home...the middle part of Long Island as he puts it 'utterly uncultured')...There's nothing...never will be...and there was an enormous Borders store as big as an aircraft hangar 20,000, 30,000 feet, huge, and what in the world is it doing here? This is a place called Riverhead. I don't anyone there has ever read a

book in the whole 200 year old history of the place. No one lives there. The outer suburbs are gradually moving in that direction but the people who live in those suburbs, I'm sure, I don't want to sound rude, but they're not readers.

- RG: But what percentage of bookbuyers are gift buyers?
- EPSTEIN: I think that's true but that's not enough to keep it going. What traditionally kept bookstores going in the old days was backlist. And even then they could barely eke out a living. I mean these were not businesses that people did for money. They did it because this is what they wanted to do. The great Eighth Street bookstore here is long gone (it was up the street here). It was an amazing place. It wasn't all that big, but it had everything spine out, shelf after shelf, and it was organised like a highly cultivated contemporary mind. Everything that you could possibly want to read and know about was there just in the right place. It was all there, everything. You wanted to read Hegel, everything is there and not in English alone. Shakespeare and all the criticism, best editions, ahh, the Arden Shakespeare I remember was all lined up there, all the Oxford editions of Dickens and so on. A lot of French classics. It was a wonderful store and then it disappeared. Barnes and Noble opened a big store on the corner, took away their business. The two brothers who owned it had a quarrel and decided it was cheaper to rent the space to a music store than be bothered renting it as a bookstore and they were right. By this time the real estate had become worth a lot of money and many of their customers were now moving out to the suburbs. They couldn't afford to live in Greenwich Village anymore. So that's what happened over and over again.
- RG: In terms of publishing do you think it will mean a sudden growth of small companies?
- EPSTEIN: I think this technology makes it possible.
- RG: Do you see it happening?
- EPSTEIN: I don't like to predict anything because who knows what can happen. In theory this could encourage any number of people to open small publishing companies, because the expense would be minimal. There would no infrastructure to worry about. You wouldn't have to high sales reps. You would haven't have to have a warehouse, you wouldn't have to have any physical inventory, you wouldn't have to print any books.
- RG: But you'd have to have to get people interested, somehow inspired by the idea. EPSTEIN: Well maybe you could print the first edition or maybe there would be a kind of utility that you could send your manuscript to, who would edit it and promote it and send it over for printing and take the inventory risk and put it in bookstores and so on but the long tail so to speak, the part where all the money had traditionally had been, the backlist could be put online. So it might work out that way. And I think the bestseller business is a separate business and will be handled as a separate business. My guess is that the agents will become the defacto publishers of those authors and make much more money. They get plenty now as guarantee. They'd get plenty and a half if they just hired the publisher, which is in effect what they do.
- RG: I know there are stories of many reasonably well-known authors who have printed their own books and somehow found space to sell them.
- EPSTEIN: It works fine. The trouble is that they have a hard time collecting. The retailers will always pay will always pay Random House first, because they don't want to be in trouble with all that stuff, but that can all be fixed. And I would think agents would become the publishers in the future, even of serious writers. They're

much closer to the writers, emotionally and personally. Their interests exactly coincide, the more the author makes the more the agents make. They are not adversarial like many authors and publishers these days.

- ME: Why are authors and publishers adversarial, why is there this conflict between publishers and authors?
- EPSTEIN: Well there didn't used to be.
- RG: Is it jealousy or what?
- EPSTEIN: No it's not that. When it became a bestseller business the loyalty that had held publishers and authors together for years gave way to demands for ever larger guarantees and that meant an auction, so I might have been publishing you for years then suddenly someone offers you more than I'm offering you and that would end that relationship and publishers would resent it naturally and authors would resent the guilt that publishers made them feel for doing something that was in their own interests. So the relationship between the author and the agent became very strong because they were on the same side, the higher the guarantee they both would benefit. The publisher became the adversary at that point. That's essentially how it worked. Until that time publishers and authors would go along for years offering reasonable guarantees, always more than the previous book but always within reason. But then it became customary for publishers to pay a guarantee when they knew they could never earn it back, make that part of their cost, and price the book accordingly. In the long run the public pays for all those guarantees.
- RG: It seems even with the best sellers their margins are very small because they're paying them [authors] so much in advances.
- EPSTEIN: Of course. It's an absurd situation. The publisher does all the work, except for writing the book and takes all the financial risk. He actually pays in effect to be the author's valet. He takes the manuscript cleans it up, makes it look good, puts a pretty package on it, makes sure it goes out to the right bookstores with the right credentials. He should be hired for that, instead he's asked to take a huge risk.
- RG: So he in effect should be the agent.
- EPSTEIN: Yeah, the publishers are in terrible shape in this business. They're squeezed between the agent asking for more and more guarantees and the retailers asking for more and more discount. And they have to pay for the privilege. In effect they're hired servants, they're hired by the author to service these functions, but they have to pay to get the job and risk losing. It's insane.
- RG: Your idea would resolve the sale and return problem.
- EPSTEIN: There wouldn't be any returns with this. There's no inventory, no returns. No warehousing and probably a very limited second hand market. I suppose people could sell their paperbacks but they're would be so cheap, it wouldn't be worth it.
- RG: I've seen the IBM machines.
- EPSTEIN: This isn't like the IBM machines. This began with Xerox which produced a high speed printer called a Docutech and it looked around for things to do with it and someone suggested we could print books on it one copy at a time and so they got some binding and trimming equipment but they didn't know how to integrate it into one unit so it's a less efficient way of making books than a high speed press where they have the attachments and so on but it functions effectively with very small quantities…so for the University and vanity presses it makes some sense. This is the equipment by the way that lost the law suit. In this country the patent is US only so it won't affect what's going on over there [in the UK] but it will certainly affect what's going on here. And these require skilled operators to take the

book block from the printer, put it into the bindery and then put it into the trimmer. It's very, very expensive and it operates only within the existing supply chain. You can't bypass the existing supply chain because it's not automatic and it's not integrated and the equipment costs a million a unit, which is crazy. This machine [Epstein's] costs about $50,000 to make. It would sell for 75 [$75,000] because you have to do a lot of things, deliver and set it up. It's fully integrated. It's about as big as this table. It sits all by itself. No one has to be here. It receives a digital file adjusts to all the metadata and so on and prints binds and trims a book, 156 page book within three minutes. This prototype does. The production version will do it much faster and cost less because this version uses off the shelf printers. In the production version we'll buy the print engine ourselves from Japan. We won't have any boxes or anything like that and we'll make our own ink. We won't have to worry about buying that expensive stuff, so the price will come down and we'll get it smaller eventually, but it's completely different from the Print on Demad that you've heard about. It's the next stage.

- RG: What would you see the unit price coming down to?
- EPSTEIN: I suppose you could make it for twenty five thousand eventually.
- RG: What about the unit price of the book?
- EPSTEIN: It'd be about a penny a page which would be half as much again as you would pay on web press. The main cost would be paper; paper would be the same no matter what you do with it. The difference is amortisation and how many you can print and speed. You could print a thousand paperbacks like that in ten minutes. This takes a little longer.
- RG: What about paper supplies? Some people say e-readers save paper.
- EPSTEIN: It's all going to be recycled. When this thing prints 8 x 11 whatever is trimmed all goes to the scrap and is recycled. I mean if you have that argument, you wouldn't have newspapers and books you'd only have trees. I don't think you can do that. Let me show what the machine looks like.[Epstein showing a video of the new printer on his PC] ...
- RG: So that's about the size of a photocopier.
- EPSTEIN: This here is like a regular printer.
- RG: So the whole size would be?
- EPSTEIN: A little bit smaller than that bed. Here's it's printing the whole book, a whole 256 page block, it's forty two seconds so far. The whole time of this thing [video] is 5'24" but that includes a little lecture at the end. Now it's printing the cover. No one is in this room except the cameraman. It's received a digital file from somewhere. There's the cover.
- RG: It will need maintenance somehow.
- EPSTEIN: Yeah someone to put paper in. Like a XEROX machine.
- RG: But some machines do break down.
- EPSTEIN: Yeah but all this will be black boxes. They won't require a skilled technician. The man that fixed the Xerox will fix this. We've been through all that taken it apart and put it together [he speaks more on the process]. It will be a quality paperback. There it goes all bound 2'14" and it's being trimmed. The key is the how fast you make the printer. Just taking the edges off it now. 3 minutes now. There it is. All done. 3'25". We can cut that in half. We can go faster than that and of course you can put two or three machines in as well.
- RG: Is this video on it available?

- EPSTEIN: It's available but I don't know how you get it. I think you could download it from some website. When I saw that everything just fell into place. I knew there was a serious problem. I knew you couldn't get Barnes and Noble to behave differently because they're creatures of their economic environment. They can't do anything. They're part of the problem not of the solution. So how do you bypass that whole thing. So how do you get what the author produces and the publisher edits to the reader without going through all these expensive steps, physical inventory, physical storage, physical delivery, retail mark-up, returns, all that business and then I saw that and I said that's how to do it. And the next question was how to deploy it. And the next question is how to finance it because conventional financing won't work for this. No one will do it.
- RG: Really? Why not? It's too big a risk?
- EPSTEIN: I know a lot about that business. I've been in that business. There are too many moving parts here. A foundation has to take the first step. And I think one of them will.
- RG: So if you go through the library, you think the foundation will help you. EPSTEIN: The library is very skittish, that's a current problem, the library. They're afraid of offending Barnes and Noble or some are. They're a bunch of biddies. Luckily the head of the library is a very good friend of mine and so are most of the trustees so I think we'll probably get somewhere.
- RG: Okay this is probably a solution for the main market but what about another market. At the moment in legal publishing people receive their documentation download it print it out put it into ring binder. Before they used to get the quarterly law books and reviews.
- EPSTEIN: There might be a market for these other devices.
- RG: You mean handheld readers.
- EPSTEIN: Probably. I would hope so.
- RG: For references.
- EPSTEIN: Yeah.
- RG: Aircraft manuals, that sort of thing.
- EPSTEIN: Well, no, not for manuals, I think manuals have to be printed. Suppose you're running a submarine and the Pentagon wants to send you a new manual. This way it just sticks it antenna up out of the water and there it is and makes a book out of it. There are all sorts of things that are going to happen. For instance I use an international law firm and they have offices everywhere all over the world and they send their documents out to Kinkos and then Fedex. This way they could skip both of those steps.
- RG: This way seems more viable than books on demand..
- EPSTEIN: Well people who understand technology don't understand publishing and vice versa and that's the problem. [He talks about on OED]....
- RG: It deletes photocopying problems at universities..
- EPSTEIN: [describes how useful online reference is]
- RG: Are publishers antagonistic towards this whole electronic environment? EPSTEIN: They're very conservative. It's their nature:
- RG: But do you sense that they're angry about these developments? They feel threatened by them?
- EPSTEIN: This? Well they're all different. Some people do some people don't.
- RG: Or are they pragmatic? If I can make money out of it [I'll do it]?

- EPSTEIN: Yeah they see that. Some of them just get their backs up anyway. I started this trade paperback business 60 years ago and Roger Straus, my friend and rival for all those years, who died last year, still wouldn't do one. He said, No it's not going to work.
- RG: But it had already worked in England. It had already worked with Penguin.
  EPSTEIN: Yeah, that's all I did was take the Penguin idea and did it here. It was not a great idea.
- RG: But you did a better quality paperback.
- EPSTEIN: Well I did it to suit our university culture which is different to yours. You're more sophisticated I think.
- RG: Allen Lane's great coup was to get it into Woolworths.
- EPSTEIN: Sure.
- RG: Getting it into a major store, that made it work.
- EPSTEIN: Sure. And then he had the good sense to keep the level at the right place. He didn't go down market.
- RG: He failed a bit with Pelican.
- EPSTEIN: He failed because he was not a good businessman. I wrote something about that. I didn't go into much detail. He was very impractical and didn't tell the truth.
- RG: I remember you telling the story of how you almost went into business with him.
- EPSTEIN: Well, yes, it's all there. Lady Chatterly's Lover and why Lane was forced to sell Longmans. The banks didn't think he could run it and they were right. He had terrible personnel problems. He was slick.
- RG: This old world you describe in the fifties sounds magnificent.
- EPSTEIN: Well the people I worked for Cerf and Klopfer, I took it for granted that was what people were like. I was a little optimistic there. Bennett was a bit of a lair, told terrible jokes, a sort of a Hollywood character, but a real gentleman, even so, honourable, a great publisher, who pretended not to be. [I mention and he talks about Ben Huebsch – creator of Viking]. These were really great guys, these publishers. First of all they didn't see it as a way of making money.
- RG: Or they saw the long term.
- EPSTEIN: They didn't even see that until it was time to sell out. The only money that Bennett (Cerf) and Donald (Klopfer) ever made was when they sold. They weren't expecting to, how the business evolved out, kids etc. they wanted out. They were in their seventies
- RG: So the last real publishers were people like Andre Schiffrin, people like that.
- EPSTEIN: I don't admire Andre'. I thought Andre' was full of hot air. He couldn't make money. He always expected to be subsidized by all the rest of us at Random House and he would say, I do all the good books. Well you do some.
- RG: Who are the publishers today that you admire?
- EPSTEIN: Sonny Mehta is a real publisher. Jane Friedmann at HarperCollins is terrific, though she's running a very commercial business. She still knows one book from another. Craig McFeeley at Norton is doing a very very good job in that tradition. He's the last independent publisher there is. What's his name at Farrar Straus?
- RG: Galassi.
- EPSTEIN: Galassi. He was my protege at Random House. He was wonderful. It was a bad day at Random House when he left.

- RG: Who owns them? Holtzbrinck?
- EPSTEIN: Holtzbrinck. All the big companies have grabbed all these companies. Well what happened is, as the backlist deteriorated, which would keep the most somnolent publisher alive for a very long time and these guarantees for bestsellers became intolerably high. Small companies joined forces with one another to get themselves big enough to play that game and when the backlist continued to deteriorate, and guarantees continued to escalate they gave up the game and these foreigners bought them thinking that this was going an entree to the US market, not knowing they were buying a bunch of messes, which is what they've got. This is the last stage. No one is going to buy these companies again.
- RG: What will happen?
- EPSTEIN: I don't know. You don't need them anymore. The backlists such as they are have some value, but if all you have is a vague franchise to buy Stephen King's next book for three times what it's worth, that's not much of a business.
- RG: But what of the spinoffs, the movies etc.
- EPSTEIN: Publishers don't get any of that. They get the publicity and they get to sell a few paperbacks when the movie comes out. They don't get to share in the proceeds.
- RG: They should.
- EPSTEIN: Yeah, that's what they said but the movie companies said no and what are they going to do? No they argued about that for a long time. But if you want movie rights you can't have the author. Simon and Schuster would be very glad to publish John O'Hara without movie rights. So what are you going to do about it? That's where the bad feeling set in with that issue.
- RG: The authors became like ungrateful children.
- EPSTEIN: The authors and agents were running the business and they were in effect hiring publishers as they would hire a utility like a catering service and the publisher had to pay for the privilege for doing that. It was humiliating and foolish. Who wants to be in a business like that?
- RG: What about Rupert Murdoch?
- EPSTEIN: I think Rupert Murdoch is as rotten as hell. I think he's been a disaster for this country, any country he gets anywhere near. He owns HarperCollins which for the most part…

A telephone call interrupted the interview and it ended here.

Appendix 2 – e-book title search on the Zetoc database

Zetoc Records - the British Library Electronic Table of Contents database (journals and conference proceedings)

Terms searched: e-book* or ebook* (singular or plural, with or without hyphen)
Fields searched: Title only
Year of publication: 1998-2004

517 records retrieved, with duplicates, non relevant and foreign language records deleted, leaving 494 titles (records presented in chronological order):

1. Blake, P. (1998) English Dictionaries and E-Books: Discusses the upcoming release of the Encarta World English Dictionary as well as several new electronic books. *Information Today,* 15(11): 12-15.
2. Educa (1998) Information Technology: Y2K; e-books. *Educa*: 13.
3. Herald of Library Science (1998) E-book - the Shape of Literature to Come. *Herald of Library Science,* 37(3/4): 286.
4. Information Today (1998) OverDrive Systems Unveils Its E-Book Authoring Systems. *Information Today,* 15(8): 35.
5. Luther, J. (1998) E-Books: The Next Electronic Frontier: With the launch this fall of several companies' portable electronic books, The National Institute of Standards and Technology (NIST) recently gathered key players for Electronic Book '98 to discuss hardware. *Information Today,* 15(11): 32.
6. Publishers Weekly (1998) A Flurry of Deals for E-Book Firms. *Publishers Weekly,* 245(44): 14-16.
7. Publishers Weekly (1998) Publishers Back Microsoft Call for E-Book Standard. *Publishers Weekly,* 245(42): 10.
8. Schuyler, M. (1998) The View from the Top Left Corner: Will the Paper Trail Lead to the E-Book? *Computers in Libraries,* 18(8): 40-45.
9. Von Hoffman, N. (1998) AD Electronica: Turning on to E-Books - A New Chapter in the Written Word. *Architectural Digest,* 55(12): 142-151.
10. Bard, M. G. (1999) Electronic Books: E-book readers are a hot new toy. *Writers Digest*: 14-17.
11. Bookseller (1999) Penguin to develop e-books. *Bookseller,* 4895: p7.
12. Carrasco, E. and Et Al. (1999) The E-Book on International Finance And Development. *Transnational Law and Contemporary Problems,* 9(1): 35.
13. Carrasco, E. R. and Berg, K. J. (1999) Praxis-Oriented Pedagogy: The E-Book on International Finance and Development. *Loyola of Los Angeles Law Review,* 32(3): 733-752.
14. Dinucci, D. (1999) Palm Readers: Why would anyone want to read on-screen? A first wave of e-books is coming up with answers. *Print,* 53(5): 58-61.
15. Dorman, D. (1999) The E-Book: Pipe Dream or Potential Disaster? *American Libraries,* 30(2): 36-39.
16. Eberhard, M. (1999) The Rocket E-book. *Author,* 110(SEAS SUM): 67.
17. Editor and Publisher (1999) Stop the Presses: From e-books to e-newspapers: the technology of digital ink. *Editor and Publisher,* 132(24): 101.
18. Fialkoff, F. (1999) Inside Track: E-Books: Coming Faster Than You Think. *Library Journal,* 124(12): 75.
19. Fortune (1999) E-books challenge paper. Electronic text readers are convenient for some tasks. *Fortune,* 140: 34-35.

20. Information Retrieval and Library Automation (1999) Barnes & Noble Offers E-Books Online & On the Shelf. *Information Retrieval and Library Automation,* 35(5): 3.
21. Information Retrieval and Library Automation (1999) E-Book Site Offers Reference Shelf. *Information Retrieval and Library Automation,* 35(6): 8.
22. Information Retrieval and Library Automation (1999) It's Not an E-Book, It's a Monograph. *Information Retrieval and Library Automation,* 35(5): 3.
23. Information Retrieval and Library Automation (1999) Making E-Books Real Books: Standards & Products. *Information Retrieval and Library Automation,* 35(2): 1-3.
24. Information Retrieval and Library Automation (1999) Open E-Book 1.0: The Structure. *Information Retrieval and Library Automation,* 35(5): 1.
25. Information Retrieval and Library Automation (1999) The Paperless Library: E-Book Industry Follows its Dream. *Information Retrieval and Library Automation,* 35(5): 1.
26. Information Today (1999) Adobe Systems Unveils New Technologies for E-Books Market. *Information Today,* 16(9): 39.
27. Information Today (1999) A Flurry of Recent E-Book Announcements. *Information Today,* 16(9): 45.
28. Information Today (1999) New E-Book Publishing Service Debuts. *Information Today,* 16(8): 38.
29. Information Today (1999) NuvoMedia Adds Self-Publishing Features to Its Rocket eBook. *Information Today,* 16(6): 47.
30. Information Today (1999) Peanut Press Announces Web Site Enhancements, New E-Book Content. *Information Today,* 16(5): 47.
31. Information Today (1999) Versaware Debuts eBookCity.com. *Information Today,* 16(11): 41-42.
32. Information Week (1999) News Scan: Andersen's new CEO; Microsoft's E-books deal; Motorola plans universal E-content chip; API standard gets OK. *Information Week*: 40-45.
33. Interactive Media International (1999) E-books go beyond the book. *Interactive Media International,* 13(8): 15.
34. Luther, J. (1999) E-Books: An Emerging Industry. *Information Today,* 16(10): 47.
35. Luther, J. (1999) Panel at ALA Discusses the Reality of E-Books. *Information Today,* 16(8): 38.
36. Manes, S. (1999) Bytes and books: As they say, you can't judge an E-book by its cover. *Forbes,* 163(3): 106-107.
37. Newsweek (1999) E-Books: Reading Without Pages. *Newsweek,* 133(23): 82-83.
38. Oclc Newsletter (1999) Cataloging records for netLibrary's eBooks to be available through PromptCat. *Oclc Newsletter,* (242): 13.
39. Popular Science (1999) Diary of an Online Reader: With room for multiple novels, an e-book creates space - and peace - at home. *Popular Science,* 254(2): 54-56.
40. Poulin, R. (1999) The Emergence of eBooks: netLibrary. *American Journal of Distance Education,* 13(3): 79-84.
41. Publishers Weekly (1999) AAP Tests E-book Copyright Encryption. *Publishers Weekly,* 246(27): 15.
42. Publishers Weekly (1999) Authors Guild Shoots Down Rocket E-Book Contract. *Publishers Weekly,* 246(19): 22.
43. Publishers Weekly (1999) Donnelley, Microsoft Team to Expand eBook Business. *Publishers Weekly,* 246(45): 11.
44. Publishers Weekly (1999) eBook Standards Committee Reviews Draft Specs. *Publishers Weekly,* 246(7): 11.
45. Publishers Weekly (1999) E-Books Capture Seybold as Emphasis Shifts to Software. *Publishers Weekly,* 246(37): 11.
46. Publishers Weekly (1999) Everybook: Full-Color E-Book. *Publishers Weekly,* 246(17): 12.
47. Publishers Weekly (1999) Franklin to Distribute Rocket eBook. *Publishers Weekly,* 246(2): 14.

48. Publishers Weekly (1999) Microsoft Announces E-Book Reader Software. *Publishers Weekly,* 246(36): 14.
49. Publishers Weekly (1999) NetBooks com Offers E-Books Print on Demand. *Publishers Weekly,* 246(39): 13-15.
50. Publishers Weekly (1999) Publishers Hail E-Book Standard. *Publishers Weekly,* 246(40): 15.
51. Publishers Weekly (1999) Rocket eBooks to Take Off in Canada This Fall. *Publishers Weekly,* 246(23): 20.
52. Rudich, J. (1999) The Case for E-Books: Lightweight dedicated electronic book readers may be a wave of the future. *Link Up,* 16(5): 14-19.
53. Sottong, S. (1999) Don't Power Up That E-book Just Yet. *American Libraries,* 30(5): 50-53.
54. Unabashed Librarian (1999) E-Books: The Library's Newest Format? *Unabashed Librarian*: 4-7.
55. Albanese, A. R. (2000) The E-Book Enterprise: netLibrary's Digital Mission; Interview with Tim Schiewe. *Library Journal,* 125(3): 126-128.
56. American Libraries (2000) Should Libraries Jump on the E-Book Bandwagon? Why not? If that's what our patrons want, Christine Lind Hage believes; not quite yet, cautions Stephen Sottong. *American Libraries,* 31(8): 61-65.
57. Australian Printer Magazine (2000) eBooks launch. *Australian Printer Magazine*: 28-29.
58. Aviation Week and Space Technology (2000) Military aims to reap benefit of long-life e-book Portable book offers advantages over conventional electronic devices. *Aviation Week and Space Technology,* 153(8): 73.
59. Ballard, T. (2000) Adding a New Dimension: E-Books. *Information Today,* 17(4): 48.
60. Boeri, R. J. and Hensel, M. (2000) Information Insider Browser Wars: Now It's eBooks. *E Media,* 13(11): 58-59.
61. Bookseller (2000) Bol to sell e-books in UK. *Bookseller,* (4906): 6.
62. Bookseller (2000) News Feature: Nicholas Clee on the Frankfurt eBook Awards. *Bookseller,* (4929): 15.
63. Bookseller (2000) Taylor & Francis e-book deal. *Bookseller,* (4932): 6-7.
64. Bookseller (2000) UK e-books play follow my leader. *Bookseller,* (4939): 10-11.
65. Breeding, M. (2000) NetLibrary, Innovative Interfaces to Add E-Books to Library Collections. *Information Today,* 17(4): 1.
66. Burk, R. (2000) Don't Be Afraid of E-Books. *Library Journal,* 125(7): 42-46.
67. Business Week (2000) E-Book as page-turners - Gemstar is hoping best-selling authors will make the difference. *Business Week,* (3704): 117-129.
68. Business Week (2000) Technology & you: A new chapter for e-books. *Business Week,* (3674): 18.
69. Chain Store Age (2000) E-Tales: Thoughts on e-books and patents. *Chain Store Age,* 76(4): 134.
70. Chemical and Engineering News (2000) E-Books Electronic books gradually gain in popularity and utility. *Chemical and Engineering News,* 78(34): 49-54.
71. Crawford, W. (2000) Untangling the E-book Muddle. *American Libraries,* 31(8): 56-59.
72. Decandido, G. A. (2000) E-books: I Sing the Book Electric. *Public Libraries,* 39(6): 326.
73. Ditea, S. (2000) The Real E-books A torrent of digitized literature is about to spill right out into the computer you already own. *Technology Review,* 103(4): 70-81.
74. Economist (2000) A new chapter for e-books. *Economist*: 110-112.
75. Economist (2000) Will e-books ever take off? *Economist*: 141.
76. Electronic Design (2000) Cholesteric Display Readies E-Book For Battlefield. *Electronic Design,* 48(1): 32.
77. Flammia, G. (2000) What's next for the e-book? *Ieee Intelligent Systems and Their Applications,* 15: 18-19.
78. Hage, C. L. (2000) Conference Call: Should Libraries Jump on the E-Book Bandwagon? *American Libraries,* 31(7): 61-65.

79. Hane, P. J. (2000) netLibrary Adds New Markets, Management, and Partnerships Former CFO, now president and CEO, Robert Kaufman discusses how netLibrary-a provider of e-books and Internet-based content-has progressed and launched into new market arenas. *Information Today,* 17(6): 1.
80. Hardy, J. and Christian, C. (2000) WELCOME TO THE WEB SHELF on how e-books are changing. *Bookseller,* (4930): 32-33.
81. Harrison, B. L. (2000) E-Books and the Future of Reading. *Ieee Computer Graphics and Applications,* 20(3): 32-39.
82. Id (2000) PRACTICE Cyber drinkholders; urban e-zine scene; e-book updates; virtual-graphic technology; art online and more. *Id,* 47(7): 97-101.
83. Information Retrieval and Library Automation (2000) E-Book Device Designed for Textbooks. *Information Retrieval and Library Automation,* 36(6): 2.
84. Information Retrieval and Library Automation (2000) EBookman: Bigger Than a PDA. *Information Retrieval and Library Automation,* 36(3): 5.
85. Information Retrieval and Library Automation (2000) Independent E-Book Publishers to Award Their Own. *Information Retrieval and Library Automation,* 36(6): 3.
86. Information Retrieval and Library Automation (2000) Innovative Integrates E-Books. *Information Retrieval and Library Automation,* 35(11): 8.
87. Information Retrieval and Library Automation (2000) New E-Book Readers: Colorful & Connected. *Information Retrieval and Library Automation,* 36(4): 9.
88. Information Retrieval and Library Automation (2000) Open Electronic Book Forum Will Maintain Standards for E-Books. *Information Retrieval and Library Automation,* 35(9): 4.
89. Information Retrieval and Library Automation (2000) Patchogue-Medford Library Pilots E-Book Loan Service. *Information Retrieval and Library Automation,* 35(11): 5.
90. Information Retrieval and Library Automation (2000) Sirsi: NetLibrary E-Books in IBistro. *Information Retrieval and Library Automation,* 36(5): 3.
91. Information Retrieval and Library Automation (2000) ZDNet Offers E-Books. *Information Retrieval and Library Automation,* 36(2): 7.
92. Information Standards Quarterly (2000) Ebook Frenzy: an overview of issues, standards, and the industry. *Information Standards Quarterly,* 12(4): 1-7.
93. Information Today (2000) Adobe Announces E-Book Acquisition, Partnerships, New Product. *Information Today,* 17(9): 49.
94. Information Today (2000) Bartleby.com Reworks Free E-Book Model Mick O'Leary reviews this e-book project, which offers public-domain classics and reference works and is committed to providing free, quality information. *Information Today,* 17(9): 20.
95. Information Today (2000) Getting Cozy with a Good... E-Book? Shirl Kennedy, no great fan of the electronic book, nevertheless notes that many folks are enamored of the new technology, as evidenced by the recent popularity of Stephen King's novella. *Information Today,* 17(6): 48.
96. Information Today (2000) Innovative Interfaces Announces E-Book Integration, Millennium Implementations. *Information Today,* 17(11): 51.
97. Information Today (2000) Microsoft Pushes Products and Alliances in E-Book Market. *Information Today,* 17(9): 49-50.
98. Information Today (2000) netLibrary and EBSCO Publishing to Jointly Sell E-Books. *Information Today,* 17(5): 68.
99. Information Today (2000) OverDrive Provides E-Book Authoring Tools and Publisher Portals. *Information Today,* 17(9): 51.
100. Information Today (2000) Publishers Participate in Launch Program for Microsoft Reader E-Books. *Information Today,* 17(7): 37.
101. Interactive Media International (2000) E-books: the horror, the horror. *Interactive Media International,* 14(4): 1.
102. Kafka, P. (2000) Horror Story Gemstar wants to own the emerging e-book market. *Forbes,* 166(5): 132-135.

103. Levy, S. (2000) `Random Access': Publishing and Stephen King's E-Book. *Newsweek,* 136(9): 45.
104. Library Hi Tech News (2000) E-books, Libraries, and Access for the Blind. *Library Hi Tech News,* (172): 11-14.
105. Library Journal (2000) BEA all e-booked up Digital formats hot topic, but the printed word still dominates. *Library Journal,* 125(12): 12-15.
106. Library Journal (2000) Changing E-Models BookExpo unveils e-book futures, but will access be free? *Library Journal,* 125: 2-3.
107. Library Journal (2000) Conference Report E-books and book services high-light PLA gathering. *Library Journal,* 125(8): 23.
108. Library Journal (2000) E-book summit in DC Highlights technological progress but slights libraries. *Library Journal,* 125(18): 12.
109. Library Journal (2000) Electronic Publishing Lightning Source and Glassbook team for greater e-book distribution. *Library Journal,* 125(17): 22-31.
110. Library Journal (2000) Late Bulletins netLibrary donating 150,000 e-books to 100 PLs nationwide. *Library Journal,* 125(2): 11.
111. Library Journal (2000) Notes from Cyberspace E-book standards pave the way for explosive growth..., Africana.com helps students. *Library Journal,* 125: 4-7.
112. Little, J. R. (2000) E-Books and Digital Rights Management (SIGs LAN, PUB). In Kraft, D. H. (Ed.) *American Society for Information Science; ASIS 2000.* Chicago, IL, Information Today.
113. M and C (2000) The Tech Files With eBooks, take a library on the road. *M and C,* 35(1): 32-33.
114. Macaskill, H. (2000) E-Books: Whose Rights? The problems of e-rights and royalties. *Bookseller,* (4949): 24-27.
115. Macworld (2000) Judging E-books by Their Covers Despite the publicity surrounding Stephen King's Riding the Bullet, e-books still have plenty of hurdles to overcome before they hit the mainstream. *Macworld*: 26.
116. Macworld (2000) NuvoMedia Rocket eBook Pro Electronic book device. *Macworld*: 46.
117. Marcinko, D. K. (2000) Collecting the ebook: a report on the ALCTS/CMDS collection development librarians of academic libraries discussion group. *Library Collections Acquisitions and Technical Services,* 24(2): 303-304.
118. Marketing Week (2000) E-volve News Publishers face e-book surge. *Marketing Week*: 16-17.
119. Maxwell, J. H. (2000) Incubator: A New Chapter for E-books. *Inc,* 22(4): 43-50.
120. Mclaren, M. (2000) E-books: a report on the state of the market. *Library Collections Acquisitions and Technical Services,* 24(3): 404-406.
121. National Institute of Standards and Technology (2000) Open Electronic Book Forum Formed to Develop Standards for e-Books NIST Hosts Key Management Standard Workshop STEP and OMG Product Data Management Specification: A Guide for Decision Makers NIST Craftsman Co-Authors Article. *Journal of Research- National Institute of Standards and Technology,* 105(2): 339.
122. Nelson, B. K. (2000) Future of e-books in the role of scholarly communication and distance. *Library Collections Acquisitions and Technical Services,* 24(3): 416-419.
123. Newsweek (2000) E-Books: Next, Electronic Ink. *Newsweek,* 136(25): 80-81.
124. Newsweek (2000) Publishers Embrace E-Books, Nervously. *Newsweek,* 135(23): 52-53.
125. Nikam, K. and Sunil, M. V. (2000) Effective Book Buying through a E-Book Store. *Srels Journal of Information Management,* 37: 245-250.
126. Peek, R. (2000) A Busy Summer for E-Books it was a fairly active summer for e-books with the formation of new alliances, a forthcoming new entry into the e-book device market, and two major authors' plans to try alternative publishing strategies. *Information Today,* 17(8): 42.
127. Press, L. (2000) Personal Computing From P-books to E-books. *Communications- Acm,* 43(5): 17-22.

128. Publish (2000) Internet Essentials: We asked two Publish experts-columnists Hans Hansen and J.W. Olsen-to give you their perspectives on the future of e-book technology. Are e-books here to stay? *Publish,* 15(5): 75-77.
129. Publish (2000) Suffering the Age of Cheap Where the eBooks Are. *Publish,* 15(2): 14-16.
130. Publishers Weekly (2000) The 50/50 Solution Random House has unveiled a possible precedent-setting deal that calls for publisher and author to evenly split e-book revenue. *Publishers Weekly,* 247(46): 9.
131. Publishers Weekly (2000) AAP Names Task Force to Create E-Book Standards Technology was the dominant topic at the annual meeting of the Association of American Publishers. *Publishers Weekly,* 247(14): 11.
132. Publishers Weekly (2000) AAP Offers E-book Standards The Association of American Publishers unveiled a detailed list of guidelines for publishers to follow in preparing books for the electronic environment. *Publishers Weekly,* 247(4): 170.
133. Publishers Weekly (2000) Access provider and site licenser netLibrary has purchased Peanut Press, a book-content provider for palmtop computers, continuing a trend of mergers of access and content in the fledgling e-book world. *Publishers Weekly,* 247(7): 76.
134. Publishers Weekly (2000) After the Rocket The next generation of Gemstar's portable e-book devices arc to be officially announced at a late September book fair in New York City; the new models promise to be smaller and lighter than the current Rocket eBook. *Publishers Weekly,* 247(36): 12-13.
135. Publishers Weekly (2000) Amazon's E-Book Store The launch of a new site comes amid controversy regarding the e-retailer's new used book program. *Publishers Weekly,* 247(47): 9.
136. Publishers Weekly (2000) Beyond E-Books A sampling of new technologies points to the possible future of reading. *Publishers Weekly,* 247(51): 56-57.
137. Publishers Weekly (2000) Big E-book Acquisitions Gemstar, a California company that develops userfriendly technologies, acquired NuvoMedia and Soft-Book. *Publishers Weekly,* 247(4): 169.
138. Publishers Weekly (2000) EBook 2000: Bigger, Grander The third annual eBook conference treated more than 1,000 attendees to a crowded program. *Publishers Weekly,* 247(41): 9-10.
139. Publishers Weekly (2000) E-Book Queen Inks Print, Digital Deals Author M.J. Rose: An e-publishing success story. *Publishers Weekly,* 247(14): 42-55.
140. Publishers Weekly (2000) E-book Reviews A welcome serving up of an Australian poet's works, otherwise unavailable in U.S. print edition, is among the digital titles assessed. *Publishers Weekly,* 247(40): 50-51.
141. Publishers Weekly (2000) E-Book Standards from AAP. *Publishers Weekly,* 247(49): 12.
142. Publishers Weekly (2000) E-books the Buzz Wheeling and dealing by would-be e-book giants was the main attraction at the recently concluded Seybold 2000; Amazon, Adobe and Microsoft all announced new initiatives. *Publishers Weekly,* 247(36): 12.
143. Publishers Weekly (2000) E-Publishing to the Fore Time Warner forms in-house online venture, while Microsoft partners with Random and S&S to promote e-books. *Publishers Weekly,* 247(22): 15.
144. Publishers Weekly (2000) E-Rookies at the Big Show A raft of new companies unveiled their e-books, e-platforms and other e-things at the BEA in Chicago. *Publishers Weekly,* 247(25): 29-30.
145. Publishers Weekly (2000) E-Strategy Two traditional publishers announced plans to release e-books; one of the books now available is by vice-presidential candidate Joseph Lieberman. *Publishers Weekly,* 247(34): 36.
146. Publishers Weekly (2000) Frankfurt E-Nominees Publishers of traditional print books dominated the nominees for the first Frankfurt eBook Awards, which did not thrill the independent e-publishing community. *Publishers Weekly,* 247(41): 17.
147. Publishers Weekly (2000) Frankling Smiling Franklin Electronic Publishers expects to begin generating "significant" eBookMan sales early next year, after having spent more than $1 million on development in the last quarter. *Publishers Weekly,* 247(48): 19-23.

148. Publishers Weekly (2000) Gemstar's French Buy A Paris e-publishing startup with a funny name is expected to be a serious player in the still unborn French market, and Gemstar, parent company of the Rocket eBook creator, has acquired it, despite interest among large French. *Publishers Weekly,* 247(39): 14.
149. Publishers Weekly (2000) Glassbook Added to Reader E-book publisher Glassbook announced an agreement with Adobe Systems to integrate its downloadable interface into the popular Adobe Acrobat Reader, with a new product aimed for release later this year. *Publishers Weekly,* 247(8): 10.
150. Publishers Weekly (2000) Godin: E-Book to P-Book Author Seth Godin has given away 125,000 copies in the six weeks since he posted Unleashing the Ideavirus on the Web; now comes the print version. *Publishers Weekly,* 247(38): 21-27.
151. Publishers Weekly (2000) In a move to broaden the availability of e-books at retail quickly, Ingram's electronic distribution arm will distribute titles to retailers using Adobe PDF software. *Publishers Weekly,* 247(23): 13.
152. Publishers Weekly (2000) A Look at the Market Despite small revenues so far, e-books generate a lot of discussion at the e-Book World meeting. *Publishers Weekly,* 247(47): 35.
153. Publishers Weekly (2000) Microsoft Readies Reader Rollout The computer giant will begin shipping its reader software for e-books this month; soon to come are plug-ins to allow authors to write directly for the format. *Publishers Weekly,* 247(14): 41.
154. Publishers Weekly (2000) More Partnering In a move that creates a formidable combination of e-book providers, Ingram and Versaware have entered into a long term strategic alliance. *Publishers Weekly,* 247(34): 23.
155. Publishers Weekly (2000) NetLibrary IPO NetLibrary filed with the SEC earlier this month, making it the first major company involved with the fledgling e-book industry to test the public markets. *Publishers Weekly,* 247(35): 12-13.
156. Publishers Weekly (2000) Next Generation Franklin Electronic introduced the first of the new generation of e-book devices at a trade show in New York; the device makes much more information visible, and the company reports a deal with Microsoft to develop a version of its. *Publishers Weekly,* 247(28): 10.
157. Publishers Weekly (2000) Not Just `Lip' Service "The e-book queen" has not only published a book about how to promote a book online, she is also demonstrating how to do it, promoting her new novel from Pocket Books. *Publishers Weekly,* 247(47): 21.
158. Publishers Weekly (2000) Publishers Embrace Gemstar E-book Devices Although price is still a concern. Gemstar's new e-book rollout has encouraged publishers that consumers will be wooed and that security is assured. *Publishers Weekly,* 247(42): 9.
159. Publishers Weekly (2000) Random Takes the Plunge Random House is moving ahead with plans to launch a selective e-book frontlist, and will put 100 titles from the Modern Library list into digital formats. *Publishers Weekly,* 247(32): 10.
160. Publishers Weekly (2000) Reader Supplier Gaining Foothold OverDrive, the Clevelandbased software developer, is consolidating its position as the prime supplier for Microsoft Reader e-book tools, by virtue of recent agreements. *Publishers Weekly,* 247(37): 16.
161. Publishers Weekly (2000) A Self-Publishing King Citing the popularity of his last e-book, Stephen King announced that he will be releasing a serial e-book version of an unfinished novella. *Publishers Weekly,* 247(25): 10.
162. Publishers Weekly (2000) Seybold Looks at the E-book Market E-books were the hot topic at the San Francisco meeting, though a survey found few prepared to pay for titles. *Publishers Weekly,* 247(38): 41-43.
163. Publishers Weekly (2000) Small Publishers on a Growing Spree Our annual look at fast-growing companies finds lots of innovation, but a wariness about the e-book market. *Publishers Weekly,* 247(47): 38-40.
164. Publishers Weekly (2000) Tomorrow's Publishers Today Emerging Web sites are offering e-book titles across a growing number of categories. *Publishers Weekly,* 247(10): 42-44.

165. Publishers Weekly (2000) Wiley Steps Up E-Book Efforts John Wiley signed a conversion and distribution agreement with netLibrary and a separate distribution deal with Lightning Source in an effort to facilitate delivery of Wiley books in digital format to a variety of. *Publishers Weekly,* 247(42): 10-11.
166. Quint, B. (2000) Emerging Opportunities from the Evolving Book discusses some recent developments in e-book technology, and how they might benefit the information industry. *Information Today,* 17(7): 7-10.
167. Quint, B. (2000) NetLibrary Offers 1,500 E-Book Titles to 100 Large Public Libraries in Trial Program. *Information Today,* 17(3): 18-19.
168. Revue Sciences Et Techniques De La Conception (2000) Book & e-Book Corner. *Revue Sciences Et Techniques De La Conception,* 7(2): 67-68.
169. Rose, M. J. (2000) E-Books: What You Must Know Today, Find out why this is an exciting and challenging time for writers and publishers. *Writers Digest*: 24-31.
170. Schneider, K. (2000) "A Funny Thing Happened on the Way to the E-Book". *American Libraries,* 31(5): 88-89.
171. Searcher (2000) Internet Librarian International: A Conference with All the Right Elements-Doris Helfer reviews numerous industry professionals, including Richard Rowe, Mary Ellen Bates, Lynn Connaway, and Peter Scott, who spoke on a variety of topics, from e-books. *Searcher,* 8(7): 68-71.
172. Searcher (2000) Leading Libraries-Doris Helfer takes a turn at evaluating e-books in libraries, sharing early experiences and reactions to this advancing technology. *Searcher,* 8(9): 63-71.
173. Shaffer, R. A. (2000) Watch This Space E-books get ready for the mainstream. *Fortune,* 141(4): 117.
174. Stallman, R. (2000) Intellectual Capital As e-books emerge, copyright should be returned to its original purpose: regulating publishers, not readers. *Technology Review,* 103(3): 32.
175. Technology Ireland (2000) Get prepared for the eBook revolution Estuary Technologies is positioned to take advantage of advances in the electronic book market. *Technology Ireland,* 32(7): 25-27.
176. Tennant, R. (2000) The Emerging Role of E-Books. *Library Journal,* 125(13): 38-40.
177. Time (2000) Big-name authors, big tomes and e-books. *Time,* 156(25): 61.
178. Us News and World Report (2000) E-books struggle to replace paper "Smarter" or not, they're too pricey for most readers. *Us News and World Report,* 128(4): 58-59.
179. Abbott, K. (2001) Ebook=Mc^2: Ebooks at Maroochy Libraries. *Lasie,* 32: 21-30.
180. Allen, B. (2001) E-books, the latest word: proceedings from the Acquisitions Institute at Timberline Lodge. *Library Collections Acquisitions and Technical Services,* 25(4): 469-471.
181. Amon, T. (2001) Usefulness of the electronic textbook: implementation difficulties. Experience with authoring and implementing eBooks in Slovene schools. In Mckay, E. and Kommers, P. (Eds.) *International conference on advanced technologies: issues, achievements, and challenges; Technological support for new educational perspectives.* Madison WI, Inderscience Enterprises.
182. Author (2001) Ebook Royalties. *Author,* 112(SEAS SPR): 18-19.
183. Bailey, D. V. (2001) Inside eBook Security. *Doctor Dobbs Journal,* 26(11): 42-45.
184. Bailey, J. (2001) Putting ink to paper E-books and the Internet have not replaced paperbacks or your daily newspaper. *Pulp and Paper Canada,* 102(1): 10-13.
185. Balas, J. L. (2001) Think Like a Patron When You Consider Buying E-Books. *Computers in Libraries,* 21(5): 56.
186. Bide, M. (2001) Identification and e-books. *Interactive Media International,* 15(3): 13-15.
187. Birkey, K. (2001) Electronic Eye: E-books-The Future of Reading. *Voya,* 24(1): 28-30.
188. Bookseller (2001) News: WHS in e-book move with Microsoft. *Bookseller,* (4968): 7.
189. Bryan, R. (2001) Circulating E-book Readers The Charlotte-Mecklenburg Experience. *Public Libraries,* 40(SUPP): 21-26.
190. Burk, R. (2001) E-book devices and the marketplace: in search of customers. *Library Hi Tech,* 19(4): 325-331.

191. Business Traveller (2001) Making paperbacks lighter Are ebooks really are the future, or simply another gadget fad? Sue Bryant reports. *Business Traveller*: 54-57.
192. Business Week (2001) E-Books: The Next Chapter - How they figure into Gemstar's interactive-TV strategy. *Business Week,* (3723): 76-77.
193. Cadieux, J. (2001) Ten (or So) Best Articles about E-books and E-publishing. *Public Libraries,* 40(SUPP): 33-34.
194. Cannon, E. and Watson, B. (2001) Taking E-Books for a Test Drive. *Computers in Libraries,* 21(3): 24-27.
195. Chesher, C. (2001) Case study: E-books: From ink to online. 26-29.
196. Computer Fraud and Security (2001) eBooks cracker in, and out, of hot water. *Computer Fraud and Security,* 2001: 3.
197. Connaway, L. S. (2001) Bringing Electronic Books (eBooks) into the Digital Library. *National Online Meeting,* 22: 115-120.
198. Connaway, L. S. (2001) Bringing Electronic Books (eBooks) into the Digital Library. In Williams, M. E. (Ed.) *National online meeting.* New York, NY, Information Today, Inc.
199. Connaway, L. S. (2001) E-book Trends in Public Libraries. *Public Libraries,* 40(SUPP): 27-29.
200. Connaway, L. S. (2001) A Web-based electronic book (e-book) library: the netLibrary model. *Library Hi Tech,* 19(4): 340-349.
201. Cox, A., Ormes, S., Mohammed, H. and Kerr, M. (2001) E-Books. *Library and Information Briefings,* (96): ALL.
202. Coyle, K. (2001) Stakeholders and standards in the e-book ecology: or, it's the economics, stupid! *Library Hi Tech,* 19(4): 314-324.
203. Crawford, W. (2001) Tracking the Ebook Vendors. *Econtent,* 24(6): 50-51.
204. Dearnley, J. (2001) E-Books in the Wider World. In Brewer, S. (Ed.) *E-books and public libraries.* Stamford, Capital Planning Information.
205. Dillon, D. (2001) E-books: the University of Texas experience, part 1. *Library Hi Tech,* 19(2): 113-124.
206. Dillon, D. (2001) E-books: the University of Texas experience, part 2. *Library Hi Tech,* 19(4): 350-362.
207. Doan, S. (2001) netLibrary: eBooks for the Academic Community. *Community and Junior College Libraries,* 10(1): 41-46.
208. Dupler, M. (2001) E-books: where next? (Conference paper report). *Taking Stock,* 10(2): 3-4.
209. Edwards, L. and Woodward, H. (2001) Shaping a strategy for e-books. *Sconul Newsletter,* (23): 20-22.
210. Edwards, L. and Woodward, H. (2001) Shaping a strategy for e-books: the role of the DNER. *Vine,* (125): 5-11.
211. Edwards, L. and Woodward, H. (2001) Starting to think about e-books? Some key issues for consideration. *Assignation,* 19(1): 19-22.
212. Engle, J. (2001) Checking out the downloads: e-books and the library market. *Assignation,* 18(2): 18-21.
213. Fischer, R. and Lugg, R. (2001) E-book basics. *Collection Building,* 20(3): 119-122.
214. Flanigan, R. I. (2001) Once upon a time - Will e-books and schools live happily ever after? *American School Board Journal,* 188(SUPP): 36-39.
215. Galbreath, J. (2001) The E-Book: Technological Promise for Learning. *Educational Technology,* 41(4): 54-56.
216. Gandhi, S. (2001) E-Books-The Future of Reading and Ultimate Book Publishing. *Journal of Educational Technology Systems,* 29(1): 49-66.
217. Garrison, W. A. (2001) Tech Topics - E-Books in the Catalog: CU-Boulder, netLibrary, and the Colorado Alliance of Research Libraries. *Colorado Libraries,* 27(2): 51-52.
218. Garrod, P. (2001) E-Books for Public Libraries: Opportunity or Threat? In Brewer, S. (Ed.) *E-books and public libraries.* Stamford, Capital Planning Information.

219. Gates, B. (2001) E-Books You will soon be reading more E-books. *Executive Excellence,* 18(4): 17.
220. Gibbons, S. (2001) eBooks: Library Experiences. In Nixon, C. (Ed.) *Computers in libraries.* Washington, DC, Information Today.
221. Gibson, M. and Ruotolo, C. (2001) Beyond the Web: TEI, the Digital Library, and the Ebook Revolution. In Hughes, L. and Lavagnino, J. (Eds.) *Association for Computers and the Humanities/Association for Literary and Linguistic Computing; Digital media and humanities research selected proceedings of ACH-ALLC 2001.* Chicago, IL, Kluwer Academic.
222. Ginsburg, J. C. (2001) Viewpoint What to Know Before Reissuing Old Titles as E-Books. *Communications- Acm,* 44(9): 25-28.
223. Hansen, J. P. (2001) E-pen for e-book or e-notebook. *Research Disclosure,* (448): 1282.
224. Harit, G. and Chaudhury, S. (2001) A New Look at Books: E-books. *Iete Technical Review,* 18(4): 343-352.
225. Hattery, M. (2001) Computers in Libraries: Digital Assistance for the Wired Student & E-Books for Fun. *Information Retrieval and Library Automation,* 36(11): ALL.
226. Henke, H. (2001) The Global Impact of eBooks on ePublishing. *Systems documentation.* Santa Fe, NM conference on systems documentation, ACM.
227. Hillebrand, T. (2001) Instituting an eBook program. *Pnla Quarterly,* 65(4): 12-14.
228. Imi (2001) Are publishers profiteering from e-books? The real effect on the bottom line. *Imi*: 12-13.
229. Imi (2001) Creative issues in e-book publishing Which sectors have the most to gain? *Imi*: 3-6.
230. Imi (2001) Creative issues in e-book publishing Which technologies are right for your content? *Imi*: 3-6.
231. Information Retrieval and Library Automation (2001) Acrobat eBook Reader 2.1. *Information Retrieval and Library Automation,* 36(12): 7.
232. Information Retrieval and Library Automation (2001) Adobe eBook: College, CoolType, Titles, Palm. *Information Retrieval and Library Automation,* 37(1): 6.
233. Information Retrieval and Library Automation (2001) E-Books & a Universal Archive: Will They Exist? *Information Retrieval and Library Automation,* 37(7): 1-3.
234. Information Retrieval and Library Automation (2001) EMonocle: Screen Reader for E-Books. *Information Retrieval and Library Automation,* 37(4): 5.
235. Information Retrieval and Library Automation (2001) Fathom Offers Documents in Microsoft Reader eBook Format. *Information Retrieval and Library Automation,* 37(3): 7.
236. Information Retrieval and Library Automation (2001) Four Publishers to Sell E-Books on Yahoo. *Information Retrieval and Library Automation,* 37(5): 11.
237. Information Retrieval and Library Automation (2001) IPG Adds E-Books to Web Site. *Information Retrieval and Library Automation,* 36(8): 5.
238. Information Retrieval and Library Automation (2001) NetLibrary Adopts Open eBook Specification, Creates Catalog, Sells to Canada. *Information Retrieval and Library Automation,* 37(1): 6.
239. Information Retrieval and Library Automation (2001) NetLibrary Creates E-Texts for Thomson Learning; Adds E-Books to DRA Systems. *Information Retrieval and Library Automation,* 36(8): 5.
240. Information Retrieval and Library Automation (2001) Publishers Recommend DOI-Based Numbering for Open E-Book Standards. *Information Retrieval and Library Automation,* 36(8): 4.
241. Information Standards Quarterly (2001) Open Ebook Forum Summit 3: Paris, March 19-21. *Information Standards Quarterly,* 13(2): 6.
242. Information Today (2001) Adobe Acrobat eBook Reader 2.1 Now Available. *Information Today,* 18(6): 41.
243. Information Today (2001) Adobe Introduces Two New eBook Products. *Information Today,* 18(3): 39.

244. Information Today (2001) A Book Is a Book Is E-Book George H. Pike looks at how copyright and contracts are colliding in the Random House v. RosettaBooks case, the outcome of which could have a major impact on the direction of e-book development. *Information Today,* 18(7): 19-22.
245. Information Today (2001) Controlling the Threat of E-Book Piracy In the aftermath of Napster and its lessons about human nature and content, Robin Peek looks at the current "two-party" system for digital rights management solutions that aims to make e-books viable for. *Information Today,* 18(6): 42.
246. Information Today (2001) DRA to Integrate netLibrary E-Books with Library Automation Systems. *Information Today,* 18(1): 41.
247. Information Today (2001) Info Tech Sites Shape E-Book Model Mick O'Leary looks at ITKnowledge, Books24x7.com, and ibooks.com and details how these three sites are leading the way in establishing a model for e-book distribution. *Information Today,* 18(2): 15-16.
248. Information Today (2001) McGraw-Hill Professional Teams Up with DigitalOwl for E-Book Sales. *Information Today,* 18(3): 41-44.
249. Information Today (2001) Open eBook Forum Updates Industry Specification. *Information Today,* 18(9): 49.
250. Information Today (2001) RosettaBooks Publishes First Self-Destructing E-Book. *Information Today,* 18(9): 45.
251. Jantz, R. (2001) E-Books and New Library Service Models: An Analysis of the Impact of E-Book Technology on Academic Libraries. *Information Technology and Libraries,* 20(2): 104-112.
252. Jennings, I. and Hiller, E. (2001) NetLibrary e-books. *Sconul Newsletter,* (23): 23.
253. Kachmar, D. (2001) E-Books: The New Frontier: A Report of the ALCTS AS Acquisitions Administrators Discussion Group Meeting. American Library Association Midwinter Meeting, Washington, DC, January 2001. *Technical Services Quarterly,* 19(2): 54-58.
254. Kay, L. (2001) Verso The Pros and Cons of E-books: The New Jersey Experience. *Public Libraries,* 40(SUPP): 6-7.
255. Lam, H. K., Ling, S. H., Leung, K. F. and Leung, F. H. F. (2001) On Interpretation of Graffitti Commands for EBooks Using a Neural Network and An Improved Genetic Algorithm. *Fuzzy systems; Meeting the grand challenge: machines that serve people.* Melbourne, Australia, IEEE.
256. Library Association (2001) Elspeth Hyams reports from the LITC's conference on the implications of e-books. *Library Association Record,* 103(5): 280-281.
257. Library Hi Tech News (2001) E-Book Currents. *Library Hi Tech News,* 18(3): 13-15.
258. Library Hi Tech News (2001) E-Book Currents: A Pulse. *Library Hi Tech News,* 18(5): 5-7.
259. Library Journal (2001) ABC-CLIO launches e-books in deal with Versaware. *Library Journal,* 126(4): 28-29.
260. Library Journal (2001) E-books Be a Survivor: take reality TV to the computer screen. *Library Journal,* 126(10): 126-131.
261. Library Journal (2001) E-Books Clayton's charismatic novel is one soldier's take on Vietnam. *Library Journal,* 126(13): 83-85.
262. Lillington, K. (2001) The writing's on the screen The inexorable rise of the e-book is finally putting the printed word in its place. *New Scientist,* (2314): 36-39.
263. Looney, M. A. and Sheehan, M. (2001) Digitizing Education A Primer on eBooks. *Educause Review,* 36: 38-46.
264. Loughran, T. (2001) Some Trends in Electronic Publishing Now that we have been adding eBooks for over a year we can answer three questions: How many eBooks are there? How old are they? and What are all of these books about? *Against the Grain,* 13(3): 84-85.
265. Marshall, C. C., Price, M. N., Golovchinsky, G. and Schilit, B. N. (2001) Designing e-Books for Legal Research. *Digital libraries.* Roanoke, VA, ACM.
266. Mccarty, J. E. (2001) Why Your Patrons Will Love E-books (and You Should Too). *Colorado Libraries,* 27(3): 46-48.

267. Mooney, S. (2001) Digital Object Identifiers for eBooks: What are we Identifying? *Publishing Research Quarterly,* 17(1): 29-36.
268. Morris, A. (2001) E-books - issues and effect on inter-library loans. In Connolly, P. (Ed.) *Interlending and document supply; Providing access through co-operation.* Ljubljana, IFLA.
269. Mugridge, R. L. and Gabel, L. G. (2001) E-Books: Issues for Catalog Management: A Report of the ALCTS CCS Catalog Management Discussion Group Meeting. American Library Association Midwinter Meeting, Washington, DC, January 2001. *Technical Services Quarterly,* 19(2): 59-60.
270. Needleman, T. (2001) Computer Bits: Are e-books finally poised to become the "wave of the future?" *Poptronics,* 2(6): 5-6.
271. Neville, A. and Rademakers, L. (2001) Editors' Choice: Web Sites e-Bookmarks for e-mployment, e-nergy, and e-verything related to water. *Environmental Protection,* 12(7): 14-17.
272. Leary, M. (2001) Ebook Information Web Sites. *Online,* 25(2): 75-77.
273. Leary, M. (2001) EBook Scenarios. *Online,* 25(1): 62-64.
274. Leary, M. (2001) ebrary Shapes New Ebook Paradigm. *Econtent,* 24(2): 58-59.
275. Oclc Newsletter (2001) OCLC, NELINET, Ohio State University Libraries and EarthWeb collaborate on e-book solutions. *Oclc Newsletter,* (249): 12.
276. Ohler, J. (2001) Taming the Technological Beast: The Case of the E-Book. *Futurist,* 35(1): 16-21.
277. Ormes, S. (2001) An E-Book Primer. In Nixon, C. (Ed.) *Internet librarian.* London, Information Today, Inc.
278. Pc Magazine (2001) Adobe Acrobat eBook Reader. *Pc Magazine,* 20(2): 30.
279. Pc Magazine (2001) RCA REB1100 eBook. *Pc Magazine,* 20(2): 30-31.
280. Pc Magazine (2001) RCA REB 1200 eBook. *Pc Magazine,* 20(8): 32.
281. Pc Plus (2001) Expert Handheld Graham Southorn explores ebooks and PDFs for all platforms. *Pc Plus,* (181): 158-163.
282. Poftak, A. (2001) Getting a Read on E-Books. *Technology and Learning,* 21(9): 22-36.
283. Popular Mechanics (2001) E-Books: New Way To Read. Never buy a book again. Simply download what you want to read. *Popular Mechanics,* 178(4): 82.
284. Procter, A. R. (2001) Futureviews.net: Electronic paper and the e-books: A real or imagined threat to paper. *Pulp and Paper Canada,* 102(6): 8-73.
285. Publishers Weekly (2001) Adobe Dealing Adobe Acrobat, inked deals with Amazon, InterTrust and Palm, which should facilitate e-book reading on handheld devices. *Publishers Weekly,* 248(16): 12.
286. Publishers Weekly (2001) Adobe Upgrade Adobe announced a joint promotion with B&N.com for its upgraded Adobe Acrobat Readers, along with a range of new e-books. *Publishers Weekly,* 248(5): 14.
287. Publishers Weekly (2001) ALA Midwinter A lively exhibition hall and good news about the growth of library funding contributed to a buoyant and optimistic meeting in Washington of the American Library Association, where e-books were a major topic. *Publishers Weekly,* 248(4): 173-175.
288. Publishers Weekly (2001) Amazon Looking to E-titles The new head of Amazon Digital is intent on working with major publishing houses in order to speed up the delivery of e-books. *Publishers Weekly,* 248(12): 12.
289. Publishers Weekly (2001) B&N.com Launches E-Book Imprint Barnes & Noble Digital will be an electronic imprint aiming to publish thousands of titles, offering authors high royalties and a giant sales network on the Web. *Publishers Weekly,* 248(2): 9.
290. Publishers Weekly (2001) Beyond E-Books. *Publishers Weekly,* 248(1): 56-57.
291. Publishers Weekly (2001) Big Plans from Down Under The Australia-based eBook.com aims to offer ebooks and more. *Publishers Weekly,* 248(15): 30.
292. Publishers Weekly (2001) eBookMan's Year. *Publishers Weekly,* 248(30): 18-20.

293. Publishers Weekly (2001) EBookNet Returns. When eBookNet, the long-running e-book information site, shut down earlier this year, the wired community was sufficiently upset that the site will be relaunched as a not-for-profit information site. *Publishers Weekly,* 248(25): 25-51.
294. Publishers Weekly (2001) E-Books Fab at Confab Prominent publishing figures extolled the virtues of electronic publishing at Jupiter Research's recent media forum; some controversy emerged over the actual cost of producing e-books, with one participant insisting it was. *Publishers Weekly,* 248(12): 25.
295. Publishers Weekly (2001) E-Publishing E@ABC-CLIO The reference publisher is looking to libraries and schools to drive its e-book sales. *Publishers Weekly,* 248(17): 28.
296. Publishers Weekly (2001) E-Reviews Reviews of digital product, including e-books from Patricia Cornwell and James Ellroy. *Publishers Weekly,* 248(2): 35.
297. Publishers Weekly (2001) Franklin Perseveres In a tough e-book market, Franklin Electronic Publishers continues to press ahead with new initiatives, including an alliance with MobiPocket, a French software developer. *Publishers Weekly,* 248(48): 12-13.
298. Publishers Weekly (2001) Harper Launches Imprint HarperCollins, one of the few major houses without an e-book operation, announced PerfectBound, a new imprint dedicated to the global publishing of electronic books; Lightning Source and Reciprocal will provide e-book. *Publishers Weekly,* 248(9): 10.
299. Publishers Weekly (2001) The Hiebook reader, from eBookAd.com, will hit the market later this year; it is being touted as a "third-generation e-book device". *Publishers Weekly,* 248(17): 29.
300. Publishers Weekly (2001) Lightning Source in Another Alliance. Ingram's print-on-demand and e-book fulfillment division struck a partnership with Didio, a British audio-book outfit. *Publishers Weekly,* 248(10): 39-41.
301. Publishers Weekly (2001) No Slowdown in Conversion Despite modest e-book sales, publishers are maintaining and even increasing their conversion projects, according to a recent survey. *Publishers Weekly,* 248(27): 34-46.
302. Publishers Weekly (2001) Penguin U.K. to Publish 200 E-books. *Publishers Weekly,* 248(35): 16-17.
303. Publishers Weekly (2001) POD, E-Books Drive New Publisher On-line bookstore, print-on-demand, e-pub services make GreatUnpublished profitable. *Publishers Weekly,* 248(34): 29-32.
304. Publishers Weekly (2001) Random to Appeal Random House will appeal the recent court decision denying a preliminary injunction to block RosettaBooks from selling some Random backlist titles as e-books. *Publishers Weekly,* 248(30): 12.
305. Publishers Weekly (2001) Revolution in the Making Children's book publishers are figuring out their approach to the e-book quandary. *Publishers Weekly,* 248(5): 30-32.
306. Publishers Weekly (2001) Scholastic in E-Promotion Scholastic is teaming with Microsoft to give away e-books to promote K.A. Applegate's new science fiction tale, Remnants. *Publishers Weekly,* 248(21): 45.
307. Publishers Weekly (2001) Scholastic, Random Launch E-Book Programs. *Publishers Weekly,* 248(45): 12-13.
308. Publishers Weekly (2001) Text One Zero: Talking E-Books. *Publishers Weekly,* 248(23): 30.
309. Publishers Weekly (2001) UPs Jump In University presses are planning online access to history by providing e-books to both the scholar and the general reader. *Publishers Weekly,* 248(2): 32.
310. Publishers Weekly (2001) Waiting for eBookman Franklin's award-winning book-reading device will ship this quarter, priced from $129, and the e-book world awaits. *Publishers Weekly,* 248(2): 34-35.
311. Publishers Weekly (2001) Webzines Answer a Question with a Question Several magazines have made efforts to boost revenue by issuing e-books of repackaged material, but are finding fresh problems attracting readership - and making money. *Publishers Weekly,* 248(28): 12.

312. Publishers Weekly (2001) WH Smith in Partnership The British chain announced an alliance with Microsoft that will bringe-books to U.K. consumers via the WH Smith eBookstore, set to open this summer. *Publishers Weekly,* 248(15): 12.
313. Publishers Weekly (2001) What Microsoft Expects "High hopes, but realistic expectations" for the e-book market is how a Microsoft manager described the company's analysis of the future of electronic publishing; the company looks to college students and professionals to drive. *Publishers Weekly,* 248(6): 33.
314. Randolph, S. (2001) Are e-books in Your Future? Who would choose to read an e-book rather than a printed book? *Information Outlook,* 5(2): 22-28.
315. Research Disclosure (2001) eBook with suspense timing. *Research Disclosure,* (451): 1959.
316. Research Disclosure (2001) A method for increasing the tactile experience of e-books by using a double-sided screen. *Research Disclosure,* (452): 2023.
317. Rodgers, C. L. (2001) Opeining the book: developing e-book resources at the Open University Library. *Vine,* (125): 12-17.
318. Rohde, A. (2001) The Creation of the Enook: Ebooks in the Library. *Lasie,* 32: 54-63.
319. Seybold (2001) Demand Print, E-books Edge Into Mainstream. *Seybold Report,* 1(6): 17-18.
320. Seybold (2001) DOI for E-books Takes Off. Useful as the Internet URLS are, they aren't sufficient for electronic distribution of e-books and similar commodities. *Seybold Report,* 1(6): 8-12.
321. Seybold (2001) E-Books and DRM Struggle Together. *Seybold Report,* 1(15): 8-12.
322. Seybold (2001) More publishers join e-book clubs. *Seybold Report,* 1(10): 29-30.
323. Seybold (2001) Textbooks: E-Books Best Chance for Success? *Seybold Report,* 1(1): 25-30.
324. Smith, J. C. (2001) NetLibrary: A User's Perspective E-books may be the wave of the future, but they still need the touch of a librarian. *Book Report,* 20(1): 16.
325. Sottong, S. (2001) E-Book Technology: Waiting for the "False Pretender". *Information Technology and Libraries,* 20(2): 72-80.
326. Stallman, R. (2001) Can Freedom Withstand E-Books? *Communications- Acm,* 44(3): 111.
327. Stoll, J. (2001) The AcademicLibrary.com: Pluto Press's e-book initiative. *Assignation,* 19(1): 36-38.
328. Taylor, C. (2001) The e-book reading experience: nasty or nice? *Assignation,* 19(1): 11-13.
329. Time (2001) PUBLISHING: The Case of Dmitri Sklyarov His program allows e-book copying. Is that a crime? *Time,* 158(7): 62-63.
330. US News and World Report (2001) E-books no threat to the printed word New gadgets still disappoint. *Us News and World Report,* 130(13): 57.
331. Vendryes, L. and Alfverovs, A. (2001) Managing E-books. *Taking Stock,* 10(2): 1-2.
332. Vonnegut, K. (2001) Court Denies RH Bid to Block E-books A judge in New York denied Random House's request for an injunction against the distribution of e-book editions of some of its authors by Rosetta-Books. *Publishers Weekly,* 248(29): 67.
333. Weihs, J. (2001) E-Books And Microbooks. *Technicalities,* 21(1): 1.
334. What Pc (2001) Franklin eBookMan EBM-901 A handy combination of PDA, electronic book reader, and music player - or is it? *What Pc*: 26.
335. Which (2001) New Technology: Heard of Bluetooth, e-books and smart homes but don't know what they are? Read on. *Which*: 40-41.
336. Wilson, R. (2001) Designing a readable e-book. *Library Association Record,* 103(1): 40-41.
337. Woodhouse, S. (2001) E-Books and the People's Network: Steps Towards a National Policy. In Brewer, S. (Ed.) *E-books and public libraries.* Stamford, Capital Planning Information.
338. Against the Grain (2002) The eBook and the National Library. *Against the Grain,* 13(6): 30.
339. Ammerman, J. (2002) "E-Books for Theological Libraries: The Hartford Seminary Library Experience". In West, J. (Ed.) *American Theological Library Association.* Saint Paul, MN, Chicago.
340. Armstrong, C., Edwards, L. and Lonsdale, R. (2002) Virtually there? E-books in UK academic libraries. *Program,* 36(4): 216-227.

341. Bell, L., Mccoy, V. and Peters, T. (2002) E-Books Go to College. *Library Journal,* 127(8): 44-47.
342. Bookseller (2002) E-books have not gone away. *Bookseller,* (5012): 20.
343. Bookseller (2002) News: Trade e-books failing to deliver. *Bookseller,* (5018): 8-9.
344. Cavanaugh, T. and Cavanaugh, C. (2002) eBooks for Education. *Technology and Teacher Education Annual,* 2: 1127-1129.
345. Cleyle, S. (2002) E-Books: Should We Be Afraid? *Serials Librarian,* 41(3/4): 281-292.
346. Computer and Internet Lawyer (2002) Judge Rejects Challenge to eBook Case. *Computer and Internet Lawyer,* 19: 32.
347. Connaway, L. S., Densch, K. L. and Gibbons, S. (2002) The Integration and Usage of Electronic Books (eBooks) in the Digital Library. In Nixon, C. (Ed.) *Computers in libraries.* Washington, DC, Information Today.
348. Copyright World (2002) US: Court Rules E-Books are Not Necessarily "Books". *Copyright World,* (120): 11-12.
349. Crawford, W. (2002) The White Queen Strikes Again: An Ebook Update When you cope with online content about ebooks, you can believe six impossible things before breakfast, develop a healthy appetite for contradictory messages, or learn to read between the pixels. *Econtent,* 25(11): 46-47.
350. Densch, K. (2002) The Integration and Usage of eBooks in the Digital Library. In Nixon, C. (Ed.) *Computers in libraries.* Washington, DC, Information Today.
351. Desmoulins, C. and Mille, D. (2002) Pattern-Based Annotations on E-books: From Personal to Shared Didactic Content. In Milrad, M., Hoppe, U. and Kinshuk (Eds.) *Wireless and mobile technologies in education.* Vaxjo, Sweden, IEEE Computer Society.
352. Dodero, J. M., Aedo, I. and Diaz, P. (2002) Participative knowledge production of learning objects for e-books. *Electronic Library,* 20(4): 296-305.
353. Edwards, L. (2002) Shaping a Strategy for E-books: the JISC E-Books Working Group. *Liber Quarterly,* 12: 240-244.
354. Edwards, L. (2002) Shaping a strategy for electronic books: the JISC E-Books Working Group. *New Review of Information Networking,* 8: 81-88.
355. Fjord, E. (2002) E-books in Denmark. In Nixon, C. (Ed.) *Internet librarian.* London, Information Today, Inc.
356. Gethin, P. (2002) Promoting the Use of E-books by the Use of Electronic Enrichment. *Liber Quarterly,* 12: 234-239.
357. Gibbons, S. (2002) Integration and Use of E-Books at an Academic Library. *Computers in Libraries*: 104-107.
358. Godwin, M. (2002) Napster for Novels? Not even pirates like e-books. *Reason,* 33(8): 60-62.
359. Grant, S. (2002) Ebooks: Friend or Foe? Ebooks will eventually impact your library collection. Author Grant explains how. *Book Report,* 21(1): 50-53.
360. Guthrie, R. (2002) The e-book: Ahead of its time or a burst bubble? (Cause for Debate - 7). *Logos,* 13(1): 9-17.
361. Hane, P. J. (2002) OCLC Completes netLibrary Acquisition, Raises eBook Fees. *Information Today,* 19(3): 17-18.
362. Hane, P. J. (2002) Open eBook Forum Releases Industry Report. *Information Today,* 19(8): 28-30.
363. Harbin, D. (2002) "E-Books for Theological Libraries: An Update on Commercial Digital Library Models". In West, J. (Ed.) *American Theological Library Association.* Saint Paul, MN, Chicago.
364. Hutley, S., Joseph, M. and Saunders, P. (2002) Follow the Ebook Road: Ebooks in Australian Public Libraries. *Australasian Public Libraries and Information Services,* 15(1): 32-37.
365. Information Retrieval and Library Automation (2002) Adobe Offers E-Book Starter Pack. *Information Retrieval and Library Automation,* 38(7): 5.
366. Information Retrieval and Library Automation (2002) Ebrary Reprices, Offers Platform, Plans to Sell E-Books. *Information Retrieval and Library Automation,* 38(2): 6.

367. Information Retrieval and Library Automation (2002) Gale Offers E-Books through NetLibrary. *Information Retrieval and Library Automation,* 38(6): 8.
368. Information Today (2002) iUniverse Offers E-Book Publishing Service, Announces Deal with Kluwer Academic Publishers. *Information Today,* 19(3): 35.
369. Information Today (2002) Open eBook Forum Announces Campaign to Promote E-Books. *Information Today,* 19(1): 33.
370. Kelly, B. (2002) New Devices and The Web: The Mobile E-Book Reader. In Nixon, C. (Ed.) *Internet librarian.* London, Information Today, Inc.
371. Ko, S. K., Kang, M. S., Sohn, W. S., Lim, S. B. and Choy, Y. C. (2002) Conversion of eBook Documents Based on Mapping Relations. *Lecture Notes in Computer Science,* (2458): 32-46.
372. Ko, S. K., Sohn, W. S., Lee, K. H., Lim, S. B. and Choy, Y. C. (2002) A Study of Content Conversion between eBook Standards. *Lecture Notes in Computer Science,* (2455): 273-283.
373. Lapinski, P. S., Fitzgerald, C. and Chu, H. (2002) E-Books Rebound (SIG PUB, LAN, DL, STI). *Proceedings of the Annual Meeting- American Society for Information Science,* 39: 487.
374. Le Loarer, P. and Salaun, J. M. (2002) Librarians Working with Publishers on E-book Provision. *Liber Quarterly,* 12: 219-227.
375. Lee, K. H., Guttenberg, N. and Mccrary, V. (2002) Standardization aspects of eBook content formats. *Computer Standards and Interfaces,* 24(3): 227-239.
376. Leung, K. F., Lam, H. K., Leung, F. H. F. and Tam, P. K. S. (2002) Graffiti Commands Interpretation for eBooks Using a Self-Structured Neural Network and Genetic Algorithm. *World conference on computational intelligence; Proceedings of the international joint conference on neural networks.* Honolulu, HI, IEEE.
377. Library Hi Tech News (2002) E-book Currents. *Library Hi Tech News,* 19(7): 28-30.
378. Library Hi Tech News (2002) User Input: Experiences in Assigned Reading from E-Books - One netLibrary Experience. *Library Hi Tech News,* 19(1): 17-18.
379. Library Journal (2002) Adobe releases content server 3.0 for e-books. *Library Journal,* 127(12): 25-27.
380. Library Journal (2002) E-Books The private memoir of a Yorkshire scientific genius is finally available. *Library Journal,* 127(2): 76-77.
381. Marlowe-Dziuk, R., Dowdell, M. and Alderman, P. (2002) E-Book Choices: Which Option Is Best? *Computers in Libraries*: 237-245.
382. Mattison, D. (2002) Alice in E-Book Land: A Primer for Librarians. *Computers in Libraries,* 22(9): 14-21.
383. Minkel, W. (2002) Chat Room Checking in on E-books for Kids. *School Library Journal,* 48(1): 39.
384. Mullin, C. (2002) A Funny Thing Happened on the Way to the eBook. *Pnla Quarterly,* 67(1): 20-27.
385. Multimedia Information and Technology (2002) e-books in public libraries Sue Hutley reports on the Australian experience. *Multimedia Information and Technology,* 28(1): 23-24.
386. Nandi, A. (2002) E-Book: A Source Of Information For Digital Libraries. In Parthan, S. and Jeevan, V. K. J. (Eds.) *Information management in e-libraries.* Allied Publ.
387. Oclc Newsletter (2002) netLibrary and eBooks an excellent fit for OCLC. *Oclc Newsletter,* (256): 30-31.
388. Oppenheim, C. and Randall, T. (2002) The UK Market for Travel E-books. *Publishing Research Quarterly,* 18(1): 14-37.
389. Perez, R. C. and Alaman, X. (2002) Creating e-books in a distributed and collaborative way. *Electronic Library,* 20(4): 288-295.
390. Pool, K. (2002) Print-on-Demand, Short-Run Printing, and Ebooks. *Author,* 113(SEAS SPR): 19-20.
391. Publishers Weekly (2002) BookSurge Looks for Publishers, Sales Looking for more product and more customers, BookSurge, an online retailer for print-on-demand and e-books, has hired a new sales manager and is launching an extensive marketing campaign aimed at the trade. *Publishers Weekly,* 249(1): 13-17.

392. Publishers Weekly (2002) E-Book Users Surveyed. *Publishers Weekly,* 249(36): 12-15.
393. Publishers Weekly (2002) How to Sell E-books Comprehensive distribution, back-office services are working well for OverDrive. *Publishers Weekly,* 249(8): 26.
394. Publishers Weekly (2002) Libraries Targeted With consumer e-book sales slow, e-vendors are looking to the library market. *Publishers Weekly,* 249(40): 10-11.
395. Publishers Weekly (2002) (Mostly) Good News E-book sales grow, but retailers call for more, better, cheaper content. *Publishers Weekly,* 249(4): 147.
396. Publishers Weekly (2002) Rosetta, RH Settle An out-of-court settlement was reached that ended the copyright infringement charges that Random House brought against Rosetta when the e-book publisher released editions of eight RH novels last year. *Publishers Weekly,* 249(49): 9.
397. Publishers Weekly (2002) S&S in E-book OverDrive Simon & Schuster signed a deal with the hard-charging, Cleveland-based e-book wholesaler, OverDrive. *Publishers Weekly,* 249(21): 24.
398. Publishers Weekly (2002) The Science of Breaking Even. Wiley focuses on libraries and STM markets in order to make e-books work. *Publishers Weekly,* 249(17): 29-35.
399. Publishers Weekly (2002) Seattle Book Co. Offers E-book Conversion. *Publishers Weekly,* 249(35): 18.
400. Publishers Weekly (2002) Vendors Debate E-Book Formats. *Publishers Weekly,* 249(11): 31.
401. Quint, B. (2002) Gale Launches E-Books with OCLC's netLibrary. *Information Today,* 19(10): 15-17.
402. Rettig, J. (2002) Can This Marriage Be Saved? OPACs and e-Books. *Computers in Libraries*: 314.
403. Robinson, L. and Halle, D. (2002) Digitization, the Internet, and the Arts eBay, Napster, SAG, and e-Books. *Qualitative Sociology,* 25(3): 359-383.
404. Rosy, R. L. (2002) eBooks for Libraries and Patrons: Two Years of Experience. In Boekhorst, P. T. (Ed.) *Ligue des bibliotheques Europeennes de recherche.* Graz, Austria, Saur.
405. Saner, E. K. (2002) "E-Books for Theological Libraries: A Year with netLibrary". In West, J. (Ed.) *American Theological Library Association.* Saint Paul, MN, Chicago.
406. Schumny, H. (2002) Bluetooth, wireless mobile computing, eBooks. *Computer Standards and Interfaces,* 24(3): 189-191.
407. Shiratuddin, N. and Landoni, M. (2002) E-Books, e-publishers and e-book builders for children. *New Review of Childrens Literature and Librarianship,* 8: 71-88.
408. Sohn, W. S., Ko, S. K., Lee, K. H., Kim, S. H., Lim, S. B. and Choy, Y. C. (2002) Standardization of eBook documents in the Korean industry. *Computer Standards and Interfaces,* 24(1): 45-60.
409. Stafford, D. (2002) Will eBooks Replace pBooks? Will your library go completely electronic? What do eBooks mean to your library? *Book Report,* 20(4): 22-25.
410. Suzuki, Y. (2002) "eBook Distribution" as a Promising Business in Broadband Network Era. *Journal of Printing Science and Technology,* 39(3): 163-168.
411. Taylor, D. (2002) Learning Tolove E-Books. *Bookseller,* (5027): 26-28.
412. Wiggins, C. (2002) The e-Book you how to get really comfortable with computerized scheduling, discusses its many benefits, and answers some of the most common objections. *Dental Economics,* 92(6): 90-99.
413. Wilson, R., Landoni, M. and Gibb, F. (2002) A user-centred approach to e-book design. *Electronic Library,* 20(4): 322-330.
414. Yell, M. M. (2002) Inquiry with an E-Book: A Natural Strategy for Social Studies. *Social Education,* 66(3): 184-185.
415. Agee, J. (2003) Exciting E-Books: A New Path to Literature. *Tech Trends,* 47(4): 5-9.
416. Amon, T. (2003) Usefulness of the electronic textbook: implementation difficulties. Experience with authoring and implementing eBooks in Slovene schools. *International Journal of Continuing Engineering Education and Life Long Learning,* 13(3/4): 280-288.

417. Cavanaugh, T. (2003) Ebooks an Unknown Reading Option. *Technology and Teacher Education Annual,* 2: 1387-1389.
418. Ching, S. H., Poon, P. W. and Huang, K. L. (2003) Managing the effectiveness of the library consortium: a core values perspective on Taiwan e-book Net. *Journal of Academic Librarianship,* 29(5): 304-315.
419. Connaway, L. S. (2003) Electronic Books (eBooks): Current Trends and Future Directions. *Desidoc Bulletin of Information Technology,* 23(1): 13-18.
420. Copyright World (2003) e-literate Sarah Whalley Coombes, partner in the IP Litigation Group at London law firm, Field Fisher Waterhouse, explores the problems posed by e-books, and postulates some solutions. *Copyright World,* (135): 18-21.
421. Craig, C. E. (2003) "Lending" Institutions: The Impact of the E-Book on the American Library System. *University of Illinois Law Review,* (4): 1087-1114.
422. Crawford, W. (2003) The Crawford Files "Libraries, E-books, and Monolithic Solutions". *American Libraries,* 34(4): 88.
423. Display Devices (2003) French Display Adds New Page To China's E-Book Market. *Display Devices*: 22.
424. Dorman, D. (2003) E-Books: Going, Going, Go. *American Libraries,* 34(1): 94.
425. Dorner, J. (2003) The Literature of the Book: E-books. *Logos,* 14(3): 144-149.
426. Dyer, P. V. (2003) E-Booking Referral System for General Dental Practice. *British Journal of Health Care Management,* 9(11): 366-369.
427. Electronic Engineering Times (2003) Japan pushes e-book biz. *Electronic Engineering Times,* (1288): 6.
428. Faiks, A. H. (2003) My First eBook. *Against the Grain,* 15(2): 40-41.
429. Gibson, M. and Ruotolo, C. (2003) Beyond the Web: TEI, the Digital Library, and the Ebook Revolution. *Computers and the Humanities,* 37(1): 57-63.
430. Green, K. (2003) Introducing E-books at the University of Surrey. *Sconul Newsletter,* (29): 54-55.
431. Guthrie, R. (2003) E-books in development hell, Gemstar's demise and the Murdoch factor. *Logos,* 14(4): 181-186.
432. Hane, P. J. (2003) The Latest on Enterprise Search Products, E-Books, and More. *Information Today,* 20(10): 7-8.
433. Hendley, N. (2003) Seeing Through The E-Book Threat. *Canadian Printer*: 14-15.
434. Hoffman, B. (2003) International Bar Association Publishes its First `e-Book'. *International Legal Practitioner,* 28(1): 32-33.
435. Hoorebeek, M. (2003) eBooks, libraries and peer-to-peer file-sharing. *Australian Library Journal,* 52(2): 163-168.
436. Information Retrieval and Library Automation (2003) Audio E-Book Combines Text & Audio. *Information Retrieval and Library Automation,* 38(9): 10.
437. Information Retrieval and Library Automation (2003) Elsevier & Gale Offer NetLibrary E-Books. *Information Retrieval and Library Automation,* 38(10): 6.
438. Information Retrieval and Library Automation (2003) Web-Braille Reads E-Books on PC. *Information Retrieval and Library Automation,* 38(12): 1.
439. Kozak, G. L. and Keoleian, G. A. (2003) Printed Scholarly Books and E-book Reading Devices: A Comparative Life Cycle Assessment of Two Book Options. *Electronics and the environment.* Boston, MA, IEEE.
440. Langer, I. (2003) Adaptation of Multimedia eBooks. In Stephanidis, C. (Ed.) *International conference on human-computer interaction; Universal access in HCI: inclusive design in the information society.* Mahwah, N.J.
441. Langston, M. (2003) The California State University E-book Pilot Project: implications for cooperative collection development. *Library Collections Acquisitions and Technical Services,* 27(1): 19-32.
442. Line, M. B. (2003) The potential role of e-books in remote document supply. *Interlending and Document Supply,* 31(3): 184-186.

443. Long, S. A. (2003) The case for e-books: an introduction. *New Library World,* 104(1184/1185): 29-32.
444. Lugg, R. and Fischer, R. (2003) The eBook Prospectus: 2004. *Against the Grain,* 15(5): 86-88.
445. Mitchell, I. G. (2003) High Crimes and Misdemeanours: Breaking the Code of E-books and DVDs. *Computers and Law,* 14(2): 33-35.
446. New Electronics (2003) Has the e-book's time come? The fact we're still printing books says a lot. *New Electronics,* 36(17): 18-20.
447. News, L. H. T. (2003) E-book 2003: Print Collections, E-books and Beyond: A Conference Report. *Library Hi Tech News,* 20(6): 19.
448. Gorman, J. (2003) E-book Roundup. *Booklist,* 99(16): 1488-1491.
449. Leary, M. (2003) E-Book Scenarios Updated. *Online,* 27(5): 59-60.
450. Pc Magazine (2003) HP reinvents the e-book. *Pc Magazine,* 22(19): 27.
451. Phy-Olsen, A. S. (2003) Holy Books and eBooks. *Against the Grain,* 14(6): 42-43.
452. Publishers Weekly (2003) E-book Revival It's not over yet for the electronic book, according to a new survey, which finds units climbing dramatically. *Publishers Weekly,* 250(40): 50-52.
453. Publishers Weekly (2003) Gemstar E-books Shuts Down. *Publishers Weekly,* 250(25): 10.
454. Publishers Weekly (2003) Rosetta Gets Dozens of Random E-book Licenses. *Publishers Weekly,* 250(15): 10.
455. Riley, J. (2003) Free eBooks on the Internet and Print on Demand, the New Face of Out of Print Books The many digitizing projects now under way will give new life to many valuable out-of-print books. *Against the Grain,* 15(3): 32-35.
456. Robinson, L. (2003) For the Love of Books: Expanding E-Books and Audio Books in School Libraries. *Media and Methods,* 40(2): 6-13.
457. Romano, F. (2003) E-books and the Challenge of Preservation. *Microform and Imaging Review,* 32(1): 13-26.
458. Shiratuddin, N. and Landoni, M. (2003) Children's E-Book Technology: Devices, Books, and Book Builder. *Information Technology in Childhood Education Annual*: 105-138.
459. Smart Computing (2003) Graphic Manipulation: E-Book Systems FlipAlbum 5 Suite. *Smart Computing,* 14(2): 24.
460. Taking Stock (2003) Seminar Report Ebooks in Public Libraries. *Taking Stock,* 12(1): 14-16.
461. Taylor, D. (2003) E-books and the academic market: the emerging supply chain. *Learned Publishing,* 16(1): 70-74.
462. Van Hoorebeek, M. (2003) Napster clones turn their attention to academic e-books. *New Library World,* 104(1187/1188): 142-148.
463. Vidana, M. (2003) E-books in public libraries. *Library + Information Update,* 2(5): 36-37.
464. Baker, D. L. and Carson, T. (2004) Creating an eBook. *Pc Plus,* (215): 160-163.
465. Bennett, L. (2004) E-books: the way forward. *Taking Stock,* 13(1): 2-4.
466. Berube, L. and Palmer, M. (2004) E-books: some stock management questions. *Taking Stock,* 13(1): 9-11.
467. Fasimpaur, K. (2004) E-Books in Schools. *Media and Methods,* 40(5): 12.
468. Ferguson, A. and Ko, A. (2004) eBooks in China. *Against the Grain,* 16: 42-51.
469. Garrod, P. (2004) E-books: are they the interlibrary lending model of the future? *Interlending and Document Supply,* 32(4): 227-233.
470. Hane, P. J. (2004) The Latest Developments in Open Access, E-Books, and More. *Information Today,* 21(1): 7-10.
471. Insinnia, E. and Skarecki, E. (2004) E-Books E-books are changing students' attitudes about reading. *Media and Methods,* 41: 23.
472. Jennings, I. (2004) Demand, distance and diversity. Can e-books help? *Taking Stock,* 13(1): 7-8.
473. Johnson, D. (2004) Turning the Page E-books will have a more profound effect on librarians than the invention of the printing press. *School Library Journal,* 50: 44-46.

474. Landoy, A., Mikki, S., Skagen, T. and Stangeland, E. (2004) Ebooks at Bergen University Library? *Tidskrift for Dokumentation,* 59(1): 27-31.
475. Leung, K. F., Leung, F. H. F., Lam, H. K. and Ling, S. H. (2004) On Interpretation of Graffiti Digits and Characters for eBooks: Neural-Fuzzy Network and Genetic Algorithm Approach. *Ieee Transactions on Industrial Electronics,* 51(2): 464-471.
476. Leventhal, J. (2004) A Review of E-Book Readers: The Book Port and the BookCourier. *Journal of Visual Impairment and Blindness,* 98: 373-376.
477. Library Journal (2004) Cleveland PL lending ebooks via smart phones and PDAs. *Library Journal,* 129(9): 24-25.
478. Littman, J. and Connaway, L. S. (2004) A Circulation Analysis of Print Books and E-Books in an Academic Research Library. *Library Resources and Technical Services,* 48: 256-262.
479. Litzer, D. and Barnett, A. (2004) Local History in e-Books and on the Web - One Library's Experience as Example and Model. *Reference and User Services Quarterly,* 43(3): 248-257.
480. Miller, R. (2004) Safari Bucks Industry Ebook Trend. *Econtent,* 27(4): 12-14.
481. Gorman, J. (2004) Focus: New E-book Publishing Models. *Booklist,* 100(16): 1472-1472.
482. Leary, M. (2004) Gale Virtual Reference Library Supersizes Reference E-Books. *Information Today,* 21(5): 41-44.
483. Leary, M. (2004) Knovel Makes E-Books Act Like Books. *Information Today,* 21(3): 35-35.
484. Pace, A. K. (2004) "E-books: Round Two". *American Libraries,* 35(8): 74-75.
485. Personal Computer World (2004) Stingy ebook apes paper. *Personal Computer World,* 27: 27-90.
486. Publishers Weekly (2004) E-books: Retailers Up, Publishers Down. *Publishers Weekly,* 251(39): 7-7.
487. Rao, S. S. (2004) E-book technologies in education and India's readiness. *Program,* 38(4): 257-267.
488. Smart Computing (2004) Whither The Ebook? Not long ago, ebooks seemed like the next big thing. What happened? We discuss the plight of the ebook; is it ready to stage a comeback? *Smart Computing,* 15(11): 51-77.
489. Stockton, C. (2004) Acquiring and marketing eBooks at University College Chester - it's all down to teamwork and communication. *Sconul Newsletter*: 16-17.
490. Sun, Y. (2004) Discovering and Representing the Contextual and Narrative Structure of E-books to Support Reading and Comprehension. In Jarvelin, K. (Ed.) *Research and development in information retrieval.* Sheffield, ACM Press.
491. Sun, Y., Harper, D. J. and Watt, S. N. K. (2004) Design of an E-Book User Interface and Visualizations to Support Reading for Comprehension. In Jarvelin, K. (Ed.) *Research and development in information retrieval.* Sheffield, ACM Press.
492. Teague, P. (2004) New Niche for E-Books One company is moving reference books online...and seeing success. *Design News,* 59(10): 12-15.
493. Wang, C. Y. and Chen, G. D. (2004) Extending E-books with Annotation, Online Support and Assessment Mechanisms to Increase Efficiency of Learning. *Innovation and technology in computer science education; ITICSE 2004.* Leeds, ACM.
494. Woodward, H. (2004) Working with e-books in the national context: the JISC E-books Working group. *Taking Stock,* 13(1): 5-6.

References

AAP (2001a) *Digital Rights Management for Ebooks: Publisher Requirements, Version 1.0, Metadata Standards for Ebooks, Version 1.0, and Numbering Standards for Ebooks, Version 1.0.*, Association of American Publishers. http://www.publishers.org [15/05/04]

AAP (2001b) Random House vs. RosettaBooks. *Amicus Brief.* New York.

AAP (2003) *E-book Sales Lead Off 2003*, Association of American Publishers. http://www.publishers.org/press/releases.cfm?PressReleaseArticleID=138 [07/07/2004]

AAP (2005a) *Cell Phones Put to Novel Use*, wired.com. http://wired.com/news/print/0,1294,66950,00.html [19/03/05]

AAP (2005b) *Net sales for the entire United States publishing*, Association of American Publishers. http://www.publishers.org/industry/index.cfm [15/03/05]

Aarseth, E. (2003) We All Want to Change the World. In Liestol, G., Morrison, A. and Rasmussen, T. (Eds.) *Digital Media Revisited.* Cambridge, Masschussetts, The MIT Press.

Abel, R. (1994) *Speech and Respect,* London, Sweet and Maxwell.

Adams, M. (2004) *Orwellian new Copyright Bill HR2391 would criminalize skipping commercials, destroy Fair Use*, newstarget.com. http://www.newstarget.com/002423.html [20/11/04]

Adie, T. (2002) *Taking on the stupid-white-man-in-chief*, The Socialist Worker. http://www.socialistworker.org/2002-1/400/400_09_MichaelMoore.shtml [05/05/03]

Adorno, T. (1974) *Minima Moralia: Reflections from a damaged life,* London, New Left Books.

Adorno, T. and Horkheimer, M. (1973) The Culture Industry: Enlightenment as Mass Deception. *Dialectic of Enlightenment.* London, Allen Lane.

Adorno, T. and Horkheimer, M. (2002) The Culture Industry: Enlightenment as Mass Deception. In Noerr, G. S. (Ed.) *Dialectic of Enlightenment Philosophical Fragments.* Stanford, CA, Stanford University Press.

Agger, B. (2002) Sociological Writing in the Wake of Postmodernism. *Cultural Studies: Critical Methodologies,* 2 (4): 427-459. DOI: 10.1177/153270802237355

Al Amoudi, I. (2002) *The Economy of power, an analytical reading of Michel Foucault.*, California State University, Department: Behaviour in organisations. http://www.csun.edu/~hfspc002/foucault1.pdf [11 August 2004]

Alexander, A. W. (2001) Wither Fair Use? *Portal-Libraries and the Academy,* 1 (2): 196-202.

Alexander, J. M. (2002) *Digital Rights Management in Electronic Books: Preventing Piracy While Preserving Consumer Use Rights - Testimony of Adobe eBook Director to Subcommittee on Courts, The Internet, and Intellectual Property,* Washington DC, US., Committee on the Judiciary United State House of Representatives.

Alterman, E. (1998) *a BAD week for the First Amendment*, Salon.com. http://www.salon.com/media/1998/03/05media.html [13/01/2005]

Althusser, L. (1971) *Lenin and Philosophy and Other Essays,* London, NLB.

Althusser, L. (1984) *Essays on Ideology,* London, Verso.

American City Business Journals (2003) *Murdoch defends DirecTV deal*, American City Business Journals Inc,.

http://www.bizjournals.com/losangeles/stories/2003/05/05/daily63.html [05/05/2005]
AnchorDesk (2000a) *Ignore e-Book Hype ... For Now*, ZDNet AnchorDesk. http://reviews-zdnet.com.com/4520-6033_16-4205024.html [07/07/2004]
AnchorDesk (2000b) *You *Can* Judge a Book by Its Cover*, ZDNet. http://reviews-zdnet.com.com/4520-6033_16-4205313.html [07/07/2004]
AnchorDesk, Z. (2000c) *E-Paper Here Sooner Than You Think*, ZDNet. http://www.zdnet.com/anchordesk/stories/story/0,10738,2656348,00.html [07/07/2004]
Andersen, N. A. (2003) *Discursive Analytical Strategies,* Bristol, Policy Press.
anti-dmca.org (2001) *The Medium is the Message*, anti-dmca site. http://anti-dmca.org/message/ [24/03/2004]
AP (2003a) Gemstar-TV Guide Fires Former CEO. *Associated Press.* Los Angeles.
AP (2003b) *Researchers Create Flexible, Paper-thin Electronic Screen*, Associated Press. http://www.siliconvalley.com/mld/siliconvalley/5810405.htm [07/07/2004]
AP (2005) *Google's New Public Space*, Associated Press. http://www.technologyreview.com/TR/wtr_15897,323,p1.html [18/11/05]
Austen, I. (2001) *Rebooted Any Good Books Lately?*, NY Times. http://www.nytimes.com/2001/01/04/technology/04BOOK.html [07/07/2004]
Axline, K. (2005) *Give Me Back My Digital Rights!*, Wirednews.com. http://www.wired.com/news/business/0,1367,69541,00.html [22/12/2005]
Back, M., Cohen, J., Gold, R., Harrison, S. and Minneman, S. (2001) Listen Reader: an electronically augmented paper-based book.
Bangeman, E. (2005) *US Copyright Office wants to hear from you about the DMCA*, ArsTechnica. http://arstechnica.com/news.ars/post/20051028-5493.html [01/11/05]
Barbalet, J. M. (1985) Power and Resistance. *The British Journal of Sociology,* 36 (4): 531-549.
Barker, P. (1992) Design Guidelines for Electronic Books. *NATO Advanced Research Workshop on Multimedia Interface Design in Education.* Lucca, Italy.
Barker, P. (1993) NATO Advanced Study Institute on Basics of Man Machine Communication for the Design of Education Systems. Eindhoven, Netherlands.
Barker, P. (1998) The role of digital libraries in future educational systems. *Online Information Proceedings*: 301-310.
Barker, P. (1999) Electronic Libraries of the Future. In Kent, A., Williams, J. C. and Hall, M. H. (Eds.) *Encyclopedia of Microcomputers.* New York, Marcel Decker Inc.
Barker, R. E. and Davies, G. R. (Eds.) (1966) *Books Are Different,* London, Macmillan.
Barlow, J. P. (1996) *A Declaration of the Independence of Cyberspace.* http://www.eff.org/~barlow/Declaration-Final.html [05/09/04]
Barrett, W. (2004) N.Y.'s Power Couple: Reverend Al Sharpton and Rupert Murdoch join forces to fight television technology. *The Village Voice.*
Barthes, R. (1977) The Death of the Author. In Williams, R. (Ed.) *Image Music Text.* London, Fontana/Collins.
Beckett, J. (1998) *An Electrifying Read*, SF Gate, Chronicle Research. http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/1998/09/22/BU72923.DTL [07/07/2004]
Beebee, T. O. (2002) The offentlichkeit of Jurgen Habermas: The Frankfurt School's most influential concept. In Nealon, T. and Irr, C. (Eds.) *Rethinking the Frankfurt School.* New York, State University of New York.
Beer, D. (2002) *Michel Foucault: Form and Power,* Oxford, University of Oxford.

Bell, L. (2002) *E-Books Go to College*, Library Journal. http://www.libraryjournal.com/index.asp?layout=article&articleid=CA213862 [07/07/2004]
Benkler, Y. (2001) The battle over the institutional ecosystem in the digital environment. *Communications of the ACM.*
Bereano, P. (2003) Technology is a Tool of the Powerful. Oxford and New York, Oxford University Press.
Berry, R. M. (2002) What is a Book? In Hurliman, L. and Kunakemakorn, N. C. (Eds.) *Without Covers.* West Lafayette, Notabell Books.
Besek, J. and Ginsburg, J. C. (2002) The Future of Electronic Publishing: A Panel Discussion. *Columbia Journal of Law and the Arts,* 25 (2/3): 91-118.
Best, S. and Kellner, D. (1991) *Postmodern Theory: Critical Interrogations,* London, Macmillan.
Best, S. and Kellner, D. (1998) *Postmodern Politics and the Battle for the Future.* http://www.uta.edu/huma/illuminations/kell28.htm [03/12/02]
Best, S. and Kellner, D. (2001) *The Postmodern Adventure: Science, Technology, aqnd Cultural Studies at the Third Millennium,* London, Routledge.
Bettig, R. V. (1996) *Copyrighting Culture: The political economy of intellectual property,* Boulder, Westview Press.
Bimber, B. (1994) Three Faces of Technologial Determinism. In Marx, L. and Roe Smith, M. (Eds.) *Does Technology Drive History?* Cambridge, MA, The MIT Press.
Birkets, S. (1996) *The Gutenberg Elegies - the fate of reading in an electronic age,* London, Faber and Faber Inc.
Biskind, P. (1998) *Easy Riders Raging Bulls,* London, Bloomsbury.
Biskind, P. (2004) *Down and Dirty Pictures,* New York, Simon and Schuster.
Bodily, S. and Venkataraman, S. (2004) Not walls, windows: capturing value in the digital age. *Journal of Business Strategy,* 25 (3).
Bolonik, K. (2000) *The E-Book Wars*, CNN (Salon). http://www.cnn.com/2000/books/news/10/25/salon.ebooks/index.html [07/07/2004]
Bolter, D. and Grusin, R. (1999) *Remediation,* Cambridge, Massachusetts, MIT Press.
Bookseller (2005) Google debate digested. *Bookseller.*
Borchers, J. (1999) Electronic Books: Definition, Genres, Interaction Design Patterns. *CHI'99 International Conference on Human Factors in Computing Systems - Workshop on Electronic Books.* Pittsburgh, PA, ACM.
Boumans, J. (2001) *Penguin announces ebook publishing plans*, Electronic Book Web. http://12.108.175.91/ebookweb/discuss/msgReader$430?mode=day [08/09/01]
Bower, J. L. and Christensen, C. M. (1995) Disruptive Technologies: Catching the Wave. *Harvard Business Review,* Jan-Feb: 43-53.
Brasch, W. (2002) *Stupid Decisions: Self-Censorship in America*, CounterPunch. http://www.walterbrasch.com/stupid.htm [19/02/2004]
Brook, S. (2005) Sale of website to News Corp branded a 'giveaway'. *Guardian.* 1 September, 2005 ed. London.
Brown, G. J. (2001) Beyond print: reading digitally. *Library Hi Tech.,* 19 (4): pp. 390±399. http://www.emerald-library.com/ft [12/02/2004]
Brown, P. (1998) Emergent Culture. *MESH,* Game Theory issue 12. http://www.paul-brown.com/WORDS/EMCULT.HTM
Browne, E. G. (1902-1904) *A Literary History of Persia,* London, Cambridge University Press.
Brunner, H.-P. (1995) *Closing The Technology Gap,* New Delhi, Sage Publications.

Bryrne, C. (2004) Demand for vitutal books becomes a reality. *The Independent.* London.
Buckland, M. K. (1992) Emanuel Goldberg, Electronic Document Retrieval, And Vannevar Bush's Memex. *Journal of the American Society for Information Science,* 43 (4): 284-294. http://www.interscience.wiley.com [14/05/2005]
Buckland, M. K. and Liu, Z. M. (1995) History of information science. *Annual Review of Information Science and Technology,* 30: 385-416.
Burke, S. (1998) *The Death and Return of the Author: Criticism and Subjectivity in Barthes, Foucault and Derrida,* Edinburgh, Edinburgh University Press.
Bush, V. (1945) As We May Think. *Atlantic Monthly,* 176 (1): 101-108.
Butler, D. (2005) Publishers irritated by Google's digital library. *Nature.* Nature Publishing Group.
Capra, F. (1986) Paradigms and Paradigm Shifts. *Revision,* 9 (1): 11-12.
Card, S. K., Robertson, G. S. and York, W. (1996) *The WebBook and the Web Forager: An Information workspace for the World Wide Web*, ACM Conference on Human Factors in Computing Systems. http:www.fixpal.com/ConferencesWorkshops/chi96/proceceedings/papers/Card/skc1txt.html [21/11/2003]
Carlson, B. W. (2001) The Telephone as Political Instruments: Gardiner Hubbard and the Formation of the Middle Class in America, 1875-1880. In Allen, M. T. and Hecht, G. (Eds.) *Technologies of Power.* Cambridge, MA, Thed MIT Press.
Carlson, S. (2002) *Students Complain About Devices for Reading E-Books, Study Finds*, The Chronicle of Higher Education. http://chronicle.com/free/2002/08/2002082601t.htm [05/07/04]
Carvajal, D. (1999) *Racing to Convert Books to Bytes*, NY Times. http://www.nytimes.com/library/tech/99/12/biztech/articles/09book.html [07/07/04]
Casson, M. (1987) *The Firm and the Market: Studies on Multinational Enterprise and the Scope of the Firm,* Oxford, Basil Blackwell.
Castells, M. (1996) *The Rise of the Network Society,* Oxford, Blackwell Publishers.
Cavallaro, D. (2001) *Critical and Cultural Theory: Thematic variations,* London, The Athlone Press.
CBS News (2000) *One Call Too Many?*, CBSnews.com. http://www.cbsnews.com/stories/2000/11/14/politics/main249357.shtml [23/04/05]
Center for American Progress (2004) *How one right-wing billionaire uses his business and media empire to pursue a partisan agenda at the expense of democracy.* http://www.americanprogress.org/site/pp.asp?c=biJRJ8OVF&b=122948 [25/05/05]
Cesarini, P. (2002) *eBooks: A Battle for Standards*, TWI. http://www.writinginstructor.com [26/07/04]
Chen, K.-H. (1992) Post-Marxism: critical postmodernism and cultural studies. In Scannell, P., Schlesinger, P. and Sparks, C. (Eds.) *Culture and Power.* London, Sage Publications.
Chenoweth, N. (2001) *Virtual Murdoch,* London, Secker & Warburg.
Chomsky, N. (1993) *Year 501*, South End Press. http://www.tlio.demon.co.uk/nclchoms.htm [12/11/05]
Chomsky, N. (1994) *The Umbrella of U.S. Power,* New York, Seven Stories Press.
Chomsky, N. (2003a) *Hegemony or Survival: America's Quest for Global Dominance,* New York, Metropolitan Books.
Chomsky, N. (2003b) *Understanding Power,* London, Vintage.

Chomsky, N. and Foucault, M. (1971) *Human Nature: Justice versus Power, Noam Chomsky debates with Michel Foucault (Excerpt from a televised dialogue).* http://www.chomsky.info/debates/1971xxxx.htm [02/09/03]

Christensen, C. M. (1997) *The Innovator's Dilemma,* Boston, Harvard Business School Press.

Chu, H. (2003) Electronic books: viewpoints from users and potential users. *Library Hi-Tech,* 21 (3): 340-346.

Chu, Y.-C., Bainbridge, D., Jones, M. and Witten, I. H. (2004) Realistic books: a bizarre homage to an obsolete medium? *Proceedings of the 2004 joint ACM/IEEE conference on Digital libraries.* Tuscon, AZ, USA, ACM Press.

Clark, B. F. and Thompson, W. (2005) I Have Seen the Future and It "Doesn't Quite" Work. *Against the Grain,* 17 (1): 57-59.

Clark, M. (2003) *Converged handhelds are the future:*, ElectricNews.Net. [07/07/04]

Clegg, S. (2002) Power: A Reader (From Frameworks of Power). In Haugaard, M. (Ed.) Manchester, Manchester University Press.

Cleyle, S. (2001) *E-Ink for E-Books*, Biblio Tech Review. http://www.biblio-tech.com/BTR901/January_2001/e-ink_for_e-books__.html [07/07/2004]

Clister, J. (1999) *Electronic Books*, ACM Conference on Human Factors in Computing Systems. http:www.fixpal.com/ConferencesWorkshops/chi99deb/submissions/clister.htm [22/12/02]

CNet (2001) *E-books Remain Niche Reads*, CNet. http://news.com.com/2009-1023-257030.html [07/07/2004]

CNN (2001) *U.S. Supreme Court Sides with Free-lancers*, CNN. http://www.cnn.com/2001/LAW/06/25/scotus.copyright/ [07/07/2004]

Colman, P. (1999a) Analyst: IPG fight may be soon over. *Broadcasting & Cable.*

Colman, P. (1999b) Opponents become equals: $9.2 billion merger of Gemstar and TV Guide. *Broadcasting & Cable,* 129 (42): 81-83.

Compall, S. (2005) *Publishers want to invalidate first-sale doctrine*, dmca.org. [10/10/05]

Conway, F. and Siegelman, J. (2005) *Dark Hero of The Information Age,* Basic Books, New York.

Conyers, J. (2004) *Statement of Rep. John Conyers Jr*, Homeland Security Subcommittee on Rules. www.house.gov/judiciary_democrats/homelandsechrgstmt32404.pdf [10/09/05]

Cook, S. D. N. (1996) Technological Revolutions and the Gutenberg Myth. In Tefick, M. (Ed.) *Internet Dreams: Archetypes, Myths, and Metaphors.* Cambridge, Massachusetts, The MIT Press.

Coser, L. A., Kadushin, C. and Powell, W. W. (1982) *Books: The Culture and Commerce of Publishing,* New York, Basic Books Inc.

Couzens Hoy, D. (1986a) Introduction to Foucault: A Critical Reader. In Couzens Hoy, D. (Ed.) *Foucault: A Critical Reader.* London, Routledge.

Couzens Hoy, D. (1986b) Power, Repression, Progress: Foucault, Lukes, and the Frankfurt School. In Couzens Hoy, D. (Ed.) *Michael Foucault: A Critical Reader.* Oxford, Blackwell.

Couzens Hoy, D. (1995) Power, Repression, Progress: Foucault, Lukes, and the Frankfurt School. In Smart, B. (Ed.) *Michael Foucault: Critical Assessments.* London, Routledge.

Cowley, S. (2005) *Google woos publishers at Book Expo*, IDG News Service New York Bureau. http://www.itworld.com/Tech/2987/050608googlebook/ [12/11/05] [12/11/05]
Cox, A., Sanderson, J. and Watson, G. (2000) *Power Regimes: Mapping the DNA of Business and Supply Relationships,* London, Earlsgate Press.
Cox, B. (2001) *Is Digital Publishing Taking Off?*, InternetNews.com. http://www.internetnews.com/ec-news/article.php/4_738451 [07/07/2004]
Coyle, K. (2001) *Today's Technology: E-book as Superbook?*, ALA TechSource. https://www.techsource.ala.org/todaystech/01/07/19/1359257_F.shtml [07/07/2004]
Craig, C. E. (2003) Lending institutions: the impact of the ebook on the American library system. *University of Illinois Law Review,* 2003 (4): 1087-1113.
Crawford, G. (2000) A Bright New Page in Portable Displays. *IEEE Spectrum*: 40 - 46.
Crossley, N. and Roberts, J. M. (Eds.) (2004) *After Habermas: New Perspectives on the Public Sphere,* Oxford, Blackwell.
Cubitt, S. (1998) *Digital Aesthetics,* London, Sage.
Curwen, P. (1986) *The World Book Industry,* London, Euromonitor Publications Ltd.
Cutting, J. (2002) *Pragmatics and Discourse,* London, Routledge.
Dahl, R. A. (1957) The Concept of Power. *Behavioural Science,* 2: 201-205.
Dahl, R. A. (1986) Power as the Control of Behaviour. In Lukes, S. (Ed.) *Power.* London, Blackwell.
Daily Mail (2004) Murdoch 'threats'. *Daily Mail.* London.
Dallek, R. (2003) *John F. Kennedy: An Unfinished Life 1917-1963,* London, Allen Lane.
Darnton, R. (1999) The New Age of the Book. *The New York Review of Books,* 46 (5): 5-7.
Darnton, R. (2000) Paris: The Early Internet. *New York Review of Books,* 47 (11): 42-47.
Davies, K., Fitzsimons, A. and MacLeod, E. (2001) *"In the beginning, there were e-books..." A Brief History of the e-book Revolution*, Department of Computer Science, Napier University. http://www.dcs.napier.ac.uk/~mm/socbytes/jun2001/Jun2001_8.htm [12/02/03]
Davis, C. (2005) *Net Book Agreement*, Publishing History Website, Oxford Brookes University. http://apm.brookes.ac.uk/publishing/contexts/20thcent/nba.htm [11 June, 2005]
Davis, J. (2003) *The Internet and E-Commerce (Chapter 8)*, Educational presentation. www.uta.edu/faculty/justind/Chapter%208%20slides.ppt [27 June 2004]
Dean, J. (2000) Webs of Conspiracy. In Herman, A. and Swiss, T. (Eds.) *The World Wide Web and Contemporary Cultural Theory.* New York and London, Routledge.
DeBord, G. (1967) *Society of the Spectacle,* Detroit, Black and Red.
Deleuze, G. (1988) *Foucault,* London, The Athlone Press.
Denegri-Knott, J. (2004) Sinking the Online "Music Pirates:" Foucault, Power and Deviance on the Web. *Journal of Computer-Mediated Communication,* 9 (4). http://www.ascusc.org/jcmc/vol9/issue4/ [12/02/2005]
Dews, P. (1995) Power and Subjectivity in Foucault. In Smart, B. (Ed.) *Michael Foucault: Critical Assessments.* London, Routledge.
Digital Connections Council - Committee for Economic Development (2004) *Promoting Innovation and Economic Growth: The special problem of digital intellectual property,* Washington D.C., U.S. Government Committee for Economic Development (C.E.D.): Digital Connections Council.
Dinopoulos, E. and Sener, F. (2004) New Directions in Schumpeterian Growth Theory. In Hanusch, H. and Pyka, A. (Eds.) *Edgar Companion to Neo-Schumpeterian Economics.* 12/09/05 ed. Cheltenham, Edward Elgar.

Ditlea, S. (2001) *The Electronic Paper Chase*, Scientific American. http://www.sciam.com/article.cfm?articleID=0004C2D2-B938-1CD6-B4A8809EC588EEDF [07/07/2004]
Dorman, D. (1999a) *E-Book Conference Illuminates Issues*, American Library Association. http://www.ala.org/ala/alonline/techspeaking/1999columns1/november1999.htm [07/07/2004]
Dorman, D. (1999b) The E-Book: Pipe Dream or Potential Disaster? *American Libraries,* 30 (2): 36-39.
Dorman, D. (2003) E-Books: Going, Going, Go. *American Libraries,* 34 (1): 94.
Dosi, G. (1982) Technological paradigms and technological trajectories. *Research Policy,* 11 (3): 147-162.
Downey, J. (1999) Afterword: Back to the Future. In Downey, J. and Mcguigan, J. (Eds.) *Technocities.* London, Sage Publications.
Dreyfus, H. L. and Rabinow, P. (1982) *Michel Foucault: Beyond Structuralism and Hermeneutics,* Brighton, Harvester Press.
Drezner, D. (2001) State structure, technological leadership and the maintenance of hegemony. *Review of International Studies,* 27: 3-25.
During, S. (1992) *Foucault and Literature: Towards a genealogy of writing,* London, Routledge.
Eagleton, T. (2003) *After Theory,* Cambridge, MA, Basic Books.
Einstein, D. (2000) *The Story Of E-Books*, Forbes. http://www.forbes.com/2000/08/31/feat2.html [07/07/2004]
Eisenberg, A. (2001) *What's Next: Batteries Push Paper Into Electronics Age*, NY Times. http://www.nytimes.com/2001/05/24/technology/24NEXT.html [07/07/2004]
Eisenstein, E. (1983) *The Printing Revolution in Early Modern Europe,* Cambridge, Cambridge University Press.
Eisenstein, E. (1986) Print Culture and Enlightenment Thought. In Carolina, A. A. U. O. N. (Ed.) *The Sixth Hanes Lecture.* Hanes Foundation.
Eisenstein, E. (1999) The End of the Book? In Salwak, D. (Ed.) *A Passion for Books.* London, Macmillan.
Eisenstein, E. L. (1979) *The printing press as an agent of change: communications and cultural transformations in early modern Europe,* Cambridge, New York, Cambridge University Press.
Elkin-Koren, N. (2000) The privatisation of information policy. *Ethics and Information Technology,* 2 (4): 201-209.
Enos, L. (2000) *Report: E-Book Industry Set to Explode*, E-Commerce Times. http://www.ecommercetimes.com/perl/story/6215.html [07/07/2004]
Epshtein, V. L. (1991) Hypertext - a New Information Paradigm. *Automation and Remote Control,* 52 (11): 1483-1492.
Epstein, J. (Ed.) (1999) *The Pleasures of Reading,* London, Macmillan.
Epstein, J. (2000) *The Rattle of Pebbles*, New York Review of Books. http://www.nybooks.com/nyrev/WWWarchdisplay.cgi?20000427055F [07/07/2004]
Epstein, J. (2001a) *Book Business,* New York, Norton.
Epstein, J. (2001b) Reading: The Digital Future. *New York Review of Books,* 48 (11). http://www.3billionbooks.com/
Epstein, J. (2004) Interview with Jason Epstein. New York.
Esposito, J. (2003) The Processed Book. *First Monday,* 8 (3) (3). http://firstmonday.org/issues/issue8_3/esposito/index.html

Ess, C. (1994) The Political Computer: Hypertext, Democracy and Habermas. In Landow, G. P. (Ed.) *Hypertext Theory.* Baltimore and London, Johns Hopkins University Press.
Ettinghausen, J. (2001) *Penguin Announces E-publishing Plans*, Penguin. www.penguin.co.uk/shared/ SharedDisplay/0,,28635_0,00.html [02/08/03]
Fahey, J. (2001) Screen Grab. *Forbes.*
Falk, H. (2001) What Is Fair Use of E-Books? *The Electronic Library*: pp. 349-351.
Falk, H. (2004) Technology corner: The revolt against journal publishers. *The Electronic Library,* 22 (2): pp. 184-187.
Fallows, J. (1999) The American Army and the M-16 rifle. In Mackenzie, D. and Wajcman, J. (Eds.) *The Social Shaping of Technology.* Maidenhead, Open University Press.
Fallows, J. (2003) The Age of Murdoch. *The Atlantic Monthly.*
Farhi, P. (1997) *Murdoch Empire Finds Business Not So Taxing: A World of Loopholes, Havens Boosts News Corp.'s Profits*, Washington Post. http://www.turtletrader.com/post.html [08/08/04]
Farmer, M. A. and Mariano, G. (2001) *Random House sues e-book company over copyrights*, CNet.com. [08/09/01]
Faulhaber, G. R. (2001a) *Network Effects and Merger Analysis: Instant Messaging and the AOL-Time Warner Case*, Private paper by former Chief Economist at FCC (2000 - 2001). [08/09/05]
Faulhaber, G. R. (2001b) *Network Effects and Merger Analysis: Instant Messaging and the AOL-Time Warner Case*, Private paper by former Chief Economist at FCC (2000 - 2001).
Faulhaber, G. R. (2004) Access and Network Effects in the "New Economy": AOL-Time Warner Case (2000). In Kwoka, J. E. and White, L. J. (Eds.) *The Antritrust Revolution.* Oxford, Oxford University Press.
Feather, J. (1988) *A History of British Publishing,* London, Croom Helm.
Feather, J. (2000) *The information society: a study of continuity and change,* London, Library Association Publication.
Feenberg, A. (1992) Subversive Rationalization: Technology, Power and Democracy. *Inquiry,* 35 (3).
Feldman, T. (1995) *FollettWP Electronic Books.* http://www.niss.ac.uk/education/hefc/follett/wp/09.html [02/08/01]
Fernández-Molina, J. C. (2004) Contractual and technological approaches for protecting digital works: their relationship with copyright limitations. *Online Information Review,* 28 (2): pp. 148-157.
Fialkoff, F. (1999) E-books: Coming Faster Than You Think. *Library Journal,* 124 (12): p75.
Fischer, S. R. (2003) *A History of Reading,* London, Reaktion Books.
Fister, B. (2001) Trade Publishing: A Report from the Front. *portal: Libraries and the Academy,* 1 (4): 509–523.
Flichy, P. (1980) *Les industries de l'imaginaire: pour une analyse economique des medias,* Grenoble, PUG, Institut National de l'audio-visuel (INA).
Fligstein, N. (1990) *The Transformation of Corporate Control,* Cambridge, MA and London, Harvard University Press.
Fligstein, N. (2001) *The Architecture of Markets: An Economic Sociology of Twenty-First-Century Capitalist Societies,* Princeton and Oxford, Princeton University Press.
Ford, P. (2002) *Book Lovers Fail to Click with E-Pages*, Christian Science Monitor. http://www.csmonitor.com/2002/0123/p01s03-woeu.html [07/07/2004]

Foucault, M. (1970) *The Order of Things: An Archaeology of the Human Sciences,* London, Tavistock.
Foucault, M. (1977) *Discipline and Punish: The Birth of a Prison,* New York, Pantheon.
Foucault, M. (1979) Interview with Lucette Finas. In Morris, M. and Patton, P. (Eds.) *Michael Foucault: Power, Truth, Strategy.* Sydney, Feral Publications.
Foucault, M. (1980a) *The History of Sexuality,* New York, Vintage.
Foucault, M. (1980b) *Power/Knowledge,* London, Harvester Press.
Foucault, M. (1982) The Subject and Power. In Dreyfus, H. L. and Rabinow, P. (Eds.) *Michel Foucault: Beyond Structuralism and Hermeneutics.* Brighton, Harvester Press.
Foucault, M. (1986) Disciplinary Power and Subjection. In Lukes, S. (Ed.) *Power.* Oxford, Blackwell.
Foucault, M. (1988) The Ethic of Care for the Self as a Practice of Freedom. *The Final Foucault.* Cambridge, MIT Press.
Foucault, M. (2001) The Subject and Power. In Faubion, J. D. (Ed.) *Michel Foucault - Power: essential works of Foucault 1954-1984 volume 3.* London, Allen Lane The Penguin Press.
Foucault, M. (2002) Power: A Reader (From Discipline and Punish). In Haugaard, M. (Ed.) Manchester, Manchester University Press.
Fox, J. (2001) *Chomsky and Globalisation,* Cambridge, Icon Books.
Frase, B. (2000) *The Future of the Book - Cassandra complex*, Salon. http://www.salon.com/books/special/2000/03/29/future/ [07/07/2004]
Fraser, N. (1995) Foucault on Modern Power: Empirical Insights and Normative Confusions. In Smart, B. (Ed.) *Michael Foucault: Critical Assessments.* London, Routledge.
Freegard, M. (1977) The future of author's copyright. *Performing Right of the Year Book.* London, PRS.
Fried, I. (2004) *Apple's iTunes sales hit 50 million*, CNET News.com. http://news.com.com/2100-1027_3-5173115.html?part=rss&tag=feed&subj=news [05/09/05]
Fussel, S. (2001) Gutenberg and today's media change. *Publishing Research Quarterly,* 16 (4): 3-10.
Galbraith, J. K. (1978) Power and Organisation. In Lukes, S. (Ed.) *Power.* Oxford, Basil Blackwell.
Gale, S. F. (2003) *Memo to AOL Time Warner: why mergers fail - Case Studies*, Workforce.com. http://www.findarticles.com/p/articles/mi_m0FXS/is_2_82/ai_97757547/pg_3 [11/11/05]
Gibbons, S., Peters, T. and Bryan, R. (2003) *E-Book Functionality: What libraries and their patrons want and expect from electronic books,* Chicago, LITA (AmericanLibraryAssociation).
Gibbs, M. (2000) *EBooks Are Not Just For Reading*, CNN. http://www.cnn.com/2000/TECH/computing/03/06/ebook.perks.idg/ [07/07/04]
globalethics.com (1998) *Media Magnate Murdoch Alleged To Have Killed Book Save Profits*, Institute for Global ethics. http://www.globalethics.org/newsline/members/issue2.tmpl?articleid=03210012045260 [10/08/05]
Goldstein, P. (1994) *Copyright's Highway: From Gutenberg to the Celestial Jukebox,* New York, Hill and Wang.

Goldstein, P. (2003) *Copyright's Highway: From Gutenberg to the Celestial Jukebox,* Stanford CA, Stanford University Press.
Goldstein, P. (2004) Paternalism and autonomy in copyright contracts. In Vaver, D. and Bently, L. (Eds.) *Intellectual Property in the New Millennium.* Cambridge, Cambridge University Press.
Gomes, P. (2002) *Harry and His Brother Larry*, Associated Press. www.infosatellite.com/news/2002/09/p250902larrypotter.html [08/08/05]
Gordon, C. (2001) Introduction to Michel Foucault - Power. In Faubion, J. D. (Ed.) *Michel Foucault - Power: essential works of Foucault 1954-1984 volume 3.* London, Allen Lane The Penguin Press.
Gorman, C. A. (1998) $3 Billion Gamble. *Time.com.*
Graham, E. M. (2000) Strategic management and transnational behaviour: a formal approach. In Pitelis, C. N. and Sugden, R. (Eds.) *The nature of the transnational firm.* London, Routledge.
Gray, J. B. (2005) Althusser, Ideology, and Theoretical Foundations: Theory and Communication. *The Journal of New Media and Culture,* 3 (1) (1). http://www.ibiblio.org/nmediac/winter2004/gray.html
Greco, A. N. (1997) *The Book Publishing Industry,* Mahwah, New Jersey, Lawrence Erbaum Associates, Inc.
Green, D. B. (2001a) A Literary Cash Machine? *Jerusalem Report.*
Green, J. (2001b) *The Bearable Lightness of E-Books*, BusinessWeek Online. http://www.businessweek.com/bwdaily/dnflash/mar2001/nf20010322_286.htm [07/07/04]
Greenberg, P. A. (2001) *Will We Ever Want E-Books?*, E-Commerce Times. http://www.ecommercetimes.com/perl/story/14735.html [07/07/04]
Greene, B. (2000) *The Elegant Universe,* London, Vintage.
Greenhut, M. L., Norman, G. and Chao-shun, H. (1987) *The Economics of Imperfect Competition,* Cambridge, Cambridge University Press.
Gregory, M. (2005) *Google's books online under fire*, BBC News. http://news.bbc.co.uk/go/pr/fr/-/1/hi/business/4576827.stm [10/10/05]
Grice, C. (2001) *MSN's down to EarthLink strategy,*, ZDNet. http://www.zdnet.com/zdnn/stories/news/0,4586,2684916,00.html [08/08/04]
Grover, R. (1988) Hitching a Ride on Hollywood's Hot Streak. *BusinessWeek.*
Grover, R. (2000) Meet Henry Yuen The Gatekeeper for Interactive TV. *BusinessWeek Online.*
Grover, R. (2002) Gemstar Wars: Murdoch Strikes Back. *BusinessWeek*: 44.
Grover, R. (2003a) *Murdoch's Satellite Power Play*, Businessweek. http://www.businessweek.com/bwdaily/dnflash/apr2003/nf20030410_9753_db011.htm [10/08/03]
Grover, R. (2003b) This Isn't the Show Henry Yuen Expected. *BusinessWeek Online,* 20 June, 2003. http://www.businessweek.com/bwdaily/dnflash/jun2003/nf20030620_1322_db035.htm
Grover, R., Lowry, T. and Armstrong, L. (2001a)..*The Brand branches out*, Businessweek Online. http://www.businessweek.com/magazine/content/01_11/b3723001.htm [09/07/04]
Grover, R., Lowry, T. and Armstrong, L. (2001b) *A Cluster of Foes*, Businessweek Online. http://www.businessweek.com/magazine/content/01_11/b3723001.htm [09/07/04]

Grover, R., Lowry, T. and Armstrong, L. (2001c) *E-books: The Next Chapter*, Businessweek Online. http://www.businessweek.com/magazine/content/01_11/b3723001.htm [09/07/04]
Grover, R., Lowry, T. and Armstrong, L. (2001d) *The Gemstar-TV Guide Constellation*, Businessweek Online. http://www.businessweek.com/magazine/content/01_11/b3723001.htm [09/07/04]
Grover, R., Lowry, T. and Armstrong, L. (2001e) *Henry Yuen: TV Guy*, Businessweek Online. http://www.businessweek.com/magazine/content/01_11/b3723001.htm [09/07/04]
Grover, R., Lowry, T. and Armstrong, L. (2001f) *Resume: Henry C. Yuen*, Businessweek Online. http://www.businessweek.com/magazine/content/01_11/b3723001.htm [09/07/04]
Grover, R., Lowry, T. and Armstrong, L. (2001g) *Will 500 Channels Kill TV Guide?*, Businessweek Online. http://www.businessweek.com/magazine/content/01_11/b3723001.htm [09/07/04]
Guback, T. H. (1969) *The International Film Industry: Western Europe and America Since 1945,* London and Bloomington, Indiana University Press.
Guernsey, L. (2000) *Flexible Displays for Electronic Ink*, New York Times. http://www.nytimes.com/2000/11/30/technology/30INK.html [07/07/04]
Guernsey, L. (2001a) *Compressed Data: Tags Could Help Keep E-Book Links Alive*, NY Times. http://www.nytimes.com/2001/06/18/technology/18LINK.html [07/07/04]
Guernsey, L. (2001b) *Evolving E-Books Let Authors Answer Critics*, NY Times.com. http://www.nytimes.com/2001/05/10/technology/10CASS.html [07/07/04]
Guernsey, L. (2002) *In Lean Times, E-Books Find a Friend: Libraries*, Nytimes. http://www.nytimes.com/2002/02/21/technology/circuits/21BOOK.html [07/07/04]
Gunther, M. (2002) Why Gemstar may shine again. *Fortune.*
Guterl, F. (2005) The End Of The Word As We Know It. *Newsweek.*
Guthrie, R. (2001) The e-Book Challenge to the Trade Paperback: Determinants, Dynamics and Structure of Trade e-Book Publishing in the UK. London, City University.
Guthrie, R. (2002) The e-book: Ahead of its time or a burst bubble? (Cause for Debate - 7). *Logos,* 13 (1): 9-17.
Guthrie, R. (2003) E-books in development hell, Gemstar's demise and the Murdoch factor. *Logos,* 14 (4): 181-186.
Guthrie, R. (2005) Electronic Publishing: the unanswered challenge. *Logos: Journal of the World Book Community.*
Habermas, J. (1974) The Public Sphere (1964) trans. Lennox, S. and Lennox, F. *New German Critique,* 3.
Habermas, J. (1986) Hannah Arendt's Communications Concept of Power. In Lukes, S. (Ed.) *Power.* Oxford, Blackwell.
Hall, S. (2001) Foucault: Power, Knowledge and Discourse. In Wetherell, M., Taylor, S. and Yates, S. J. (Eds.) *Discourse Theory and Practice.* London, Sage Publications Ltd.
Hanajiri, M. (2003) The Challenge of a Saturated Book Market in Japan. *Publishing Research Quarterly,* 19 (3): pp52-60.
Hanff, H. (1976) *84 Charing Cross Road,* London, Futura Publications.
Hara, Y. (1999) *Japan Turns New Page With E-Book Test*, TechWeb. http://www.techweb.com/wire/story/TWB19990701S0008 [08/08/04]
Harmon, A. (2002) Music Industry in Global Fight on Web Copies. *New York Times.*

Haughney, C. (2001) *Publishers Ask Judge to Stop E-Book Sales*, WashTech.com. http://washtech.com/news/media/9651-1.html [08/05/01]
Hawkins, D. T. (2002) *Electronic Books: Reports of Their Death Have Been Exaggerated*, Information Today. http://www.infotoday.com/online/jul02/hawkins.htm [07/07/2004]
Heidegger, M. (1966) *Discourse On Thinking,* New York, Harper & Row.
Heilemann, J. (2000) The Truth, The Whole Truth, and Nothing But The Truth. *WiredNews,* 8.11 November.
Heilmann, J. and Linna, H. (2001) *The Technology and Applications of the New Generation of Electronic Books (VTT Information Technology, Media, Finland).* www.vtt.fi/tte/informationcarriers/ publications/taga2001.pdf [28/06/01]
Held, D. (1990) *Introduction to Critical Theory: Horkheimer to Habermas,* London, Polity Press.
Hellweg, E. (2005a) *Digital TV's Hollywood Showdown*, MIT. http://www2.technologyreview.com/articles/05/02/wo/wo_hellweg022505.asp [06/03/05]
Hellweg, E. (2005b) Showdown at the Supreme Court. *Technology Review MIT,* 11 March, 2005. http://www.technologyreview.com/articles/05/03/wo/wo_hellweg031105.asp?p=0
Hendley, N. (2003) Seeing Through the e-book Threat. *Canadian Printer,* 111 (8).
Henke, H. (2001a) Books on Demand and ePublishing: A Natural Progression. *Future of Print Media Journal,* Winter. http://www.chartula.com/Books%20on%20Demand.pdf
Henke, H. (2001b) *Electronic books and epublishing : a practical guide for authors,* New York, Springer.
Henke, H. (2003a) *Consumer Survey on Electronic Books*, Open eBook Forum. http://www.openebook.org/doc_library/surveys/consumer/consumerresults.asp
Henke, H. (2003b) *An Empirical Design for eBooks,* New York, Chartula Press.
Herman, E. S. and McChesney, R. W. (1997) *The Global Media,* London, Cassell.
Hersmondhalgh, D. (2002) *The Cultural Industries,* London, Sage Publications.
Hertz, N. (2001) *The Silent Takeover: Globalisation and the Death of Democracy,* London, William Heinemann.
Higgins, J. M. (2003) Life Behind Royalties. *Broadcasting & Cable.*
Hill, B. (2001) *The Magic of Reading (Microsoft's "Bookmaker" Electronic Books project),* Seattle. http://slate.msn.com/publisher/ebooks/Magic/Hill-MagicOfReading.htm
Hillesund, T. (2001) *Will e-books change the world?*, First Monday Journal of the Internet. http://firstmonday.org/issues/issue6_10/hillesund/index.html [10]
Hilts, P. (1998) Microsoft Improves eBook Readability. *Publishers Weekly.*
Hilts, P. (1999a) E-books Capture Seybold As Emphasis Shifts to Software. *Publishers Weekly.*
Hilts, P. (1999b) Publishers Hail E-book Standard. *Publishers Weekly.*
Hilts, P. (2000) RH, Pearson, MH Make Investment in ebrary.com. *Publishers Weekly.*
Hilts, P. (2001) Penguin U.K. to Publish 200 E-books This Fall. *Publishers Weekly.*
Hilts, P. (2003) Digital Rights Management. In Kasdorf, W. E. (Ed.) *the columbia guide to digital publishing.* New York, Columbia University Press.
Hindess, B. (1996) *Discourses of power: from Hobbes to Foucault.,* Oxford, Blackwell.
Holmes, D. (2005) *Communication Theory: Media, Technology, Society,* London, Sage Publications.

Holohan, M. (2000a) *Company Hopes 'Electronic Ink' Will Transform Books and Newspapers*, CNN. http://www.cnn.com/2000/TECH/computing/08/30/roll.over.gutenberg.idg/ [07/07/2004]
Holohan, M. (2000b) *Electronic Ink Shows Its True Colors*, PC World. http://www.pcworld.com/news/article.asp?aid=18246 [07/07/04]
Honey, K. (2001a) *Stop the Presses (Beyond Paper: Part Two)*, globetechnology.com. http://news.globetechnology.com/ [07/07/04]
Honey, K. (2001b) *Will Pixels Kill Paper? (Beyond Paper: Part One*, globetechnology.com. http://news.globetechnology.com [07/07/04]
Houston, P. (2002) *How Paper is Becoming Super Smart*, ZDNet. http://www.zdnet.com/anchordesk/stories/story/0,10738,2896358,00.html [07/07/04]
Hughes, C. A. (2003) E-Book 2003: Print Collections, E-Books and Beyond: A Conference Report. *Library Hi Tech,* 20 (6): 19. http://digitalcooperative.oclc.org/ebook
Hyatt, S. (2002) Judging a book by its cover: e-books, digitization and print on demand. *International Yearbook of Library and Information Management.*
Information Today (2000a) *E Ink Agreement with Lucent Will Help Develop Electronic Paper*, Information Today. http://www.infotoday.com/it/sep00/news11.htm [07/07/04]
Information Today (2000b) *E Ink Corporation's Immedia Technology to Eventually Be Used in Electronic Publishing*, Information Today. http://www.infotoday.com/it/jul99/news9.htm [07/07/04]
Italie, H. (2002) *Harry Potter Prevails in Court*, CBS News. www.cbs.news.com/stories/2002/09/19/print/main522563.html [10/11/05]
Jacobson, J., Comiskey, B., Turner, C., Albert, J. and Tsao, P. (1997) The Last Book. *IBM Systems Journal,* 36 (3): 457-463. http://www.research.ibm.com/journal/sj/363/jacobson.html
Jacquemin, A. (1987) *The new industrial organization : market forces and strategic behaviour,* Oxford, Clarendon.
Japan Times (2003) *EBook market hit 1 billion yen in '02*, The Japan Times Online. http://www.japantimes.co.jp/cgi-bin/getarticle.pl5?nn20030802b3.htm [08/08/05]
Japan Times (2004) Hand-held e-book readers to hit market soon. *The Japan Times.* Tokyo.
Japanese External Trade Organization (2005) Japanese Publishing Industry. *Japan Economic Monthly.*
Jaworski, A. and Coupland, N. (1999) *The Discourse Reader,* London, Routledge.
Jay, M. (1973) *The Dialectical Imagination: A History of the Frankfurt School and the Institute of Social Research 1923-50,* London, Heinemann.
Jennings, C. A. (2002) *Report for Congress: Fair Use on the Internet,* Washington, Congressional Research Service, The Library of Congress.
JETRO (2005) *Japanese Publishing Industry*, Japan Economic Monthly. [16/11/05]
JISC e-Books Working Group (2003) *E-Books in FE and HE Strategy Study*, University of Stirling. http://www.jisc.ac.uk/coll_ebookstudy3.html
Johnson, G. and Scholes, K. (2002) *Exploring Corporate Strategy,* Harlow, Pearson Education Ltd.
Johnson, T. (2000) *That's AOL folks...*, CNN.com. http://money.cnn.com/2000/01/10/deals/aol_warner/ [08/08/05]
Jones, H. (1996) *Publishing Law,* London, Routledge.
Jonscher, C. (1999) *WiredLife,* London, Bantam Press.

Judge, P. (1999) *E Ink's Message: We're Creating a New Medium*, BusinessWeek. http://www.businessweek.com/ebiz/9911/ec1116.htm [07/07/04]
Jupp, V. and Norris, C. (1993) Traditions in Documentary Analysis. In Hammersley, M. (Ed.) *Social Research: Philosophy, Politics and Practice.* London, Sage.
Kafka, P. (2000) Horror Story. *Forbes.*
Kageyama, Y. (2004) *Sony e-book a must for the bookworm*, The Age. http://www.theage.com.au/articles/2004/07/15/1089694481092.html [18/07/04]
Kahney, L. (1999) *E-Books: The Next Killer App*, Wired. http://www.wired.com/news/technology/0,1282,21550,00.html [07/07/04]
Kahney, L. (2004) *Net Publishing Made Profitable*, Wired.com. http://www.wired.com/news/mac/0,2125,64563,00.html [18/09/04]
Kane, M. (2000) *Stephen King E-Book Pirated*, ZDNet. http://zdnet.com.com/2100-11-519549.html [07/07/04]
Kapadia, R. (2001a) *Battle of the behemoths: MSN takes on AOL Time Warner.* http://www.zdnet.com/zdnn/stories/news/0,4586,2682211,00.html
Kapadia, R. (2001b) Internet Report: Research Firms Feel Heat Amid Dot-Com Meltdown. *Reuters.* New York.
Kaplan, N. (2000) Literacy Beyond Books: Reading When All the World's a Web. In Herman, A. and Swiss, T. (Eds.) *The World Wide Web and Contemporary Cultural Theory.* New York and London, Routledge.
Kasdorf, W. E. (2003) Publishing in Today's Digital Era. In Kasdorf, W. E. (Ed.) *the columbia guide to digital publishing.* New York, Columbia University Press.
Kasler, D. (1979) *Max Weber,* London, Polity Press.
Katz, J. (2000) *Stephen King's Net Horror Story*, Slashdot. http://slashdot.org/features/00/11/30/1238204.shtml [07/07/04]
Kay, A. and Goldberg, A. (1977) Personal Dynamic Media. *Computer,* 10 (3).
Keegan, V. (2003) *United we fall*, The Guardian. http://www.guardian.co.uk/economicdispatch/story/0,,875908,00.html [11/11/05]
Kellner, D. (1997) Critical Theory and Cultural Studies: The Missed Articulation. In Mcguigan, J. (Ed.) *Cultural Methodologies.* London, Sage.
Kellner, D. (1999) New technologies: Technocities and the Prospects for Democratization. In Downey, J. and Mcguigan, J. (Eds.) *Technocities.* London, Sage Publications.
Kellner, D. (2000) *The Frankfurt School*, Graduate School of Education,UCLA. http://www.gseis.ucla.edu/faculty/kellner/kellner.html [02/02/03]
Kellner, D. (2003a) *From 9/11 To Terror War: The Dangers of the Bush,* Lanham, Ma., Rowman & Littlefield Publishers, Inc.,.
Kellner, D. (2003b) *Media Spectacle,* London, Routledge.
Kendall, P. M. (1975) *Richard the Third,* New York, W. W. Norton & Company.
Ki, J., Cheon, J. H., Kang, J.-U. and Kim, D. (2004) Taxonomy of online game security. *The Electronic Library,* 22 (1): 65-73.
King, C. (2000) *Amazon.com Launches e-Books Store*, Internetnews.com. http://www.internetnews.com/ec-news/article/0,,4_511051,00.html [07/07/04]
Kirkpatrick, D. D. (2000a) *Another Format in the E-Book Field*, NY Times. http://www.nytimes.com/2000/11/06/technology/06BOOK.html [07/07/04]
Kirkpatrick, D. D. (2000b) *Report to the Authors Guild Midlist Books Study Committee,* New York, Authors Guild Midlist Books Study Committee.
Kirkpatrick, D. D. (2000c) *Struggles Over E-Books Abound*, NY Times. http://www.nytimes.com/2000/11/27/technology/27BOOK.html [07/07/04]

Kirkpatrick, D. D. (2001a) *4 Publishers Agree to Sale of E-Books on Yahoo*, NY Times. http://www.nytimes.com/2001/09/05/technology/ebusiness/05BOOK.html [07/07/04]
Kirkpatrick, D. D. (2001b) *AOL Retreats From Big Push for E-Books*, NY Times. http://www.nytimes.com/2001/12/05/technology/05BOOK.html [23/06/04]
Kirkpatrick, D. D. (2001c) *Forecasts of an E-Book Era Were, It Seems, Premature*, NY Times. http://www.nytimes.com/2001/08/28/technology/ebusiness/28EBOO.html [07/07/04]
Kirkpatrick, D. D. (2001d) Judge Grants Authors a Victory in Fight Over Digital-Book Rights. *New York Times.* New York.
Kirkpatrick, D. D. (2001e) *Random House Is Dropping E-Book Imprint, but Not E-Books.* http://www.nytimes.com/2001/11/09/technology/09BOOK.html [07/07/04]
Kirkpatrick, D. D. (2001f) *Random House Sues Over Rights to Publishing E-Books*, NY Times. http://www.nytimes.com/2001/02/28/technology/28BOOK.html [07/07/04]
Kirkpatrick, D. D. (2002) *Battle Over Access to Online Books*, Nytimes.com. http://www.nytimes.com/2002/06/17/technology/17LIBR.html [07/07/04]
Klein, A. (2000) *E-Ink Writes its Future on E-Paper*, The Wall Street Journal Online. http://news.zdnet.co.uk/story/0,,s2076064,00.html [07/07/04]
Klein, A. (2003) *Stealing Time: Steve Case, Jerry Levin and the collapse of AOL Time Warner,* New York, Simon & Schuster.
Knickerbocker, F. T. (1973) *Oligopolistic Reaction and Multinational Enterprise,* Boston, Graduation School of Business Administration, Harvard University.
Kontzer, T. (2001) *E-Books Still A Market-In-Waiting*, Network Magazine. http://www.networkmagazine.com/article/IWK20010228S0007 [07/07/04]
Korten, D. C. (2001) *When Corporations Rule the World,* Bloomfield, CT, Kumarian Press.
Koschmieder, V. and Smith, S. (2001) *Copyright Resources on the Internet*, Groton: Media Technology Services. http://groton.k12.ct.us/mts/pt2a13.htm [11/10/05]
Kretschmer, M. (2005) Artists' earnings and copyright: A review of British and German music industry data in the context of digital technologies. *First Monday Journal of the Internet,* 10 (1). http://firstmonday.org/issues/issue10_1/kretschmer/index.html
Krug, G. (2005) *Communication, Technology and Cultural Change,* London, Sage Publications.
Kuhn, T. (1962) *The Structure of Scientific Revolutions,* Chicago, University of Chicago Press.
Kuhn, T. (1970) *The Structure of Scientific Revolutions,* Chicago, University of Chicago Press.
Kuhn, T. (1977) *The Essential Tension,* Chicago, The University of Chicago Press.
Kuhn, T. (2000) *The Road Since Structure,* Chicago, The University of Chicago Press.
Kunkel, P. (2000) *Scrap the presses - print and the Web are racing toward the biggest media merger in history*, Wired.com. [08/07/04]
Kushner, D. (2004) *Copyproof No More*, MIT Technology Review. MIT TECHNOLOGY REVIEW [20/09/04]
La Manna, M. (2003) The economics of publishing and the publishing of economics. *Library Review,* 52 (1): pp. 18-28. http://www.emeraldinsight.com/0024-2535.htm
Labuschagne, A. (2003) Qualitative Research - Airy Fairy or Fundamental? *The Qualitative Report,* 8 (1): 100-103. http://www.nova.edu/ssss/QR/QR8-1/labuschagne.pdf
Landoni, M. (1997) The Visual Book System: A Study of Visual Rhetoric in the Design of Electronic Books. Glasgow, Uni. of Strathclyde.

Landow, G. P. (2003) The paradigm is more important than the purchase: educational innovation and hypertext theory. In Liestøl, G., Morrison, A. and Rasmussen, T. (Eds.) *Digital Media Revisited - Theoretical and Conceptual Innovations in Digital Domains.* Cambridge, MA, MIT Press.

Langabeer, J. and Rose, J. (2001) *Managing Demand in High Tech*, Chandos Publishing. [04/05/04]

Langston, M. (2003) The California State University E-book Pilot Project: implications for cooperative collection development. *Library Collections Acquisitions and Technical Services,* 27 (1): 19-32.

Lee, K.-H., Guttenberg, N. and McCrary, V. (2002) Standardization aspects of eBook content formats. *Computer Standards & Interfaces,* 24: 227-239.

Lejeune, L. (1999) Who Owns What? *The Journal of Electronic Publishing,* 4 (3). http://www.press.umich.edu/jep/04-03/glos0403.html

Lemke, J. L. (1995) *Textual Politics,* London, Taylor & Francis.

Lemke, J. L. (1997) *Analysing Verbal Data: Principles, Methods, and Problems*, Kluwer. http://academic.brooklyn.cuny.edu/education/jlemke/papers/handbook.htm [06/08/04]

Lemke, J. L. (2000a) *Material Sign Processes and Emergent Ecosocial Organization*, Aarhus University Press. http://academic.brooklyn.cuny.edu/education/jlemke/aarhus.htm [06/08/04]

Lemke, J. L. (2000b) *Postmodernism and Critical Theory.* http://academic.brooklyn.cuny.edu/education/jlemke/theories.htm#Postmodernism%20and%20Critical%20Theory [06/08/04]

Lemken (1999) Ebook: the Missing Link Between Paper and Screen. *ACM CHI 1999, Electronic Book Workshop.*

Lessig, L. (1999) *Code and Other Laws of Cyberspace,* New York, Basic Books.

Lessig, L. (2004) *Free Culture: how big media uses technology and the law to lock down culture and control creativity,* New York, Penguin Press.

Lessig, L. (2005) *The People Own Ideas!*, TechnologyReview.com. http://www.technologyreview.com/articles/05/06/issue/feature_people.asp?p=0 [2 August]

Letts, M. (2001) E-Textbooks Test Emerging Platforms. *Seybold Report,* 1 (1): 25-30.

Levere, J. L. (1996) Advertising. *New York Times, 11 June, 1996.* New York.

Levin, M. P. (1996) The positive role of large corporations in US book publishing. *Logos,* 7 (1): 127-138.

Levison, P. (1999) *Digital McLuhan,* London, Routledge.

Lexis (2002) *U.S. Dist. Lexis 1751*, eyrie.org. www.eyrie.org/~robotech/stouffer.html [08/08/05]

Li, K. (1999) TV Guide to Merge With Gemstar.

Liberty Media Corp. (2000) *News Corporation to Acquire Liberty Media's 21 Percent Stake in Gemstar-TV Guide International,* New York. http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=105&STORY=/www/story/09-27-2000/0001323840

Lichtner, V. and Wilson, S. (2005) Tools for Leisure Reading: The Challenge of Designing Emotions. *HCI 2005 - Proceedings,* 2.

Litman, J. (2001) *Digital Copyright,* New York, Prometheus.

LitNet (2001) *J K Rowling: the court case*, LitNet.com. http://www.litnet.co.za/riemtelegram/0403.asp [09/09/05]

Lizo (2002) *Newsround talk exclusively to JK Rowling*, BBC. http://news.bbc.co.uk/cbbcnews/hi/uk/newsid_2269000/2269270.stm
Lockridge, R. (1998) *E-books change the face of reading*, CNN. http://www.cnn.com/TECH/computing/9812/17/t_t/e.books/ [07/07/04]
Lohr, S. (2005) *Just Googling It Is Striking Fear Into Companies*, The New York Times. [07/11/05]
Lombreglia, R. (2000) *Exit Gutenberg?*, Atlantic Online. http://www.theatlantic.com/unbound/digitalreader/dr2000-11-16.htm [07/07/04]
Loren, L. P. (2002) Technological protections in copyright law: Is more legal protection needed? *International Review of Law Computers and Technology,* 16: 133-148.
Lottman, H. (2005) Google: man the barricades! *Bookseller,* (5171): 12.
Lowry, C. B. (2001) Fair Use and Digital Publishing: An Academic Librarian's Perspective. *Portal-Libraries and the Academy,* 1 (2): 191-196.
Lowry, C. B. (2002) When's this paradigm shift ending? *Portal-Libraries and the Academy,* 2 (3): VII-XIII. <Go to ISI>://000179891200001
Lowry, T. and Gross, N. (2000) *Will E-Books Be Real Page-Turners?*, Businessweek Online. http://www.businessweek.com/2000/00_43/b3704207.htm [09/07/04]
Lukes, S. (1974) *Power: A Radical View*, Macmillan Press.
Lutzker, A. P. (2003) *Point/Counterpoint on the DMCA and CTEA:Copyright & Fair Use Stanford University libraries*, North America's Art Libraries Society annual conference. http://fairuse.stanford.edu/commentary_and_analysis/2005_08_arlisna.html [08/08/04]
Lutzker, A. P. (2005) *What the Digital Millennium Copyright Act and the Copyright Term Extension Act Mean for the Library Community*, Lutzker & Lutzker LLP Primer on the Digital Millennium. http://www.arl.org/info/frn/copy/primer.html [10/10/05]
Lynch, C. (2001) *The Battle to Define the Future of the Book in the Digital World*, First Monday. http://www.firstmonday.org/issues/issue6_6/lynch/index.html [07/07/04]
Mackenzie, D. (1999) Theories of technology and the abolition of nuclear weapons. In Mackenzie, D. and Wajcman, J. (Eds.) *The Social Shaping of Technology.* Maidenhead, Open University Press.
Macmillan, F. (2002) Copyright and Corporate Power. In Towse, R. (Ed.) *Copyright in the Cultural Industries.* Cheltenham, Edward Elgar.
Macpherson, C. B. (1962) *The Political Theory of Possessive Individualism: Hobbes to Locke,* Oxford, Oxford University Press.
Manguel, A. (1996) *A History of Reading,* London, HarperCollins.
Mann, C. (2001) *Electronic Paper Turns the Page*, Technology Review. http://www.technologyreview.com/articles/mann0301.asp [07/07/04]
Marchessault, J. (2005) *Marshall McLuhan,* London, Sage.
Marcuse, H. (1972) *One Dimensional man,* London, Abacus.
Marcuse, H. (1978) Some social implications of modern technology. *The Essential Frankfurt Reader.*
Mariano, G. (2001a) *Copyright Battle: Is an E-Book a Book?*, CNet. http://news.com.com/2100-1023-257077.html [07/07/04]
Mariano, G. (2001b) *E-book Devices Yet to Hit Bestseller's List*, CNet. http://news.com.com/2100-1023-256938.html [07/07/04]
Mariano, G. (2001c) *Textbook Publisher Sees Future in E-Books*, CNet. http://news.com.com/2100-1023-254119.html [07/07/04]

Marshall, C. C., Price, M. N., Golovchinsky, G. and Schilit, B. N. (2001) Designing e-Books for Legal Research. *Proceedings of the first ACM/IEEE-CS joint conference on Digital libraries.* Roanoke, Virginia, United States, ACM Press.
Martin, J. A. (1999) *Electronic Books for All*, PC World. http://www.pcworld.com/news/article.asp?aid=10864 [07/07/04]
Martin, L. H., Gutman, H. and Hutton, P. H. (Eds.) (1988) *Technologies of the self: A seminar with Michel Foucault,* London, Tavistock.
Marx, L. (1994) Postmodern Pessimism. In Marx, L. and Roe Smith, M. (Eds.) *Does Technology Drive History?* Cambridge, MA, The MIT Press.
Marx, L. and Roe Smith, M. (1994) Introduction. In Marx, L. and Roe Smith, M. (Eds.) *Does Technology Drive History?* Cambridge, MA, The MIT Press.
Mason, J. S. (2000) From Gutenberg's Galaxy to Cyberspace: The Transforming Power of Electronic Hypertext. Montréal, McGill University.
Mauss, M. (2002) *The Gift,* London, Routledge.
May, C. (2003) Digital rights management and the breakdown of social norms. *First Monday: Journal of the Internet,* 11 (8). http://firstmonday.org/issues/issue8_11/may/index.html
Mayfield, K. (1999) *E-Books Turn Over a New Leaf*, Wired. http://www.wired.com/news/culture/0,1284,33268,00.html [07/07/04]
Mayfield, K. (2000a) *Getting a Read on New E-Books*, Wired. http://www.wired.com/news/culture/0,1284,40470,00.html [07/07/04]
Mayfield, K. (2000b) *Who Can Dig Digital Books?*, Wired. http://www.wired.com/news/technology/0,1282,35920,00.html [07/07/04]
Mayfield, K. (2001a) *E Ink: Your Hands Will Thank You*, Wired. http://www.wired.com/news/technology/0,1282,42056,00.html [07/07/04]
Mayfield, K. (2001b) *E-Book Forecast: Cloudy*, Wired.com. http://www.wired.com/news/culture/0,1284,40984,00.html [07/07/04]
Mayfield, K. (2001c) *What if E-Books Cost Less?*, Wired.com. http://www.wired.com/news/culture/0,1284,41633,00.html [07/07/04]
McChesney, R. W. (1998) Media Convergence and globalisation. In Thussu, D. K. (Ed.) *Electronic Empires.* London, Arnold.
McChesney, R. W. (2000) *Rich Media, Poor Democracy: Communication Politcis in Dubious Times,* Chicago, University of Illinois Press.
McCue, A. (2004) *'iPod users are music thieves' says Ballmer*, ZDNet. [10/10/04]
McDonough, B. (2001) *Think 'E Ink' If You Like Paper*, Wireless News. http://www.wirelessnewsfactor.com/perl/story/10301.html [07/07/04]
McGarry, M. J. (2005) The end user: E-books spur sales. *The Herald Tribune.* Paris.
McGuigan, J. (1997a) Cultural Populism Revisited. In Ferguson, M. and Golding, P. (Eds.) *Cultural Studies in Question.* London, Sage Publications.
McGuigan, J. (1997b) Introduction. In Mcguigan, J. (Ed.) *Cultural Methodologies.* London, Sage Publications.
McGuigan, J. (1998) What price the public sphere? In Thussu, D. K. (Ed.) *Electronic Empires.* London, Arnold.
McLuhan, M. (1964) *Understanding Media,* London, Routledge & Kegan Paul Ltd.
McLuhan, M. (1967) *The Medium is the Massage,* London, Allen Lane The Penguin Press.
McMahon, P. (2002) The new cyber-financial global order. *Global Control: Information Technology and Globalization since 1845.* Cheltenham, UK, Edward Elgar Publishing Inc.

Microsoft editors (2000) *Barnes & Noble and Microsoft to Create e-Book Superstore*, Microsoft. http://www.microsoft.com/presspass/press/2000/Jan00/B&NcesPR.asp [07/07/04]
Midgely, S. (2002) *The End of Books?*, Guardian Unlimited. http://www.guardian.co.uk/Archive/Article/0,4273,4389510,00.html [07/07/04]
Miège, B. (1979) The cultural commodity. *Media, Culture and Society,* 1 (4): 297-313.
Miège, B. (1987) The logics at work in the new cultural industries. *Media, Culture and Society,* 9 (3).
Miller, L. (2000) *The Future of the Book - The Digital Reader*, Salon.com. http://dir.salon.com/books/feature/2000/03/28/king/index.html [08/07/04]
Miller, P. (1987) *Domination and Power,* London and New York, Routledge & Kegan Paul Ltd.
Milliot, J. (1998) Chain Sales Rise 14%, to $5.7 Bn. *Publishers Weekly.*
Milliot, J. (2000) Wiley in Deals with netLibrary, Lightning Source. *Publishers Weekly.*
Milliot, J. (2002) Gemstar's Yuen Resigns. *Publishers Weekly.*
Milliot, J. (2004) Book Sales Rose 4% in 2003, to $23 Billion: Restated figures show a smaller industry. *Publishers Weekly.*
Milliot, J. (2005a) *Publishers, Google Battle over Books*, Publishers Weekly. http://www.publishersweekly.com/PWdaily/CA6285133.html [20/11/05]
Milliot, J. (2005b) Top Five Pubs Take Half of Sales: Largest trade publishers generated sales of nearly $5 billion in 2004. *Publishers Weekly.*
Milliot, J., Reid, C. and Zeitchik, S. (2001) Court Denies Random Bid to Block Rosetta E-books. *Publishers Weekly.*
Montag (2003) *Louis Althusser,* Basingstoke and New York, Palgrave Macmillan.
Mooney, S. (2001) Digital Object Identifiers for eBooks: What are we Indentifying? *Publishing Research Quarterly,* 17 (1).
Moore, G. A. (1998) *Crossing The Chasm,* Oxford, Capstone Publishing.
Moore, M. (2002a) *Michael M on Stupid*, MichaelMoore.com. http://www.michaelmoore.com [08/08/04]
Moore, M. (2002b) *Stupid White Men: and other sorry excuses for the state of the nation!,* New York, Penguin.
Moores, S. (1992) Texts, readers and contexts of reading. In Scannell, P., Schlesinger, P. and Sparks, C. (Eds.) *Culture and Power.* London, Sage Publications.
Morineau, T., Blanche, C., Tobin, L. and Gueguen, N. (2005) The emergence of the contextual role of the e-book in cognitive processes through an ecological and functional analysis. *International Journal of Human-Computer Studies,* 62: 329-348. http://www.sciencedirect.com/science?_ob=MImg&_imagekey=B6WGR-4F2R60D-1-P&_cdi=6829&_user=910131&_orig=browse&_coverDate=03%2F01%2F2005&_sk=999379996&view=c&wchp=dGLbVtb-zSkWz&md5=3681990be7845e983d9507c2067647f7&ie=/sdarticle.pdf
Morse, D. H. and Clintworth, W. A. (1999) *Comparing Patterns of Print and Electronic Journal Use in an Academic Health Science Library, Magazine* 5(10) 1999. [Online.]. Available: http://www.dlib.org/dlib/october99/rusch-feja/10rusch-feja-full-report.htm [08/08/04]
Morse, D. H. and Clintworth, W. A. (2000) *Measuring the Use and Value of Electronic Journals and Books*, UCSB Library. http://www.library.ucsb.edu/istl/00-winter/article1.html [07/07/04]

Munyan, D. (1998) *Everybook Inc: Developing the Book in Relation to Publishing Standards*, Futureprint. www.futureprint.kent.edu/articles/munyan01.htm [08/10/04]
Murphie, A. and Potts, J. (2003) *Culture & Technology,* New York, Palgrave Macmillan.
Nardi, B. A. and O'Day, V. L. (1999) *Information Ecologies: Using Technology with Heart,* Cambrige. Mass., MIT Press.
Negroponte, N. (1995) *Being Digital,* London, Hodder & Stoughton.
Negroponte, N. (1996) *The Future of Books*, Wired. http://web.media.mit.edu/~nicholas/Wired/WIRED4-02.html [07/07/04]
Negroponte, N. and Jacobson, J. (1997) Surfaces and Displays. *WiredNews.*
Nell, V. (1988) *Lost in a Book : The Psychology of Reading for Pleasure,* New Haven and London, Yale University Press.
Net Flex (2004) *Publishers (Still) Grapple With Web's Role*, publishingtrends.com. http://www.publishingtrends.com/copy/04/0405/0405NetFlex.html [05/11/04]
News Analysis (2005) *Publishing, people and pay*, The Bookseller. http://www.thebookseller.com/?pid=4&did=14743 [20/11/05]
News, B. (1999) *Tax free: Rupert Murdoch's zero status*, BBC. [08/08/04]
Newshour with Jim Lehrer (2000) *AOL-Time Warner Merger*, PBS. www.pbs.org/newshour/bb/business/jan-june00/aol_01-10.html [10/11/05]
NewsTarget Network (2005) *Google pitches book rental program to big publishers*, Wall Street Journal. http://www.counterthink.org/015404.html
http://news.com.com/2061-10812_3-5950115.html [11/11/05]
Nimmer, D. (2003) *Copyright: Sacred Text, Technology, and the DMCA,* The Hague, Kluwer Law International.
Noble, I. (2001) *E-Paper Moves a Step Nearer*, BBC News. http://news.bbc.co.uk/1/hi/sci/tech/1292852.stm [07/07/04]
Norrie, I. (1984) *Mumby's Publishing and Bookselling in the 20th Century,* London, Bell and Hyman.
Nowotny, H. (2003) *The Potential of Transdisciplinarity*, C.N.R.S., France. http://www.interdisciplines.org/interdisciplinarity/papers/5/version/original [28/03/05]
Nowotny, H., Scott, P. and Gibbons, M. (2001) *Re-thinking Science. Knowledge and the Public in an Age of Uncertainty.,* Cambridge, Polity Press.
O Gorman, J. (2004) Focus: New E-book Publishing Models. *Booklist,* 100 (16): 1472-1472.
O'connell, P. L. (2001) *Publisher's Web Books Spur Hardcover Sales*, NY Times. http://www.nytimes.com/2001/03/19/technology/19BAEN.html [07/07/04]
Odlyzko, A. (2001) Content is Not King. *First Monday,* 6, number 2 (February 2001) (2). http://firstmonday.org/issues/issue6_2/odlyzko/index.html
OeBF (2003) *eBooks Get Serious: Sales expected to top $10 million in 2003, Unit Sales Grow 40% Over 2002*, OeBF. http://www.library.yale.edu/~llicense/ListArchives/0308/msg00242.html [08/08/05]
Offman, C. (2000) *The Future of the Book - Brave new e-books*, Salon. http://www.salon.com/books/special/2000/03/29/future/ [07/07/04]
Ogilvy, J. (1986) The Current Shift of Paradigms. *Revision,* 9 (1): 12-13.
Olle, M. (2003) Information and secrecy: Vannevar Bush, ultra and other memex. *Government Information Quarterly,* 20 (4): 428-430. <Go to ISI>://000187804400012
Open eBook Forum (2002) *Consumer Survey on eBooks,* US, Open eBook Forum. http://www.openebook.org/ [24/08/04]

Open eBook Forum (2004a) *eBook Statistics - Quarter 1 2004,* US, Open eBook Forum. http://www.openebook.org/ [24/08/04]
Open eBook Forum (2004b) *eBook Statistics - Quarter 3 2004,* US, Open eBook Forum. http://www.openebook.org/ [25/01/05]
Ou, C. (2003) Technology and Copyright Issues in the Academic Library: First Sale, Fair Use and the Electronic Document. *portal: Libraries and the Academy,* 3 (1): 89–98.
Page, B. (2003) *The Murdoch Archipelago,* London, Simon & Schuster.
Parker, P. (2000) *Stephen King Electronic Book Becomes Big Marketing Tool*, ClickZ News. http://www.clickz.com/news/article.php/320591 [08/08/05]
Patfield, F. (1993) Defamation, Freedom of Speech and Corporations. *The Juridical Review,* 1993 (Part 3): 294-308.
Patterson, C. (2004) A Week in Books: The advent of the e-book. *The Independent.* London.
Patterson, L. R. (1968a) Copyright and author's rights: a look at history. *Harvard Library Bulletin,* 16, No. 4 (4).
Patterson, L. R. (1968b) *Copyright in Historical Perspective,* Nashville, Vanderbilt University Press.
Payne, M. (1997) *Reading Knowledge: An introduction to Barthes, Foucault and Althusser,* Oxford, Blackwedll.
PBS-TV (2000) *E-Books Take Off*, PBS NewsHour. http://www.pbs.org/newshour/bb/media/jan-june00/e-books_3-16.html [07/07/04]
Pilato, F. (2004) *Sony LIBRIe - The first ever E-Ink e-Book Reader*, Mobilemag.com. [22/08/04]
Pira International (2002) *Publishing in the knowledge economy,* London, Department of Trade and Industry & UK Publishing Media (Newspaper Publishers Association, The Periodical Publishers Association & the Publishers Association). http://www.publishingmedia.org.uk/download/02dti_competitive_analysis.pdf
Platt, C. (1997) *Digital Ink*, Wired. http://www.wired.com/wired/archive/5.05/ff_digitalink_pr.html [07/07/04]
Ploman, E. W. and Hamilton, L. C. (1980) *Copyright: Intellectual property in the information age,* London, Routledge & Kegan Paul.
Porter, M. E. (1980) *Competitive Strategy: Techniques for Analyzing Industries and Competitors,* London, The Free Press.
Porter, M. E. (2001) Strategy and the Internet. *Harvard Business Review,* 79 (3): 62-79.
Poster, M. (1995) *The Second Media Age,* London, Polity Press.
Poster, M. (1997) *Foucault, Michel*, The Johns Hopkins University Press. http://www.press.jhu.edu/books/hopkins_guide_to_literary_theory/michel_foucault.html [09/08/04]
Power, J. (1998) *In Battle With Rupert Murdoch*, The Transnational Foundation for Peace and Future. http://www.transnational.org/forum/power/1998/pow04-03.html [11/11/05]
Preciado, R. L. (1999) *E-books Draw Crowds, No Converts Yet*, Wired.com. http://www.wired.com/news/culture/0,1284,19469,00.html [07/07/04]
Pryce, V. and Littlechild, M. (1989) *Book Prices in the United Kingdom: A Study by Peat Marwick McClintock,* London, British National Bibliography Research Fund Report.
Publishers Weekly (2001a) *Beyond E-Books: Glimpses of the Future*, Publishers Weekly. http://publishersweekly.reviewsnews.com/index.asp?layout=articleArchive&articleId=CA168925 [07/07/04]

Publishers Weekly (2001b) Penguin U.K. to Publish 200 E-books. *Publishers Weekly,* 248 (35): 16-17.
Publishers Weekly (2001c) *Publishers Embrace E-Books at Confab*, Publishers Weekly. http://publishersweekly.reviewsnews.com/index.asp?layout=articleArchive&articleId=CA83537 [07/07/04]
Publishers Weekly (2001d) *'Radio Paper' from E Ink*, Publishers Weekly. http://publishersweekly.reviewsnews.com/index.asp?layout=articleArchive&articleId=CA83538 [07/07/04]
Publishers Weekly (2001e) *A "Revolution" Waiting to Happen?*, Publishers Weekly. http://publishersweekly.reviewsnews.com/index.asp?layout=articleArchive&articleid=CA169008 [07/07/04]
Publishers Weekly (2002a) *E-Book Vendors Look To Libraries for Growth*, Publishers Weekly. http://publishersweekly.reviewsnews.com/index.asp?layout=article&articleid=CA250713&display=breakingNews&publication=publishersweekly [07/07/04]
Publishers Weekly (2002b) Rosetta, RH Settle An out-of-court settlement was reached that ended the copyright infringement charges that Random House brought against Rosetta when the e-book publisher released editions of eight RH novels last year. *Publishers Weekly.*
Publishers Weekly (2004) Sales Jump at HC. *Publishers Weekly.*
Putnam, G. H. (1896) *Books and Their Makers During The Middle Ages Vol. 1 476-1600,* New York and London, G.P. Putnam's sons.
Putnam, G. H. (1897) *Books and Their Makers During The Middle Ages Vol. 2 1500-1709,* New York and London, G.P. Putnam's sons.
Putnam, G. H. (1962) *Books and Their Makers During The Middle Ages,* New York, Hillary House.
Quint, B. (2005) *CORRECTIONS: Google Print Not All I Said It Was*, Information Today. http://www.infotoday.com/newsbreaks/nb050829-1.shtml [10/11/05]
Rawlins, G. J. E. (1998) *The New Electronic Book Technology*, Computer Science Department, Indiana University. http://www.roxie.org Department of Computer Science, Indiana University, [08/08/01]
Rawlinson, N. (2002) Epstein Sees Digital Future. *Publishers Weekly.*
Ray, L. (2004) Pragmatism and Critical Theory. *European Journal of Social Theory,* 7 (3): 307-321. http://est.sagepub.com/cgi/reprint/7/3/307
Rees-Mogg, W. (2005) Help, we've been Googled! *The Times 28 November 2005.* London.
Reid, C. (1999a) AAP Tests E-book Copyright Encryption. *Publishers Weekly.*
Reid, C. (1999b) Authors Guild Shoots Down Rocket E-Book Contract. *Publishers Weekly,* 246 (19): 22.
Reid, C. (1999c) Court Rules Against Publishers in Electronic Copyright Suit. *Publishers Weekly.*
Reid, C. (2000) Publishers Embrace Gemstar's E-book Devices. *Publishers Weekly.*
Reid, C. and Hilts, P. (2001) Text One Zero: Talking E-Books. *Publishers Weekly.*
Reid, C. and Zeitchik, S. (2001) RH to Appeal Rosetta Ruling; Offers New E-books. *Publishers Weekly.*
Reid, C. and Zeitchik, S. (2004) POD Fight Just Beginning? *Publisher's Weekly.* New York.
Rennear, A. and Salo, D. (2003) Electronic Books & the Open eBook Publication Structure. In Kasdorf, W. E. (Ed.) *the columbia guide to digital publishing.* New York, Columbia University Press.

Report, W. N. (1999) *Electronic Ink Makes Its Mark*, Wired. http://www.wired.com/news/technology/0,1282,19457,00.html [07/07/04]
Reuters (2000) *From P-Books to E-Books*, Wired. http://www.wired.com/news/business/0,1367,33488,00.html [07/07/04]
Reuters (2002) *Mystery of E-Books: Who Reads Them?*, USA Today. http://www.usatoday.com/life/cyber/2002/05/08/ebooks.htm [07/07/04]
Reuters (2003a) *E-Books, Once Upon a Future Time*, Wired.com. http://www.wired.com/news/business/0,1367,60435,00.html [22/02/04]
Reuters (2003b) *Finally, Murdoch gets DirecTV*. http://www.smh.com.au/articles/2003/12/20/1071868692243.html?from=storyrhs [22/11/04]
Reuters (2003c) *Time-Warner: "Never mind"*, oligopolywatch.com. http://www.oligopolywatch.com/2003/09/19.html [22/11/04]
Reuters (2004) *Clinton's gift to Internet age: only 2 e-mails*, CNN.com. [5/08/04]
Rickett, J. (2004) *Joel Rickett on the latest news from the publishing industry - The Bookseller*, The Guardian. http://books.guardian.co.uk/print/0,3858,5039737-110738,00.html [08/08/05]
Ritzer, G. and Goodman, D. J. (2003) *Sociological Theory,* Boston MA, McGraw Hill.
Robb, J. (1998) *Are Digital Books Good Enough to Curl Up With?*, PC World. http://www.cnn.com/TECH/computing/9810/09/digbooks.idg/index.html [07/07/04]
Roberts, C. H. and Skeat, T. C. (1987) *The Birth of the Codex,* New York, Oxford University Press.
Robins, K. (1979) Althusserian Maxism. *Media, Culture and Society,* 1 (4): 355-370.
Roe Smith, M. (1994) Techological Determinism in American Culture. In Marx, L. and Roe Smith, M. (Eds.) *Does Technology Drive History?* Cambridge, MA, The MIT Press.
Rojek, C. (2000) *Leisure and Culture,* London, Macmillan.
Rojek, C. (2001) *Celebrity,* London, Reaktion Books Ltd.
Rojek, C. (2005) Something for Nothing: The controversy over P2P file exchange and its implications for leisure. *Theory, Culture & Society, Draft*: 27 pages.
Rojek, C. and Turner, B. S. (2001) *Society & Culture,* London, Sage Publications.
Romano, F. (2003) Ebooks and the Challenge of Preservation. *Microform & Imaging Review,* 32 (1): 13-25.
Ronte, H. (2001) The Impact of Technology on Publishing. *Publishing Research Quarterly,* 16 (4): 11-22. <Go to ISI>://000167893200001
Rose, M. J. (2000a) *At What Cost, E-Books?*, Wired.com. http://www.wired.com/news/culture/0,1284,39471,00.html [08/07/04]
Rose, M. J. (2000b) *A Bad Ending for E-Authors*, Wired. http://www.wired.com/news/culture/0,1284,40086,00.html [07/07/04]
Rose, M. J. (2000c) *The King of E-Books*, Spark-Online. http://www.spark-online.com/april00/trends/rose.html [07/07/04]
Rose, M. J. (2000d) *King's Fans Want New E-Book*, Wired.com. http://www.wired.com/news/culture/0,1284,37013,00.html [09/07/04]
Rose, M. J. (2000e) Wither The Plant: Stephen King's 'Plant' Uprooted. *Wired News.*
Rose, M. J. (2001a) *2001 Was a Tough Read for E-Books*, Wired. http://www.wired.com/news/culture/0,1284,49297,00.html [07/07/04]
Rose, M. J. (2001b) *Authors, Agents on E-Books' Side*, Wired.com. http://www.wired.com/news/culture/0,1284,43077,00.html [07/07/04]

Rose, M. J. (2001c) *Boundless Books Abound*, Wired.com. http://www.wired.com/news/culture/0,1284,46635,00.html [19/09/04]
Rose, M. J. (2001d) *The E-Book as Print-Edition Ad*, Wired News. http://www.wired.com/news/culture/0,1284,42751,00.html [07/07/04]
Rose, M. J. (2001e) *E-Books Are Now on the Shelf*, Wired.com. http://www.wired.com/news/culture/0,1284,42021,00.html [07/07/04]
Rose, M. J. (2001f) *E-Books Live On After Mighty Fall*, Wired.com. http://www.wired.com/news/culture/0,1284,49184,00.html [07/07/04]
Rose, M. J. (2001g) *How to Crack Open an E-Book*, Wired. http://www.wired.com/news/business/0,1367,43401,00.html [07/07/04]
Rose, M. J. (2001h) *Random House Sues for Rights*, Wired.com. http://www.wired.com/news/culture/0,1284,42195,00.html [19/09/04]
Rosenberg, S. (2000) *AOL and Time Warner's marriage of insecurity*, Salon.com. http://www.salon.com/tech/col/rose/2000/01/10/aol_time [08/08/05]
Rosenheim, A. (1992) Electronic Publishing. *Author,* CIII (4): 143-144.
Rosetta Bulletin (2004) *Ebooks: Evolution, Not Revolution, in Book Publishing*. www.SeattleBook.com.
Rothman, D. (2004) *New e-ink tech uses bacterial cellulose and electronic dye*, ebookad.com news. http://www.ebookad.com/gonews.php3?newsid=4078 [07/07/04]
Rothstein, E. (2005) If Books Are on Google, Who Gains and Who Loses? *The New York Times 14 November.* New York.
Roush, W. (2005) *University Presses Question Google's Library Digitization Effort*, TechnologyReview.com Blogs. http://archives.trblogs.com/2005/05/university_pres_1.trml?trk=nl [08/08/05]
Rowlands, I., Nicholas, D. and Huntington, P. (2004) Scholarly communication in the digital environment: what do authors want? *Learned Publishing,* 17 (4).
Said, E. W. (1986) Foucault and the Imagination of Power. In Couzens Hoy, D. (Ed.) *Foucault: A Critical Reader.* London, Routledge.
Sainsbury, L. (1996) *Looking to the future: alternative forms olf children's books: a discussion of children's use of electronic and audio books,* London.
Sandoval, G. (1999) *Getting a Read on E-Books*, CNet. http://news.com.com/2100-1040-232672.html [07/07/04]
Sanford, S. (2001) *Bill Hill: Homosapiens 1.0 - An E-Book Story*, Converge Magazine. www.convergemag.com/magazine/story [28/06/04]
Sap Info (2002) *Web-based technologies and supply chain design: Supply on Demand*, Sap info. http://www.sap.info/index.php4?ACTION=noframe&url=http://www.sap.info/public/en/print.php4/article/Article-108023cd26b5d09878/en [01/08/03]
Saunders (1999a) *Business the Amazon.Com Way: Secrets of the world's most astonishing Web business,* Washington, Capstone Ltd.
Saunders, D. (1992) *Authorship and Copyright,* London, Routledge.
Saunders, R. (1999b) *Business the Amazon.Com Way: Secrets of the world's most astonishing Web business,* Washington, Capstone Ltd.
Schcolnik, M. (2001) A Study of Reading with Dedicated E-Readers. *Graduate School of Computer and Information Sciences.* Nova Southeastern University.
Schiffrin, A. (2000) *The business of books. how international conglomerates took over publishing and changed the way we read.,* London, Verso.

Schilit, B. (1999) Why e-Read? Finding opportunities in the merger of paper and computers. *Future of Print Media Journal.* http://www.futureprint.edu/research.htm PDF version
www.futureprint.kent.edu/articles/schilit01.htm
Schilit, B. N., Golovchinsky, G. and Price, M. N. (1998) Beyond paper: supporting active reading with free form digital ink annotations. *Proceedings of the SIGCHI conference on Human factors in computing systems.* Los Angeles, California, United States, ACM Press/Addison-Wesley Publishing Co.
Schilit, B. N., Price, M. N., Golovchinsky, G., Tanaka, K. and Marshall, C. C. (1999) As We May Read: The Reading Appliance Revolution. *IEEE Computer,* Jan.: 65-73.
Schiller, H. I. (1989) *Culture, Inc.,* Oxford, Oxford University Press.
Schiller, H. I. (1998) Striving for communication dominance: a half century review. In Thussu, D. K. (Ed.) *Electronic Empires.* London, Arnold.
Schneider, K. (2000) *A Funny Thing Happened on the Way to the E-Book,* American Libraries. http://www.ala.org/ala/alonline/inetlibrarian/2000columns/may2000funny.htm [07/07/04]
Schnuer, J. (1998) The Virtual Presence of Small Presses. *Publishers Weekly.*
Schonfeld, E. (2002) *Are We Ready for Digital Paper?,* ZDNet. http://zdnet.com.com/2100-1107-856627.html [07/07/04]
Schragis, S. (2001) Do I Need Permission? Fair Use Rules under the Federal Copyright Law. *Publishing Research Quarterly,* 16 (4): 50-62. <Go to ISI>://000167893200001
Schumpeter, J. A. (1950) *Capitalism, Socialism, and Democracy,* New York, Harper and Row.
Schumpeter, J. A. (1954) *History of Economic Analysis,* New York, Oxford University Press.
Schumpeter, J. A. (1983) *Theory of Economic Development,* New Brunswick, Transaction Books.
Schwartz, E. (1999) *E-Books Target Pricey Print Books,* PC World. http://www.pcworld.com/news/article.asp?aid=10481 [07/07/04]
Scott, J. (Ed.) (1994a) *Power, Critical Concepts Vol. 1,* London, Routledge.
Scott, J. (Ed.) (1994b) *Power, Critical Concepts Vol. 2,* London, Routledge.
Scott, J. (Ed.) (1994c) *Power, Critical Concepts Vol. 3,* London, Routledge.
Scranton, P. (1994) Determinism and Indeterminancy in the History of Technology. In Marx, L. and Roe Smith, M. (Eds.) *Does Technology Drive History?* Cambridge, MA, The MIT Press.
Sellen, A. and Harper, R. (2002) *The Myth of the Paperless Office,* Cambridge, MA, MIT Press.
Seybold (1999) Electronic Books: Five Competing Approaches. *Publishing Strategies Conference.* Boston, Seybold Seminars.
Seybold (2002) *E Ink receives $25 million investment,* Seybold E-book Zone. [06/07/04]
Shapiro, M. (Ed.) (2001) *Textualizing Global Politics,* London, Sage Publications Ltd.
Shatzkin, M. (2003) *Adult Trade Publishing: Mixtures of growth and decline,* The Idea Logical Company, Inc. http://www.idealog.com/speeches/2003-07-24.html [09/09/03]
Shawcross, W. (1993) *Murdoch,* London, Pan Books.
Shim, R. (2001) *Electronic Ink Hits Display Screens,* ZDNet. http://zdnet.com.com/2110-11-529655.html [07/07/04]

Shim, R. (2004) *Sony E-Book to be Written in Electronic Ink*, CNet. http://news.com.com/2100-1041-5178854.html [07/07/04]
Shiratuddin, N. (2003) Innovative features of e-books and e-book builders : potential learning and authoring tools for the Malaysian smart school environment. Glasgow, University of Strathclyde.
Shiratuddin, N., Landoni, M., Gibb, F. and Hassan, S. (2003) E-Book Technology and Its Potential Applications in Distance Education. *Journal of Digital Information,* 3 (4). http://ebooks.strath.ac.uk/index.html
Shneiderman, B. (1998) Codex, memex, genex: The pursuit of transformational technologies. *International Journal of Human-Computer Interaction,* 10 (2): 87-106. <Go to ISI>://000074641000001
Siklos, R. S., Reed, S. and Dawley, H. (1999) Rupert Does the Cyberhustle. *Businessweek online.*
Simon, D. (2000) Keepers of the Word. *The Nation review.*
Smart, B. (1989) On Discipline and Social Regulation: a review of Foucault's genealogical analysis. In Garland, D. and Young, P. (Eds.) *The Power to Punish.* London, Gower.
Smith, A. (1980) *The Geopolitics of Information,* London, Faber & Faber.
Smith, A. (1987) Strategic Investment, Multinational Corporations and Trade Policy. *European Economic Review,* 31: 88-96.
Smith, D. (1999) *Is This the End of the Story for Books?*, NY Times. http://www.nytimes.com/library/tech/99/11/biztech/articles/20book.html [07/07/04]
Smith, M. L. (1994) Recourse to Empire: Landscapes of Progress in Technological America. In Marx, L. and Roe Smith, M. (Eds.) *Does Technology Drive History?* Cambridge, MA, The MIT Press.
Snowhill, L. (2001) *E-books and Their Future in Academic Libraries*, D-Lib Magazine. http://www.dlib.org/dlib/july01/snowhill/07snowhill.html [07/07/04]
Sohn, E. (2003) *Electronic Paper Turns a Page*, Science News for Kids. http://www.sciencenewsforkids.org/articles/20031203/Feature1.asp [26/08/04]
Soros, G. (2000) *Open Society: Reforming Global Capitalism,* London, Little, Brown and Company.
Sottong, S. (1999) Don't power up that e-book just yet. *American Libraries,* 30 (5): 50-53.
Spar, D. (2001) *Ruling the Waves,* New York, Harcourt, Inc.
St. Pierre, N. (2000) *Book Publishers Confront Their Digital Demons*, Businessweek Online. http://www.businessweek.com/2000/00_43/b3704207.htm [09/07/04]
Stallman, R. (2000) *Intellectual Capital: Freedom Or Copyright?*, Technology Review. http://www.technologyreview.com/articles/stallman0500.asp [07/07/04]
Stamper, C. (1998) *Writing with Electronic Ink*, ABC News. http://more.abcnews.go.com/sections/tech/dailynews/eink980715.html [07/07/04]
Stark, H. (2000) Paper Helped Pave the Way for Civilization. In Bristow, A. J. (Ed.) *Advances in Printing Science and Technology (Proceedings of the 27th Research Conference International Association of the Research Institutes for the Printing, Information and Communication Industries, Graz, Austria 10-13 September 2000).* Leatherhead, Surrey, Pira International.
Stathern, P. (2002) *The Essential Foucault,* London, Virgin.
Sterling, B. (1993) Literary freeway - not for commercial use. *Computer underground Digest,* 5 (54). http://venus.soci.niu.edu/~cudigest/CUDS5/cud554.txt
Stöber, R. (2004) What Media Evolution Is: A Theoretical Approach to the History of New Media. *European Journal of Communication Studies, Sage Publications,* 19 (4): pp483-505. http://ejc.sagepub.com/cgi/content/abstract/19/4/483

Stone, A. (1997) *How America Got On-line,* New York, M.E. Sharpe.
Stone, A. (2000) *Will Gemstar Be Our Guide to the Future?*, Businessweek Online. http://www.businessweek.com/bwdaily/dnflash/may2000/sw00524.htm [09/07/04]
Stove, D. (2000) *Anything Goes: Origins of the Cult of Scientific Irrationalism,* Sydney, Macleay Press.
Strong, W. S. (2003) The Legal Framework: Copyright & Trademark. In Kasdorf, W. E. (Ed.) *the columbia guide to digital publishing.* New York, Columbia University Press.
Subba Rao, S. (2003) Electronic Books: a review and evaluation. *Library Hi-Tech,* 21 (1): 85-94.
Subba Rao, S. (2004) Electronic book technologies: an overview of the present situation. *Library Review,* 53 (7): 363-371. www.emeraldinsight.com/0024-2535.htm
Sullivan, J. (1998) *The New Papyrus, from Xerox*, Wired. http://www.wired.com/news/business/0,1367,16028,00.html [07/07/04]
Swann, P. (2004) *EchoStar Will Seek a Partner 2004.* http://www.tvpredictions.com/echostar120104.html [08/08/05]
Swisher, K. (2003) *There must be a pony in here somewhere: the AOL Time Warner debacle,* New York, Three Rivers Press.
Tagholm, R. (2005) Newton attacks digitisation. *Publishingnews 22 April 2005.* London.
Tanaka, J. (1999) Books With No pages. *Newsweek.*
Tapscott, D. and Caston, A. (1993) *Paradigm Shift,* New York, McGraw-Hill, Inc.
Taylor, R. (2001) *E-Paper Moving Closer*, BBC News. http://news.bbc.co.uk/1/hi/sci/tech/1530678.stm [07/07/04]
Taylor, S. (1998) ABA Is Suing Borders, Barnes & Noble. *Publishers Weekly.*
Teather, D. (2004) *Google opens a new chapter*, The Guardian. [12/11/04]
Teather, D. (2005) Architect of AOL merger quits Time Warner. *The Guardian.* 1 November, 2005 ed. London.
Tennant, R. (2000) *The Emerging Role of E-Books*, Library Journal. http://www.libraryjournal.com/index.asp?layout=articleArchive&articleId=CA156519 [07/07/04]
Tepper, A. (1993) Future assessement by metaphors. *Behaviour & Information Technology,* 12 (6): 336-345.
Terazono, E. and Odell, S. (2005) NTL seeing power of Virgin brand. *The Financial Times.* Monday, 5 November 2005 ed. London.
Testa, J. and McVeigh, M. E. (2004) *The Impact of Open Access Journals - A Citation Study from Thomson ISI.*
The Economist (2004) Music's brighter future. *The Economist,* 28 October 2004.
Thompson, B. (2004) *Flexible Displays on the Horizon*, BBC News. http://news.bbc.co.uk/2/hi/technology/3506289.stm [07/07/04]
Thompson, J. B. (2005) *Books in the Digital Age,* Cambridge, Polity Press.
Thompson, P. L. (2003) Microelectronics and the muse: the political economy of literary publishing at the beginning of the 21st century. *PCA/ACA 2003 National Conference*
A Joint Meeting of the Popular Culture Association / American Culture Association.
Thompson, R. L. (1947) *Wiring a Continent: the History of The Telegraph Industry in the United States,* Princeton, Princeton University Press.
Thuresson, M. (2004) Publishers Push Return of the E-Book. *Japan Media Review.* http://oir.org/japan/media/1082135229.php
Tomlinson, J. (1999) *Globalization and Culture,* Oxford, UK, Polity Press.

Towse, R. (2000) Copyright, Risk and The Artist. *The International Journal of Cultural Policy,* 6 (1).
Trachtenberg, J. T. (2005) The Growing Market For Slightly Used Books. *The Wall Street Journal.* 29 September, 2005 ed. New York.
Tryhorn, C. (2005) We ignore internet at our peril, Murdoch warns editors. *The Guardian.* 14 April, 2005 ed. London.
Tunstall, J. and Machin, D. (1999) *The Anglo-American Media Connection,* Oxford, Oxford University Press.
Turner, B. S. (1985) The Practices of Rationality: Michel Foucault, medical history and sociological theory. In Fardon, R. (Ed.) *Power and Knowledge: Anthroplogical and Sociological Approaches.* Edinburgh, Scottish Academic Press.
Tyler, P. (2003) A New Power In the Streets. *New York Times.* New York.
U.S. Government (1998) *The Digital Millennium Copyright Act of 1998*, U.S. Copyright Office Summary. www.copyright.gov/legislation/dmca.pdf [05/08/05]
UNESCO (1982) *Cultural Industries: A challenge for the future of culture,* Paris, The United Nations.
UNESCO (2001) *World Commission on the Ethics of Scientific Knowledge and Technology (COMEST)*, UNESCO, Paris. www.wolfson.ox.ac.uk/~floridi/pdf/easie.pdf [10/08/04]
Vaidhyanathan, S. (2004) *The Anarchist in the Library,* New York, Basic Books.
Vaidhyanathan, S. (2005) Remote Control: The rise of electronic cultural policy. In Klinenberg, E. (Ed.) *The Annals of the American Academcy of Poltical and Social Science: Cultural Production in a Digital Age.* London, Sage Publications.
Vaknin, S. (2005a) *Althusser - A Critique: Competing Interpellations and the Third Text.* [10/10/05]
Vaknin, S. (2005b) *The Metaphors of the Net*, Global Politician. http://globalpolitician.com/articledes.asp?ID=800&cid=1&sid=19 [10/10/05]
Van Hoorebeek, M. (2003) Napster clones turn their attention to academic e-books. *New Library World,* 104 (1187/1188): 142-148.
Vogelstein, F. (2000) Meet the Bill Gates of TV. *U.S. News & World Report.*
von Bubnoff, A. (2005) Science in the web age: The real death of print. 438 (7068): 550-552. http://dx.doi.org/10.1038/438550a
von Dietze, E. (2001) *Paradigms Explained,* Wesport, Ct, Praeger.
von Hoffman, N. (1998) AD Electronica: Turning On To E-books. *Architectural Digest.*
von Lohmann, F. (2001a) *DMCA Disappointment*, eff.com (Electronic Frontier Foundation). www.eff.org/IP/DMCA/?f=200110830_eff_dmca_op-ed.html
von Lohmann, F. (2001b) *DMCA Disappointment*, eff.com (Electronic Frontier Foundation). www.eff.org/IP/DMCA/?f=200110830_eff_dmca_op-ed.html [30/08/04]
von Lohmann, F. (2004) *DMCA Revisited*, eff.com (Electronic Frontier Foundation). www.eff.org/IP/DMCA/dmca.pdf [30/08/04]
Votsch, V. (1999) *Hand Held E Books: the Reality Behind the Hype.*
Waldon, J. (1993) From authors to copiers: individual rights and social values in intellectual property. *Chicago-Kent Law Review,* 68 (2): 841.
Walker, L. (2004) Makers Scramble To Put Some Bend In 'Electric Paper'. *The Washington Post.* Washington D.C.
Waller, R. (1986) What electronic books will have to be better than. *Information Design,* 5 (1): 72-75.

Walsdorf, J. and Gorman, M. (2004) Bibliomania: How we catch it, how to enjoy it – and who benefits in the end. *Logos.*
Walton, M. (2002) *E-textbooks Clicking with Colleges*, CNN. http://www.cnn.com/2002/TECH/science/08/30/coolsc.ebooks/ [07/07/04]
Ward, G. (1998) *Publishing in the digital age,* London, Bowerdean.
Wasser, F. (2001) *Veni, Vidi, Video,* Austin, University of Texas Press.
Wasser, F. (2005) When Did They Copyright the World Without Us Noticing. *M/C Journal,* 8 (3) (3). http://journal.media-culture.org.au/0507/05-wasser.php
Webb, A. (2001) *The world in your hands*, BBC News. http://news.bbc.co.uk/1/hi/entertainment/1196834.stm [04/08/04]
Weber, M. (1978) Domination by Economic Power and Authority. In Lukes, S. (Ed.) *Power.* Oxford, Basil Blackwell.
Weeks, L. (2000a) *Deadbeats Prompt King To Yank Internet Book*, Washington Post. http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A1570-2000Nov28 [07/07/04]
Weeks, L. (2000b) *Move Over, Gutenberg. Please.*, Washington Post. http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A24452-2000Sep26 [07/07/04]
Weeks, L. (2001) *Muggle vs. Wizard: Author accuses creator of Harry Potter of lifting characters' names, from* Washington Post. www.detnews.com/2001/entertainment/0103/31/c03-205734.html [30/08/04]
Weinberg, S. (1998) The revolution that didn't happen. *The New York Review of Books,* 8 October, 1998: 48-52.
Weisberg, J. (2000) *The Good E-Book*, NY Times. http://www.nytimes.com/library/magazine/home/20000604mag-ebook.html [07/07/04]
Welch, M. (2000) *Hollywood on AOL/Time Warner*, Wired.com. http://www.wired.com/news/culture/0,1284,34153,00.html [30/08/04]
Wetherell, M. (Ed.) (2001) *Themes in Discourse Research: The Case of Diana,* London, Sage Publications Ltd.
Wiener, N. (1948) *Cybernetics,* New York, The Technology Press John Wiley & Sons.
Wiener, N. (1954) *The Human Use of Human Beings,* London, Eyre & Spottiswoode.
Wilbur, M. (2004) *DMCA: The Digital Millenium Copyright Act,* San Jose, Writers Club Press.
Wildstrom, S. H. (1998) *A New Chapter for E-Books*, BusinessWeek. http://www.businessweek.com/1998/44/b3602055.htm [07/07/04]
Williams, R. (1975) *Television: Technology and Cultural Form,* New York, Schocken.
Williams, R. (1981) *Culture,* London, Fontana.
Williams, R. (1983) *Towards 2000,* London, Chatto and Windus.
Williams, R. (1994) Political and Feminist Dimensions. In Marx, L. and Roe Smith, M. (Eds.) *Does Technology Drive History?* Cambridge, MA, The MIT Press.
Wilson, R. (2001) Evolution of portable electronic books. *Ariadne,* 29. http://www.ariadne.ac.uk/issue29/wilson/
Wilson, R. (2002) The "look and feel" of an ebook: considerations in interface design. *Proceedings of the 2002 ACM symposium on Applied computing.* Madrid, Spain, ACM Press.
Wilson, R. (2003) Evaluating the usability of portable electronic books. *Proceedings of the 2003 ACM symposium on Applied computing.* Melbourne, Florida, ACM Press.

Wilson, R., Landoni, M. and Gibb, F. (2002) A user-centred approach to e-book design. *The Electronic Library,* 20 (4): 322-330.
Wilson, R., Landoni, M. and Gibb, F. (2003) The WEB Book experiments in electronic textbook design. *Journal of documentation,* 59 (4): 454-477.
Wilson, T. (1997) Electronic publishing and the future of the book. *Information Research,* 3 (2). http://informationr.net/ir/3-2/paper39.html
Winner, L. (1977) *Autonomous Technology: Technics-out-of-Control as a Theme in Political Thought,* Cambridge, MA, The MIT Press.
Winner, L. (1999) Do artifacts have politics? In Mackenzie, D. and Wajcman, J. (Eds.) *The Social Shaping of Technology.* Maidenhead, Open University Press.
Winston, B. (1998) *Media Technology and Society,* London, Routledge.
Wired News (1999) *E-Books Taking Shape*, Wired.com. http://www.wired.com/news/technology/0,1282,19870,00.html [07/07/04]
Wisnieff, R. L. and Ritsko, J. J. (2000) Electronic displays for information technology. *IBM Journal and Research and Development,* 44 (3). http://www.research.ibm.com/journal/rd/443/wisnieff.html
Witkowski, T. (2000) *Spinoff Moves Into E-Ink Market Space*, Boston Business Journal. http://boston.bizjournals.com/boston/stories/2000/12/18/story5.html [07/07/04]
Witt, L. (2004) *Finding Truth on the Internet*, Wired.com. http://www.wired.com/news/politics/0,1283,64967,00.html [30/10/04]
Wolf, M. (2003) *Buying the Dream*, New York Magazine. http://newyorkmetro.com/nymetro/news/anniversary/35th/n_8597/ [30/10/04] [30/10/04]
Wolf, M. J. (1999) *The Entertainment Economy,* London, Penguin Books.
Wolff, M. (2001) *The Fox Trot*, The New York Magazine. www.newyorkmetro.com/nymetro/news/media/columns/medialife/4865/index.html [30/10/04]
Wood, A. and Thompson, P. (2003) *An Interesting Day: President Bush's Movements and Actions on 9/11*, The Center for Cooperative Research. http://www.cooperativeresearch.org/timeline/main/essayaninterestingday.html [30/10/04]
Wood, M. (2005) *DRM this, Sony!*, CNET.com. http://www.cnet.com/4520-6033_1-6376177-1.html [22/12/05]
writenews (2001) *Penguin Announces Ebook Publishing Plans*, writenews.com. [22/12/05]
Writenews (2003) *Gemstar Closes Ebook Division*, Writenews.com. http://www.writenews.com/deadzone/2003/arch0603.htm [04/08/04]
Wylie, A. (2005) Read the books, five cents a page. *The Times 26 November 2005.* London.
Yang, C. and Capell, K. (2005) *Another Case Entirely*, BusinessWeek.com. www.businessweek.com/magazine/content/05_15/b3928093.htm [11/11/05]
Young, J. (2001) *A University that Reveres Tradition Experiments with E-Books*, Chronicle of Higher Education. http://chronicle.com/free/2001/05/2001051101t.htm [07/07/04]
Zboray, R. J. (1988) Antebellum Reading and the Ironies of Technological Innovation. *American Quarterly,* 40 (1, Special Issue): 65-82.
Zeitchik, S. (1998) A Fluury of Deals for E-book Firms. *Publishers Weekly.*
Zeitchik, S. (2002) Supreme Court Hears Copyright Extension Case. *Publishers Weekly.*
Zeitchik, S. (2003) Gemstar E-books Shutddown. *Publishers Weekly.*
Zeitchik, S. M. (2000) *The Future of the Book - The revolution that wasn't*, Salon.com. http://dir.salon.com/books/feature/2000/03/28/king/index.html [08/07/04]
Zeitchik, S. M. (2005) Harper Pulls It Out: '05 Continues Streak. *Publishers Weekly.*