Property, Licenses and Labor when Memory Institutions Converge with Informational Capitalism

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ABSTRACT

This article brings together theories on copyright, information commons and political economy to discuss the implications of memory institutions’ convergence with informational capitalism. The imperatives of sharing and participating prompt memory institutions to deal with their holdings in terms of property, and they invest time and resources in rights clearances, licensing procedures and in marking up works and artefacts as belonging to the public domain. This situation also compels them to allocate working hours to interaction on platforms owned and controlled by global media companies. Viewed through the lens of political economy, sharing and participation become gifts, not only to the public, but also to social media businesses when data traces are turned into private goods of value in informational capitalism.

In return for their gifts, memory institutions fulfil democratic missions and gain reputation. However, data mining and the strategic placement of information which this allows for, run the risk of supporting populist misappropriation of heritage.

Keywords

Memory institutions, informational capitalism, property, copyright, creative commons, public domain, digital labor

In their capacities as memory institutions, archives, museums and libraries are guardians of material culture, archival documents, and artistic and literary works for the public good. These long-standing institutions have supported the community-building capacities of nation-states with material and symbolic evidence of a shared history and culture. Such institutions may also add grandeur
This article brings together theories on copyright, information commons and political economy to discuss the implications of memory institutions’ convergence with informational capitalism. It contributes to the emerging research on the effects of memory institutions’ dependency on a new economy centered around competitive corporations taking advantage of a rapid technological development to act on a global scale to monetize online information and data. The first section of the article outlines the issues that the article focuses on. The second describes some of the complexities of copyright law that memory institutions must consider and solve to disseminate digitized material. In the third section, the article combines theoretical and analytical perspectives to discuss memory institutions’ use of Creative Commons licenses and Europeana’s implementation of the Public Domain Mark. The fourth section of the article discusses value generation, enclosure and extraction in spaces controlled by informational capitalism and the consequences it might have for opinion making.

DIGITAL EXCEPTIONALISM AND PUBLIC RESOURCES

In his writings on informational capitalism, Phillip Kalantzis-Cope suggests that the internet economy thrives on two main principles: a participatory nor-
mativity and a grammar of digital exceptionalism that legitimizes a particular intellectual property agenda.

[In a manner peculiar to this age and this moment of capitalist development, we hear that the act of giving away one’s intellectual property is pre-eminently an act of freedom, the individual’s gift for a supposed public good. A system of obligation is engendered in the exceptional gift thesis, one of personal responsibility to give as well as take in the intellectual commons. In this way, the ‘value’ of participation is primarily positioned in a normative domain: peer production is associated with free labour, and the autonomy of action with non-rivalrous property. This serves as a motivational logic, enticing one to participate, to enmesh more and more of one’s life into a social domain mediated by privately owned digital communication networks. (Kalantzis-Cope 2016: 301)

In line with scholars critical of the political economy of social media platforms, Kalantzis-Cope unveils how individual creativity and participation are exploited when global companies capture digital labor, turn it into data and commodify it in terms of property. It presupposes a condition of digital exceptionalism built upon the ubiquitous use of non-rivalrous information, that is, information for which “one person’s use does not exclude another person’s use”. Digital exceptionalism is contrasted to a co-existing norm of industrial production of material goods according to which “one’s use excludes another’s” (Kalantzis-Cope 2016: 300; 2018: 48; 54–55).

This article argues that digital exceptionalism also affects memory institutions. The individual act of giving away one’s intellectual property corresponds to the imperative of sharing. As stated by Merete Sanderhoff, one of the most influential proponents of digital access of museum collections, sharing collections digitally strengthens the institution’s position in society. It contributes to fact-based critical societal debates and opens “toolbox full of stellar raw materials for the creatives, developers, producers and explorers of the world” (Sanderhoff 2018: 197). These words recast the ways in which democracy and economic growth merge in public-private assemblages in times of what Nanna Bonde Thylstrup argues are characterized by efforts at mass digitization. Public institutions as well as the global media company Google and illicit online shadow libraries extract and distribute cultural resources on vast scales (Bonde Thylstrup 2018).

The main driving point for the sharing paradigm is the postulation that the more people who share useful knowledge, the greater the common good. But one obvious objection to the view of resources of memory institutions in terms of “stellar raw materials” is the fact that collection items seldom are raw in the sense that they lack histories and cultural frameworks. On the contrary, collected items are enmeshed in power-infused histories of appropriation, canons, and layers of disciplinary interpretations. The sharing perspective unleashes all these contexts by conceiving collections as extractable resources.
Because memory institutions manage knowledge resources and heritage for the public good, their assets have in some sense always been non-rivalrous. However, digitization has changed the terms for their distribution. Knowledge resources are no longer confined to books, papers, objects, art works or other artefacts kept on the premises of institutions. Rather they are infinitely reproducible and easily distributed. Informational capitalism has made relevant the many overlaps and the constant interplay between knowledge and information that are held in common and are free to use, and that are content that is fenced off from public use through copyright protection (Hemmungs Wirtén 2008). This has caused dilemmas concerning copyright: rights to access, to contribute to works, to extract works, to withdraw ones contribution or to manage participation (Ostrom and Hess 2007). The new notion of the commons that has come to the fore with the advent of digitization nurture informal mechanisms that enable the sharing of ownership and control of resources (Hess and Ostrom 2007). Creative Commons licenses are examples of such informal solutions for the information commons (Hemmungs Wirtén 2008: 41-43). This is why this article pays specific attention to Creative Commons licenses, and the initiative’s Public Domain Mark, employed by Europeana, the portal for digital heritage in Europe.

The sharing paradigm prompts memory institutions to invest labor in informational capitalism. First, time and resources are put into the digitization of objects and the opening of collection management systems. This investment also includes time-consuming procedures of clearing rights for works that still have a valid copyright, licensing procedures and marking up digitizations as belonging to the public domain, as will be discussed below. An additional investment concerns the working hours institutions allocate to interaction in communication infrastructures owned and controlled by global media companies, for instance disseminating digitizations on content sharing sites such as Flickr and Pinterest, collaborating with Google Arts and Culture, sharing technological news with colleagues on Twitter, posting events or news about acquisitions or research, asking for public contributions, or moderating discussions on Facebook.

These platforms provide convenient infrastructures for dissemination and communication. They thrive on public-private assemblages and tie mass-digitization into the “platformization of the web” (Bonde Thylstrup 2018: 127). In the book The Platform Society: Public Values in a Connective World José van Dijck, Thomas Poell and Martijn de Waal (2018) make a series of compelling cases that show that platforms gradually converge with institutions and practices of democratic societies. They discuss platforms in relation to education, healthcare, news and urban transport, but in this article I argue that the conditions also cast light on the predicament of memory institutions in informational capitalism. Online platforms such as Google and Facebook are infrastructures that organize interactions between public bodies, users and businesses with technologies that allow for the collecting, processing and circulating of social interaction to commodify data. Historically, public and private resources were
coordinated to build societal infrastructures. This was also the case of the early Internet. But, as of 2018, the Internet was completely privatized, compromising the digital autonomy for public institutions and non-governmental organizations alike. Platforms now connect and blend public, private and civil sectors. Subsequently, the creation of public value and the common good is mixed with the creation of economic value more than ever before (van Dijck, Poell and de Waal 2018).

The ways in which social media platforms capitalize on users’ activities and content production have been one of the most debated, and not yet settled, issues in a political economist’s take on informational capitalism. There is a division between those who accentuate that value generation first and foremost is produced by productive labor, that is, working hours producing surplus value, and those who emphasize the role of the stock market for value generation. These discussions also concern the aggregation and valuation of data about users and use. In the final section of this article, I outline the debate between the two camps in order initiate a discussion on the extraction of data pursued by informational capitalism and possible implications for memory institutions. This discussion brings up the problem of enclosure of knowledge in the digital commons. According to Charlotte Hess and Elinor Ostrom (2007), digital technologies permit new access to knowledge resources, but they also permit the appropriation of knowledge that was once non-rivalrous, and allow for the capturing of not previously available resources. Furthermore, the discussion highlights how the use of these new knowledge resources harbors the risk of ideological appropriation.

While some memory institutions maintain closed systems and withhold heritage, many institutions fully embrace the changes brought about by informational capitalism and digitize as much as they can of their collections. When releasing heritage in posts in social media or in partnerships with Wikimedia, which in turn is closely allied with Google’s search engines, they increasingly converge with global media companies to set their holdings in motion.

COPYRIGHT COMPLICATIONS

The ambiguity between private and public domains raises the fundamental question of who owns culture, a subject that relates to the bourgeoning literature on cultural property. This is an evolving category encompassing the space between private and public property to recognize collective rights for both material and immaterial culture. The category of cultural property is called upon when the material heritage is destroyed in wars and in connection with the restitution of antiquities and collections of indigenous artefacts. Challenging the ways in which the definitions initially positioned the nation-state as the owner of cultural resources, indigenous communities and minorities have adapted it for claims of political recognition within and beyond states (Anderson and Geismar 2017). Cultural property and cultural heritage are closely
connected, but in reality they operate under the auspices of different UNESCO conventions, a fact that Valdimar Tr. Hafstein and Martin Skydstrup take as a starting point to discuss their diverging scopes. Whereas international disputes concerning cultural property are under the auspices of The Hague Convention, the safeguarding of the cultural heritage for humanity as a whole is covered by the World Heritage Convention. The former produces collective subjects. The latter promotes inclusive heritage and the education of responsible subjects in line with the participatory turn in heritage management (Hafstein and Skydstrup 2017).

Informational capitalism binds participation tightly with an imperative of sharing and thus bracket claims for exclusive collective rights to culture. The sovereignty of national cultures is tested by the dependence of memory institutions on informational capitalism for the distribution of digitized materials (Bonde Thylstrup 2018). This prerogative raises instead new questions regarding how to balance the interests of access to cultural heritage and the rights of copyright holders (Belder 2010; Bruncevic 2018; Hemmungs Wirtén 2008). The modern definition of property and accompanying legal architecture is usually recognized to have its origin in John Locke’s philosophy positing property as a natural right that precedes government (Anderson and Geismar 2017:4). As a private right, copyright guarantees that individuals who develop something through their own labor and creativity can claim the efforts as their exclusive property (Anderson and Geismar 2017: 3; Bruncevic 2018: 101).

Copyright law protects immaterial content and not the carrier that fixes the work. It follows that copyright is neither connected to the material object in the custody of memory institutions, nor to the digitization, that is, its photographic representation which on screen appears as visual and realistic. Rather it is associated with the creator. The distinction between the carrier and the immaterial content is supported by the so called first sale doctrine in copyright law. It gives the institution the right to sell, lend or display the work, even though the underlying copyright still belongs to the author or creator (Perzanowski and Schultz 2010). Digitization alters the premises.

Because the carrier fixes the work, all works are simultaneously material and immaterial in ways that becomes highly complex with regard to ownership, not least, in a digital environment (Bruncevic 2018:164). Here, digital carriers multiply and disseminate endlessly via computers, routers, wires, connectors, server halls and clouds. Consequently, commercial entities increasingly apply license agreements to protect their copyright interest and delimit copyright infringement (Perzanowski and Schultz 2010). In a similar yet different manner, memory institutions have started to use contracts and licensing agreements at their websites. Some institutions claim copyrights for digital images of works in their possession, for reasons of production costs, or for the sake of revenues (Crews 2012; Hemmungs Wirtén 2008: 105; Mazzoni 2011; Petri 2014). Under these new conditions memory institutions have been accused of committing copyfraud, that is over-reaching copyright, by claiming ownership
of digital reproductions of works and documents that belong to the public domain (Mazzone 2011).

If and how institutions have the right to disseminate digitizations depends on the character of the institution and the items it possesses. Whereas everyday objects held by cultural history museums rarely fall under copyright law, photo collections and works held by art museums, designs museums and libraries do. Photos, performances, literary and art works have different terms of protection. For works for which the copyright is still valid, institutions have to seek permission and contract the rights to dissemination. In most European jurisdictions, copyright protection lasts for seven decades after the death of the author. After that, a work is considered to be part of the public domain. This “life + seventy” duration explains the lack of contemporary art and literary works from the twentieth century in digital collections and is sometimes referred to as the digital black hole (Belder 2010: 221).

To counter this void, memory institutions must embark on costly rights-clearance and licensing procedures (Porsdam 2015; Stobo 2016). One and the same work may have several copyright holders. Because copyright holders may transfer copyrights to third parties, such as publishers, and copyright may be inherited, searches for the holders of copyrights and copyright clearance may be complicated. The category of orphan works---items which may be protected under copyright but for which no rights holder is identified or located---pose specific challenges met by a European legal framework in 2012 that allows for access under certain conditions (Mead and Sanderson 2015). Yet another set of problems occurs when collections of first nations’ and indigenous culture are digitized. In this area many power-infused and sensitive questions regarding ownership and control come to the fore (Anderson and Montenegro: 2017).

Digitization may lead to a new copyright. For instance, documentation of performances may lead to rights for both producers and performers (Belder 2010: 221-222). Documentation of three-dimensional works may furthermore require such a creative approach by the photographer that her documentation may pass the thresholds of creativity and originality and thus become protected by copyright (Petri 2014). If such reproduction is commissioned by an institution, copyright can be claimed and asserted, provided that the institution makes a contract that transfers the photographer’s right to the institution (Corbett 2013). Digitization also creates new copyright practices, for instance in connection to museums’ collecting and dissemination of personal stories (Graham, Mason and Nayling 2013).

The fact that the online spaces in which cultural heritage now circulates operate under global, European and national copyright laws creates inconsistencies and risks of conflicting jurisdictions. With regard to artistic and literary works, each national regime is subjected to certain minimum standards established in the 1886 Berne Convention. Although the convention secures that right holders enjoy global protection, complications occur when works circulate across bor-
ders, due to the fact that the convention states that copyright is governed by the laws of the nation-state where protection is requested. For instance, the threshold of originality might vary, and so too, do exceptions related to free use/fair dealing principles on, for example, the right to quote and use works for illustrating and teaching purposes (Torremans 2016). As of 1994, intellectual property rights also fall under TRIPS managed by the World Trade Organisation giving copyright holders even stronger protection (Bruncevic 2018: 151–153).

It follows that memory institutions struggle with the fact that significant parts of their collections are subject to copyrights. One of the consequences of the copyright barrier is that memory institutions are forced to abstain from digitization of a significant part of their collections. Another and equally important consequence in the context of this article is the way in which copyright laws together with the prerogatives of informational capitalism place institutions in a disputed terrain of licenses, contracts, policies and terms of use (cf. Crews 2012; Mazzone 2011).

FROM COPYRIGHT TO MORAL RIGHTS AND ETHICS

Memory institutions increasingly turn to Creative Commons Licenses (CC licenses) or the Public Domain Mark, also developed by the non-profit Creative Commons initiative. These depend on evolving customs and norms regarding users’ rights in the information commons (cf. Hemmung Wirtén 2008: 39-46). As pointed out by Merima Bruncevic (2018:191), CC licenses provide a contract structure within the boundaries of copyright law. Because all license options are non-exclusive and share a base line of attribution, they reward creators for their output. They balance between the creators’ rights and users’ right, and re-use is then secured by a series of options (Bruncevic 2018:187-191; Kalantzis-Cope 2018: 62-63). Memory institutions commonly use CC-BY (share and adopt), CC BY-SA (share alike), CC BY-NC-ND (no commercial, no derivatives), CC BY-NC-SA (share and adapt for non-commercial ends), or CCO which is applicable when institutions or creators wave their rights to place a work in the public domain (GLAM n.d.). Importantly, all these licenses create different opportunities for and constraints on memory institutions in their ambitions to release collections for reuse in the information commons.

When the sharing imperative increasingly gains influence, CC licenses and Public Domain Mark become part of rebranding institutions. Kenneth D. Crews (2012) suggests that one of the reasons for institutions to disseminate their holdings in the public domain and experiment with licenses might be a wish to improve their reputation. Action taken by important players such as the Rijksmuseum in Amsterdam and the Metropolitan Museum of Art in Los Angeles to release public domain works in their possession suggests that potential losses are outweighed by increased visibility and enhanced reputation. The Rijksmuseum in particular has succeeded in tapping into the creative
industries and reinventing their collection for a culture of creative consumption (Axelsson 2019a, Válysson and Holdgaard 2019).

CC licenses are essential for images on Wikimedia Commons and Wikipedia, and they are searchable because of Google’s support (Kalantzis-Cope 2018: 63). However, they may not be compatible with most social media platform’s terms of use. Kalantzis-Cope (2018: 76) notes that there is pattern in the agreements between users and social media platforms regarding the rights to uploaded images. On the one hand, it seems as if users retain their property rights; on the other hand, when creating an account, users grant the platform sublicenses. These sublicenses usually involves transferring the rights to the platform to store, display, reproduce, save and distribute content on the platform. Due to risks of complex chains of licenses, Creative Commons licenses do not allow for sublicense agreements (Open Content – A Practical Guide to Using Creative Commons Licences/The Creative Commons licencing scheme nd.).

In addition, only CC BY and CC BY SA adhere to open source and free software, two different yet closely aligned alternatives to share outside the proprietary model (Story, Darch and Halbert 2006: 166–167). CC BY-ND does not allow for adopted works to be shared and CC BY-NC-SA does not allow for commercial use of adopted works (Open Content – A Practical Guide to Using Creative Commons Licences/The Creative Commons licencing scheme nd.). Because these latter licenses provide memory institutions with the possibility of restricting the use of collection items, it would be something similar to copyfraud to apply them for works in the public domain.

One imperative for CC licenses appears odd when considered in relation to cultural heritage and the collections of memory institutions. The Creative Commons initiative is designed for individual self-realization and build up the pool of common resources with one contract at the time between individuals (Kalantzis-Cope 2018: 63). Thus, it was initially designed for the author or the person who holds the copyright to decide access or use (Story, Darch and Halbert 2006: 168). However memory institutions are generally not individual creators and many collection items are already in the public domain. Why then do institutions apply licenses for digital carriers that should be free to use? One explanation is pointed out by Hans Dam Christensen (2017: 93). CC licenses are used to encourage reuse. To put it differently, they are applied to promote the non-rivalrous nature of collection items.

The Public Domain Mark is developed for works that no longer are under copyright protection. It is recommended by the Europeana initiative and has the advantage of allowing for the adding of guidelines regarding use and ethics. Starting in 2008 with GABRIEL, a project set up to connect 43 national libraries online, Europeana has developed into a platform that not only draws together digital collections from museums, libraries, galleries and archives all over Europe, it also develops technology and lobbies for an improved legal framework, as well as conducting campaigns for the use of digitized cultural heri-
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In addition to linking moral rights to institutions by association, Europeana’s usage guidelines extend the sphere of moral rights to the public domain itself. The guidelines request users to pay respect to the public domain, for instance, by asking them to share works and knowledge, support the efforts of organizations and institutions that release works, preserve public domain marks, and restrain from adding ambiguous information on copyrights (Public Domain Usage Guidelines, n.d.).

Instead of connecting Europeana’s Public Domain Usage Rights to the sphere of moral rights, it might be fairer to discuss the guidelines in terms of ethics. As pointed out by Jenny Kidd, the many incoherencies in copyright laws present museums with challenges concerning their responsibilities. For instance, is the institution responsible for a lack of accreditation when works are re-used or misused in unethical ways, or does the responsibility solely lie with the user (Kidd 2019)?

Following Kidd’s line of reasoning, who takes responsibility for possible disrespectful re-use of the cultures of minorities and indigenous peoples online? Who guards the integrity of works of art, literature and everyday objects that are assigned great symbolic values for institutions and nations? Even if the immaterial content of a work is part of the public domain, its material fixation is not, and an institution might take it upon itself to protect the reputation of its holdings and itself. How are works, creators, groups of people, institutions or the nation’s standings affected if cultural heritage is exploited for blunt commercial ends? What happens if it appears in sexist or misogynous contexts or is appropriated for racist or populistic national agendas? One clause in the guideline for users addresses such questions and tries to mitigate the potential risks for unethical use by asking users to be culturally aware, a category which, of course, is highly contextual and open to interpretation. Similar problems may arise for digitized work with a valid copyright for which institutions have contracted for digital dissemination.

Clearly, the Creative Commons licenses and the Public Domain Mark encourage sharing and increase the visibility of the holdings of memory institutions in spaces controlled by informational capitalism. In different ways they declare ownership and (in some cases) illegitimately set the terms of use. Because these stamps are constructed to stick to the digitization as it multiplies in online space, the reputation of the institution disseminates too. Consequently, there is also a need to protect the institution’s reputation, which is reflected in Europeana’s Public Domain Usage Guidelines. Questions of moral and ethics accentuate that the holdings of memory institutions are part of the commons, and as such subject to dilemmas that are social and cultural and not only confined to systems of property, market and contracts (cf Bollier 2007).
THE TRADE-OFF OF SOCIAL MEDIA

When memory institutions adhere to imperatives for sharing and participation to enhance democracy and stimulate creative outputs for individuals and businesses, they currently rely on platforms that bring together public, private and civil sectors in society, and assimilate public and economic values (cf. Bonde Thylstrup 2018; Dijck, Poell, and de Waal 2018; Valtysson and Holdgaard 2019). This predicament brings us back to Kalantzis-Cope’s (2016; 2018) argument that the digital economy postulates that a gift for the common good is simultaneously a gift to informational capitalism.

The kind of gift that drives social media platforms and search engines differs from the one that resides in common-based social orders. Whereas the latter build on reciprocity, the model of the gift propagated by informational capitalism is subject to the market, even though the rhetoric of media companies masks this reality with a discourse about participation, access and democracy (Kalantzis-Cope 2016). Users and memory institutions labor for the owners and stakeholders of the platforms by producing and distributing content online, that is direct digital labor. This is done by leaving behind traces of data. This is indirect digital labor in the terminology of Kalantzis-Cope (2016).

Christian Fuchs, perhaps the most debated proponent of the free labor thesis that Kalantzis Cope (2016, 2018) calls upon, takes Facebook as a paradigmatic example to explain how social media businesses accumulate capital. The platform invests money in computers and server space, and they employ specialists to build and maintain their services. These services are free to users who in return for the time they spend on the platform leave data traces that Facebook sells to advertisers and data mining companies. User generated data, users’ personal data and data about browsing, geolocations and communication are thus turned into commodities (Fuchs 2012; 2014).

Fuchs has qualified his arguments in a series of articles, but his critics keep returning to the question: If social media activity is voluntarily given, can it really be discussed in terms of exploitation? For instance, Nicholas Garnham (2016) argues that Fuchs’ theory of surplus value and labor exploitation is too crude. It does not take into account the complexity of informational capitalism, for example, by acknowledging the role of profit distributed to share holders. In their critique of Fuchs’ theory of user exploitation, Adam Arvidsson and Elenor Colleoni develop the role of rent in the information economy by connecting it to an “affect-based law of value” according to which brand value and reputation mediate and alter the correspondence between labor time and value generation. Brand value is here defined as a convention to explain discrepancies between market and book value for a business. It is analyzed and measured in terms of affect, that is, how people are moved, attracted or repelled to the symbolic value of a business or an institution. Arvidsson and Colleoni (2012) suggest that the value of a company on the financial market is more and more related to its brand.
Moreover, Arvidsson and Colleoni stress that “affect-based value” is also relevant for understanding how user-generated content generates value. They argue that content on social media is valued and defined according to its ability to mobilize affective attention. Social media features such as sharing, liking, hash-tagging, pinning and repinning enable relations, affiliations and make social information wanted. Because they are quantifiable, they support an objectification and valorization of affective engagements, rather than of the time spent online by users, as argued by Fuchs. In addition, they contribute to the market value of social media companies (Arvidsson and Colleoni 2012).

Viewed through the lens of “the affect-based law of value” social media platforms provide memory institutions with access to spaces designed to mobilize affective attention. The same features that manage user behavior to extract data may work in favor for institutions as they “create webs of affective attachments around informational objects” (Arvidsson and Colleoni 2012: 144). The more institutions’ social media accounts are followed and their postings liked, shared or repinned, the more institutions attract attention in an economy thriving on the convention of brand value. The visibility of institutions increases the chances for audiences to be moved by or attracted to their activities, holdings and possibly even the institution itself. According to Arvidsson and Colleoni’s line of reasoning, memory institutions contribute to the financial value of social media companies in return for attention. (Axelson 2019b)

This argument could be qualified by Mark Andrejevic’ defense and expansion of Fuchs’ labor theory. Andrejevic points out that Arvidsson and Colleoni overestimate the effect of the brand convention for the financial market and do not sufficiently take into account how the numbers of users and the time they spend online correlates to creation of economic value. According to Andrejevic, Arvidsson and Colleoni also overrate the role played by users’ affective investments for financial valuation by disassociating them from the ways in which they contribute to revenues from user data (Andrejevic 2015).

The ways in which aggregation of data contributes not only to the valuation of businesses in the informational capitalism, but also supply media companies with significant revenues is the key to Andrejevic’s defense of Fuchs’ labor theory of value. The massive amounts of data about behaviors, preferences, activities and locations that social media platforms are programmed to manage and capture are perhaps the most important assets for social media businesses. Subsequently, there is no doubt that the time users spend on platforms have to be accounted for when discussing the generation of revenues for social media companies. In fact, platforms take very little interest in the content generated by users, but exploit first and foremost users’ data traces (Andrejevic 2015).

Data capture also adds significantly to the political implications of informational capitalism. The scale of data-mining, the sheer size of the mined data and the fact that, without access to instruments and technologies for extracting
knowledge from the data on an aggregated level, users are estranged not only from value generation, but also from the social knowledge they collectively produce. In exchange for access to communicative infrastructures, all kinds of users submit not only to monetization of their labor but also to surveillance and unforeseen consequences of data analysis (Andrejevic 2015).

Following Andrejevic’s line of reasoning, in return for access and visibility, memory institutions contribute to the data about users and use. They add to social media companies’ revenues. In contrast to content, which for the most part is non-rivalrous, data is rivalrous. Hence, by sharing content and participating on social media platforms, memory institutions contribute to enclosure and extraction of a new resource (cf. Hess and Ostrom 2007). If institutions take interest in how users contextualize their items or in broader patterns of traffic, for example, they would like to have knowledge about statistics regarding their audiences’ preferences, values and locations. They would have to buy this information from the companies that analyze the data and profit from indirect digital labor. Another option would be to hire analysts, but the possibilities of independent data scraping are limited to the data the platforms make available through Application Program Interfaces (API’s). Open API’s seldom allow for analyzing data across platforms, and platforms constantly alter the opportunities for data scraping (cf. Lomborg and Bechmann 2014). Thus, without considerable knowledge, memory institutions are in the hands of the informational capitalism to gain access to data on an aggregated level. In line with Kalantzis-Cope’s argument, memory institutions trade working hours and data traces in return for the use of communication infrastructures, but these transactions do not include free access to the traffic their contributions generate.

If memory institutions would look for broader patterns in data, they need to tread carefully in order not to violate the integrity of their audiences. In times when heritage is increasingly politicized, not the least in Scandinavia where far right parties turn to the past to anchor ideas about homogeneous national cultures (Niklasson and Hølleland 2018), there are also the risks of the mapping and molding of opinions in order to get support for political agendas. Data mining supports personalization of content and strategic placement of information. Initially developed for marketing purposes, such micro-targeting may also be employed for political campaigning when user data are leveraged to address interest groups in strategic and intricate ways. Social scientists fear that such interferences facilitate current tendencies of polarization, that is, the division of societies into distinctly opposed groups (Neudert and Marchal, 2019). Because, the services of data analytic companies and the affordances of API’s are also open to stakeholders with populist agendas that do not adhere to democratic values, data for sale may have implications for opinion making, privacy and free speech.
FINAL WORDS

Memory institutions now navigate under complex conditions in which non-rivalrous and rivalrous notions of property coexist and presuppose one another for dissemination in spaces controlled by informational capitalism. One consequence is that memory institutions increasingly deal with their holdings in terms of property. This implies labor-intensive and costly procedures of right clearances and licensing to prepare their holdings for dissemination in the spaces of informational capitalism. As long as institutions kept their holdings within their own walls, copyright laws split between the carrier and the immaterial content had very little impact on institutional practices. But, when the holdings of memory institutions multiply in digital spaces it becomes necessary to regulate the terms of use.

Finally, I would like to return to Merete Sanderhoff’s timely proposition that sharing in digital spaces opens up “toolboxes full of stellar raw materials for the creatives, developers, producers and explorers of the world” (Sanderhoff 2018: 197). Even if this proposition relates to a contemporary spirit in line with informational capitalism’s pretense of sharing property for the common good, it echoes the mindset of industrial capitalism in its reference to (exploitable) “stellar raw materials”. It encourages both salvaged and appropriated resources in the care of memory institutions to be extracted from their contexts for production and consumption activities. The intended recipients of the memory institutions’ common goods are, of course, the people who can reap the benefits of access. However, the value generation in informational capitalism, subordinate memory institutions as well as users to the extraction of data. Viewed through the lens of political economy, the beneficiaries are the businesses of informational capitalism. The resources memory institutions provide become gifts, not only to the public, but also to the social media businesses when they generate data traces that are turned into private goods of value in informational capitalism.

When culture itself becomes a highly contested and polarized issue, the time has come to pay attention to the Janus faced nature of informational capitalism. Its infrastructures harbor both the possibilities of enhancing democracy by providing access to the resources of memory institutions, and the risks of adding to political and social polarization. At times when heritage is increasingly politicized, commercial extraction may support ideologically misappropriation. As this article has discussed, copyright legislation and common based solutions do not cover the ethical challenges of unleashing heritage. As a return to closed information systems is not a viable option, memory institutions as well as research have to face the cultural and social dilemmas that come with the sharing paradigm.

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