

MP3: From Compression Process to Consumer Choice Option

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This paper traces the development of MP3 technology from a licensed process to compress audio to a consumer choice option. Critical marketing has hinted at the power infused processes through which consumption practices are imposed. This paper seeks to add to that narrative by producing a historically situated account of how MP3 as a consumer choice option came to be. It does this by questioning the taken granted stature of MP3 as 'the' consumer choice option for digital music. This is done by documenting the way in which MP3 technology, first known as a licensed process to compress audio (MPEG1-layer3) and then a freeware application used by Internet users to compress music in the mid-1990s was reconstituted as a consumer choice option in the 2000s.

In this paper a critical history of the making and marketing of MP3s as *the* consumer choice option for digital music is traced. Today, MP3s can be bought for as little a 23 cents or accessed through monthly subscriptions services. There are MP3s you can keep forever if you pay a premium; MP3s that expire; MP3s that you can use in certain players and MP3s you can only copy up to 5 times (EFF, 2006; Music Download Finder, 2008). Some MP3s are virtually free [if you are happy with an unfinished, low quality audio track] (EFF, 2006; Music Download Finder, 2008 IFPI, 2008). More recent developments include the bundling of music with consumer electronic goods, like Nokia's "It Comes with Music" initiative, which provides Nokia handset owners with free access to digital music for up to a year (The Guardian, 2008; Nokia, 2007). As these business models shroud the format with different means of buying and experiencing digital music, music buyers now exercise their own brand options from hundreds of music retailers dotted around the net. According to an IFPI's 2008 Digital Music Report, there are now over 500 legitimate online music stores offering over 6 million tracks, where in 1998, there were none. MP3 and its derivatives (other compression formats like AAC) have proliferated and in doing so have helped secure profits for online music retailers. For instance, the individual consumption of digital tracks grew by 53% in 2007 to 1.7 billion, contributing to an estimated 2.9 billion dollars in sales for the year (IFPI, 2008).

As a starting point, the taken for granted stature of MP3s and its progeny as the consumer choice option for digital music is questioned. This is done by documenting the way in which MP3 technology, first known as a

licensed process to compress audio (MPEG1-layer3) and then a freeware application used by Internet users to compress music in the mid-1990s was reconstituted as a consumer choice option. Consumer choice option in this context is understood as the common understanding and associated meanings ascribed to a category of goods, which distinguishes them from other goods which could address a same need. For example, the need for music enjoyment could be satisfied by a number of means, one could join a peer-to-peer file sharing system, like *Pirate Bay* to download desired tracks or purchase them through an online retailer like *iTunes* or *eMusic*. Unlike files that are downloaded from *Pirate Bay*, which are seen as illegitimate or deviant items of consumption (RIAA, 2008; IFPI, 2008), MP3s as consumer choice option are presented as the preferred means of accessing digital music. That determination brings about a series of consequences regarding users' engagement with digital music and establishes a consumption pattern around the access and use of MP3s. Consumption patterns, as a set of relationships and experiences a consumer becomes involved in during the act of consumption (Firat 1986; Firat and Dholakia, 1982; Firat, 1987; Firat and Dholakia, 1977; Firat and Dholakia, 1982) in this way, are prioritised over other forms of engagement. In the case of MP3s, having to purchase them for a fee and adhere to the terms and conditions set by online music retailers are privileged and legitimised over accessing them from a commons-based pool or sharing them freely through peer-to-peer file sharing systems (see Denegri-Knott, 2004; Denegri-Knott and Taylor, 2005; Giesler, 2003; Giesler, 2006) for example. It also creates abnormal or deviant behaviour by way of classifying file-sharing as nothing but 'a form of theft' (RIAA website) and 'pirated' MP3s downloaded from such sites, incriminating evidence of an illegal act (Denegri-Knott, 2004).

Whilst such arrangements, when diffused across population groups may be accepted as natural and legitimate developments in music formats and music consumption, they can be challenged by means of historical excavation to account for the complex, and power-infused process that led to their production. Power in the making of consumption patterns has been noted by Firat and his colleagues (1977, 1982, 1986, 1987) as well as cultural anthropologists who refer to power as a means of securing preferred meanings by certain groups through the

classification of goods and their uses (Douglas and Isherwood, 1979; Kopytoff, 1986). There are some historical analyses of goods that were once recognised as commodities which no longer are, for example, religious relics (Geary, 1986); pets (Grier, 2003); education (Doti, 2004; Freeman and Thomas, 2005) and healthcare (Tomes, 2003; Mann Wall, 2003) that gesture the historicity of their production.

Within critical marketing, power has emerged as a moral condemnation over the consumption patterns that certain consumer choice options produce, for instance, the alienated and fragmented forms of consumption that arise from the single ownership of TVs within households (Firat, 1987). Such effects are largely seen as being dictated by the powerful owners of capital (Firat, 1987). Seen this way, one could see some of the social processes documented by previous research on online music communities, like the first Napster, as providing a more participatory means of engagement with music for some of its users, who were reported as creating their own music samples and music indexes for communal use (Barbrook, 2002; Giesler, 2008; Giesler, 2006; Geisler, 2003; Geisler and Pohlmann, 2003).

METHODOLOGY

It may be timely then to ask how a consumer choice option, like MP3, comes to be and how it is actively imposed upon population groups. The approach adopted in this paper is reminiscent of Michel Foucault's genealogies, which sought to problematise our current understanding of such existing cultural arrangements by unearthing the conditions that made the production of knowledge or discourse and its material effects possible (Foucault, 1972; Foucault, 1975; Foucault, 1977; Foucault, 1980). In this case, such a project challenges the taken-for-granted stature of MP3 as a consumer choice option and produces a counterintuitive appreciation of MP3 as a historically situated product of power. So, a genealogy of MP3 would push towards what Foucault (1978, p. 83) described as a "painstaking rediscovery of struggles" which are the product of the conflict which arises when an erudite, proper knowledge buries and masks a naïve, popular knowledge. For this paper, this will require an unpacking of competing knowledges about what MP3 was and how proper truth was instituted over lesser, disqualified, naïve ones and ultimately how "divisions were effected" (Foucault, 1978, p. 246) regarding how one could legitimately acquire and to some degrees even consume digital music. Pragmatically, a genealogy of MP3 would in a first instance focus on understanding the rules of truth produced to objectify MP3s as coherent an actionable identities as well as the historical conditions that facilitated the production of those forms of knowing and acting and in a second moment, uncovering how that particular understanding was materialised in very concrete effects, such as proper ways of thinking and using MP3s. Such exercise hinges upon the identification of a

key event, or a point of departure for struggles over definition where emerging practices were seen significant enough to trigger various discussions over what things were and how one was to act upon them (Foucault, 1978). In the case of MP3s, it was their frenetic diffusion as 'free music' on P2P file-sharing systems which precipitated discussions regarding their legality. For example, in 1999, 'MP3' was the most searched word on the Internet and by 2001, in one month alone, 15 million Internet users had traded 3 billion songs through P2P file sharing systems like Napster (Mercury News, 2001). As a practice, the sharing of MP3s was deemed problematic enough that it was brought formally into question in 1998, when the RIAA of America filed a suit against Napster in an attempt to curb free sharing of MP3s.

The material of empirical analysis will comprise of documents and audio files produced for the Northern District Court of California and the 9th Court of Appeals during the 1999-2001 A&M Records Inc. v Napster Inc court case. However this history is not restricted to court documents, and reads them very much alongside other sources, where competing knowledges were being produced at a consumer grassroots level as well as within the disciplines of law and software engineering. This is done in the spirit of showing how existing discursive constructions of MP3s as public goods and gifts within the aforementioned disciplines and espoused by consumer groups were filtered out in favour of market, commodity laden discourses. Our reference to such documents is purposeful as they offer a point of departure from which to start unearthing how MP3s began to be treated as objects to be marketed. From this archive we move onto the analysis of conditions of possibility that enabled the fixing of MP3s as a consumer choice option, in particular the analysis of marketing activities and market conditions before and after its transformation as a consumer choice option. Doing this, reveals how at different points in the development of MP3 as a consumer choice option, the articulation of target markets, market needs and business models as well as the implementation of marketing tactics to ensure demand for MP3s changed and were often met with resistance from consumer groups. In this review, MP3's initial positioning and marketing as a licensed compression service known as MPEG1-layer3, by the Fraunhofer Institute, targeting business clients in the broadcasting and radio industry is documented. Its transformation into a freeware application and the consumption patterns that followed are accounted for as well as Napster's own attempt to build a business around its incredible popularity. Similarly, the paper will also trace how early competitors like MP3.com and self styled underground communities like the Internet Underground Music Archive—(IUMA) and Garagemusic.com, sought to normalise the consumption of online music through different ways of framing how digital music could be accessed and consumed. An analysis of the post-Napster ruling will concentrate in discussing the

various ways through which Napster's marketing activities aimed to transform its gregarious community members into paying customers and how their initial positioning as a site for 'free' music sharing was re-articulated as a unique selling point and part of its brand ethos.

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