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# Do Fans Own Digital Comic Books?
# Examining the Copyright and Intellectual Property Attitudes
# of Comic Book Fans

J. RICHARD STEVENS
University of Colorado, Boulder

CHRISTOPHER EDWARD BELL
University of Colorado, Colorado Springs

As digital comic book consumption continues to rise in popularity, the comic book community appears conflicted over the effects digital scans have on the meaning of collecting and reading comic books. Historically, comic ownership served as the locus of comic fan social capital; will digital scans hold the same cultural capital as printed books? And does post-purchased digital scan dissemination primarily hurt copyright holders through lost sales, or does it help through social promotion?

Examining related controversies, 896 discussion forum posts were collected and coded for frame analysis, producing eight discrete frames. Consistent with fandom studies' third wave, this article draws insight from the collected sample to draw inferences about how consumers relate to popular culture texts.

In their recent book about the study of fandom, Gray, Sandvoss, and Harrington (2007) organize studies of fandom into three stages: initial studies emerging from de Certeau's exploration of popular media as sites of cultural resistance, the "Fandom is Beautiful" trend allowing fans to speak for themselves, and a third wave that the authors describe as the study of the role of fandom in everyday life (ibid., pp. 1–7). In the third wave, fans are recognized not as social order resistors, but as accessible exemplars of the social order in all its nuances:

J. Richard Stevens: rick.stevens@colorado.edu
Christopher Edward Bell: cbell3@uccs.edu

> [S]tudying fan audiences allows us to explore some of the key mechanisms through which we interact with the mediated world at the heart of our social, political, and cultural realities and identities. (ibid., p. 10)

The third wave will likely prove a boon to superhero comic book fanatic studies, for previous studies in other disciplines have framed comic book consumers in precisely this way. For example, Brown described comic book fans as groups of highly motivated discussers of cultural knowledge (1997, p. 28), and Fiske described comic fandom as a "shadow cultural economy" that reflects bourgeois standards (1992, p. 30).

What can comic fans tell us about attitudes concerning the production, dissemination, and control of the object of fandom in a digital age? Who ultimately owns texts serving as focal points of fan culture? This article pursues these questions by examining fans' views of copyright, ownership, and the digitization of text.

Previous industries have endured similar format transitions, most notably the music and motion picture industries. Unlike those media, comic books historically have drawn a narrower focus of "fan." Though fans can be sub-categorized by function—some enjoy reading comics, some enjoy collecting, and most seem to enjoy reading some while collecting others—the appreciation of the superhero comic genre revolves around common conventions which provide consistent demand for texts (Coogan, 2006).

Comic book publishers acknowledge the value of fans, for their devotion translates to dependable consumption. The benefits of fandom are recognized in most media, as Gray et al. explain:

> Rather than be ridiculed, fan audiences are now wooed and championed by cultural industries, at least as long as their activities do not divert from principles of capitalistic exchange and recognize industries' legal ownership of the object of fandom. (2007, p. 4)

But the scanning and downloading of comic books potentially threatens the principles of capitalistic exchange.

Fredrick Wright surveyed 28 fans about electronic comics, and he found that most (73%) did not consider them to be a collection, defining comics by their medium. The remaining 27% described digital comics as comic books, reasoning that all comics were reproductions of the original master artwork (2008, p. 3). Although not explicitly addressing scanned comics, the study reported that "some" admitted turning to scans to extend their archives (ibid., p. 4). But the majority opposed the practice of downloading comics.

However, the locus of the study represents a potential variable: F. Wright drew his sample from comic book store patrons. Historically, comic book stores have served as a gathering point for comic fans. Brown observed:

These stores have provided a focal point for the entire culture of comic fandom. They have taken comics off the bottom rack and placed them front and center where they can be found on a regular basis and in an atmosphere where older readers feel less embarrassed to shop. (1997, p. 16)

More than retail establishments, comic shops serve as a site for discourse and community building, places to find compatriots and foils, as well as news about upcoming events and releases. The current study drew from comic sites and comic download forums. This begs the question of whether online fan websites are beginning to replace the comic shop as sources of cultural exchange. If so, one might presume the shift influences fans' views on copyright and intellectual property, as well as a renegotiation of the materiality historically inherit in comic book "ownership."

In previous conflicts regarding "fan fiction," Tushnet observed that fan fiction authors acknowledge copyright owners' economic interests, but argue that their activities do not harm those interests, claiming that the derivative works draw interest to the official texts (1997, p. 669). One might expect arguments of comic downloaders to be similar (many claim that their redistribution of scanned texts serves the economic interests of the copyright holder), yet downloaders clearly flout laws regulating copyright.

The following questions target these nuances:

RQ1.    *In arguments opposing scanned comics, what objections drive opposition?*

RQ2.    *In arguments favoring scanned comics, what frames construct justification for such activities?*

RQ3.    *What do comic fan attitudes suggest about relationships between fans and texts?*

To pursue these questions, this study applied frame analysis to anonymous asynchronous discussion groups.

### Methodology: Framing Anonymous Asynchronous Discussion Groups

Because downloading violates copyright, the authors sought a methodology allowing freely exchanges without fear of reprisal. Patton argued that the Internet creates "new forms of focus groups" (2001, p. 389). Researchers found that online environments are well-suited for discussing online activity (Wellner, 2003), and that questions involving online phenomena "are strengthened through the use of a method of research that closely mirrors the natural setting under investigation" (Burton & Goldsmith, 2002, p. 3).

Asynchronous discussion groups allow people from wide geographic areas to converse in anonymous fashion, resulting in lengthier and more measured responses than other forms of

communication (Stewart & Williams, 2005, p. 402). Cher Ping and Seng Chee explain it thusly:

> In a face-to-face interview, participants are expected to respond and interact within the context of the ongoing conversation. Participants may hold back responses or comments that are not in line with the ongoing discussions. For example, a participant may want to contribute his/her views on the objectives of online discussion (a subject that has been discussed), but is prevented from doing so as the ongoing discussion is on another subject . . . The asynchronous nature of online discussion boards reduces social interference and hence prevents the loss of such data. (2001, p. 54)

Reid and Reid found that asynchronous communication encourages egalitarian exchange because participants don't take turns speaking, and the discussions are not easily dominated (2005, p. 133). Additionally, disagreement and criticism are more common in online groups than in interpersonal settings (ibid., p. 134).

Montoya-Weiss, Massey, and Clapper (1998) found that anonymity is important because it lowers inhibitions and increases honesty. Because some respondents would admit to breaking laws, the researchers examined the contents of pre-existing asynchronous discussion boards discussing scanning, posting, and downloading comic books.

Two recent controversies generated diverging copyright opinions. The first involved requests from Marvel Comics artist Dan Slot asking fans to stop downloading scanned copies of his work (2007). Several publications of comic fandom reported the pleas (Beamer, 2007), resulting in several extended discussions about the virtues of printed comic books versus scanned downloads and the effect upon the comic industry.

On November 21, 2007, another round of discussions began when several leading torrent sites received letters from Marvel and DC Comics threatening legal action. Two of the sites, *Demonoid* and *Z-Cult FM*, temporarily suspended torrent activity in order to consider their options (*Serj*, 2007). Several publications reported the event (Baeza, 2007; *Enigmax*, 2007; *MightyGodKing*, 2007; Weiland, 2007b; *YWD67*, 2007), and heated debates ignited in discussion forums, drawing the attention of those who regularly download scanned comics, those who occasionally downloaded comics, and those who thought downloading was illegal or immoral.

From the weeks following each event, the authors examined 896 forum posts filtered for topic relevance, coding the responses to map each side of the debate. To analyze those responses, a brief tour through copyright and digital culture literature is necessary.

### Copyright, Intellectual Property, and the Digital Age

Producers of media have experienced prior cultural tensions brought by the digital distribution of content (both illegal and legal). Despite the aggressive stance of the Recording Industry Association of America (RIAA), studies have shown that music downloads increased in ensuing years after its crackdown

(Lysonski & Durvasula, 2008). Oberholzer-Gee and Stumpf examined effects of file-sharing on music sales during the final quarter of 2002, finding the effect "indistinguishable from zero" (2007, p. 3).  Lessig agreed that music downloads had little effect on music sales, arguing that other factors were more likely responsible for the decline (2004, pp. 70–71).

Lessig notes a paradox in applying copyrights assigned to physical products to digital content: "The digital world is closer to the world of ideas than to the world of things" (ibid., p. 116). For industries that have historically traded upon the sale of "things," leaping into the digital world causes fear. Lessig argues that, as copyright evolves, fear justifies an ever-increasing regime of control. Instead of encouraging the release of property into what Lessig calls "the public commons," intellectual property law increases the control of owners. The original copyright clause of the Constitution (Article I, Section 8) extended only 14 to 28 years from creation. The passage of the "Sonny Bono Act" in 1998 extended the copyright protections to 70 years after the creator's death ("Sonny Bono Term Extension Act Extends Copyright Terms," 2007). Such increasingly restrictive intellectual property laws replace creative incentive with commercial drives. Rather than embracing digital formats as logical steps in an industry driven by technical innovations, media companies often resist new formats until forced to change by market pressures, and then they attempt to control commercial interests as copyright law had allowed.

Examining three elements of comic book culture—the comic book texts, the cultural identity connecting comic fans to comic books, and the technological imperatives brought to bear on intellectual properties—can illustrate the specific effects of technological advances on the comics industry.

### Comic Books and Cultural Identity

Comic book collecting has become "the nation's third largest collectible market, just after coins and stamps" (Wright, 2001, p. 261). Though most comic books are purchased in pamphlet form, some comics are obtained in collected trade paperbacks, some appear exclusively on the Web, and some are delivered to e-reader devices and cell phones. Comic books fans organize and behave like other societal subgroups, creating social identities that provide status and bonds between one another. People tend to define themselves either "in terms of what makes [them] unique compared to other individuals" or "in terms of [their] membership in social groups" (Reicher, 2004, p. 928).

Comic books are popular culture artifacts, but they are different from other cultural objects because the fan culture has been "almost exclusively centered around a physical, possessable text" (Brown, 1997, p. 26). Comic books have historically served as the focal point of a social subgroup of those interested in comic book texts, demarcating consumers into readers, collectors (fans), and investors. Additionally, those who consume only ancillary products, such as comic book movies or television versions, without consuming the actual texts are not considered fanatics. In the past, in order to credibly call one a "comic book fan," a person had to own comic books he or she had read. Brown further explains:

> For *Star Trek, Rocky Horror Picture Show,* or *Grateful Dead* fans, it is the experience of
> viewing the show, hearing the band, or participating in ritual consumption that is of
> prime importance. And while reading the comic is obviously fundamental to comic fans

on an individual basis, it is the possession of the actual comic that acts as the focal point for the entire community. Other fan cultures can own a *New Kids On the Block* album or videotape all the episodes of *Dr. Who,* they can even purchase all the T-shirts, dolls, and posters they want, but none of it carries the same ability to substantiate fan authenticity in the way that owning a copy of *Wolverine* #1 does. Knowledge and the ability to use it properly amounts to the symbolic capital of the cultural economy of comic fandom, but it is the comic book itself that represents the physical currency. (ibid., p. 22)

In the past, comic knowledge alone did not grant one standing among comic book fans; the cache of cultural capital that one possesses was ancillary to the physical capital of property ownership. Property, in this case, related not only to the tangible good, but also to the social relations represented. As Coombe and Herman explain:

Property is not simply or even primarily a relationship between persons and things . . . . It is a social relationship between socially recognized persons with respect to real and intangible things (and between peoples who as nations may hold cultural properties) that is authorized and legitimized in particular cultural contexts. It is also a relationship of profound social power. (2005, p. 561)

Understanding that book fandom has historically been organized around the physical, tangible objects of comic books in paper pamphlet form is critical to examining the way technological innovations affect the industry's future prospects and the relationship between reader and text. Are comic book readers "fans" if they collect digital files instead of physical texts, or has this historic boundary shifted as a result of textual digitization? Can one "own" a digital comic text, and if so, how does this "ownership" alter the historic boundaries between comic readers and comic fans?

### Comic Books and Technological Advancement

The comic industry faces concerns other print publications face, namely that digitized formats are disrupting traditional relationships with audiences, causing declines in physical-copy sales. While the news appears grim for publishers, the numbers do not correlate with a decline in reading activities, but simply point to the changing context of readership: Electronic forms (sanctioned and unsanctioned) are beginning to replace print.

Since the consumer electronics age began, manufacturers have attempted to create electronic reading gadgets to replace printed books. "[S]erious attempts to replicate the portability, readability, and convenience of a printed book have . . . been with us for a decade or so" (Young, 2008). Examples include the Rocket e-Book, the Franklin eBookman, the Sonystyle, and more recently, the Amazon Kindle.

The comic book industry also entered this digital revolution, albeit reluctantly. In 2001, Marvel Comics partnered with Graphic Imaging Technology (GIT) to produce approximately thirty CD-ROMs and DVD-ROMs of back issues. Marvel took another leap in late 2007, with the launch of the Marvel Digital Comics Unlimited (DCU) service. The DCU offers Marvel's comic book content for $59.88 a year, though

with two major caveats: Users cannot print or save issues to their hard drives, and to avoid competing current issue sales, users must wait six months after publication before a digital version is available (Musgrove, 2007).

In 2009, Comixology launched a digital comics service that delivered comic book texts (including select books from Marvel Comics) to Apple's iPhone. The release of Apple's iPad in April 2010 prompted the release of an official Marvel Comics app (powered by Comixology's architecture), and a similar DC Comics app arrived in June 2010. The Comixology app allows users to download select comics for around $1.99 per comic or less. Simultaneously, several iPhone, iPad, and other smartphone applications emerged to handle scanned comic formats.

Several fundamental cultural behaviors differ in the consumption of printed comic books and electronic formats. The first involves the physical handling of the comic book. In print form, no restrictions are placed upon the comic book's usage. Many readers struggle to separate the content of comic books from their medium. As one fan argued, "Well, I don't really understand why people would want to download new comics to read. Half of the thrill to me is holding the comic in my hand and reading it" (*etos45*, 2007). In addition, the concept of reading printed media and the portability of the printed medium appear to be valued aspects of printed comics: "reading on a monitor sucks and you can't take it into the bath with you" (*loci*, 2007).

These attitudes appear widespread within the fan community. As F. Wright observes:

[A]nyone who collects comic books has to deal with this factor of materiality, emphasized further by collected comics often being bagged and boarded for preservation purposes, and classified according to grades of physical condition from near mint to poor for commercial or trading purposes. (2008, p. 1)

The materiality of comic books represents a hurdle to the opportunities available in digital distribution. Comic retailers, who built their enterprise serving as cultural sites of negotiated meaning and social interaction, have a vested interest in the printed format. As a result, digital comics are often perceived as direct competition for brick-and-mortar stores who cannot compete with direct sales from the publisher to the consumer (ibid.).

Another difficult cultural change facing traditional fan models involves the practice of swapping comics.  As Phillips illustrates:

When readers share a book—a novel passed round a family or set of friends—they are not penalized for those further uses, and copies can be bought and sold secondhand without royalties being payable to the copyright holder. By contrast, passing on the digital file of an e-book is rarely allowed by the terms of purchase, and controls in the software would most likely prevent this. (2008, p. 29)

With books or comic books, the principle remains the same. After one reader finishes with a comic, she or he may pass it on to another reader. According to Chiang and Assane, "This form of sharing is a type of localized information dissemination that is legal under most copyright law (i.e., Title 17 U.S. Code) because there exists only one authorized user at a time; in essence, the original comic book is shared in the same fashion as a library book" (2002, p. 146). On an intuitive level, it makes sense that a fan, excited by a particular comic book, would want to share that excitement with his or her friends. Payne argues:

> It is important that the courts find a balance between the fostering of new technologies and the protection of intellectual property. Our legal system must address digital encroachments that threaten to overwhelm the ability of intellectual property companies to protect their billion-dollar investments. It must also prevent important new technological developments from being trampled in a rush to protect copyright owners. (2006, p. 943)

One common copyright argument states that companies have a right to protect their investments from piracy and charge whatever they want for products. However, "despite all the rhetoric of stealing, in some ways, file-sharers are doing exactly what consumers are supposed to do: get the most possible stuff for the least possible money" (Condry, 2004, p. 348). Additionally, file-sharers often behave as consumers are expected to: acquiring the most cultural artifacts of their chosen object of desire in the most efficient, highest-volume method possible. Violation of copyright law, despite the rhetoric of anti-piracy advocacy groups, seems to rarely figure into decisions to download digital content (Chiang & Assane, 2002; Marshall, 2004). But does the collection and consumption of digital files make one a comic fan?

## Analysis of Argument Frames

Sorting through the discreet arguments concerning comic book downloads, the researchers organized the majority into dominant frameworks. Below appears a representative sample of each frame used to argue the author's point, organized into "pro-download" and "anti-download" categories. The vast majority of collected responses were pro-download, probably owing to the collection from discussion forums (one would expect that more fans who saw the controversies erupt and formed a strong opinion would naturally be likely to hold pro-download views because the sites reporting the controversy were associated with download sites). Approximately 2% of the 896 responses were against downloading scanned comics, but those voices rung loudly, both in the tone of their responses, and in the number of responses from the pro-download users that followed their posts. An analysis of the "anti-download" frames yielded two primary frames:

**Anti-Download Frame #1: Downloading comics is stealing, and it hurts the comics industry.** Many critics of downloading activity pointed to legal constraints. Others cited law, but based their criticism on the supposed effects the activity would likely (in their view) have on the industry. A central tenant of the "harm the industry" claim is the possibility that "stolen sales" might make the difference in less popular books, causing those titles to be canceled. An example appears below:

> If the person downloading had no intention of buying then they shouldn't be allowed to read the comic. . . . It's not the big events that are being affected here, it's the smaller books that are always on the razor's edge of being cancelled.

> . . . if She-Hulk get's cancelled then everybody who downloaded it, liked it, and never paid for it should be punched in the face. We're not talking about royalties so much as whether people have a JOB next month. (Tucker, 2007)

**Anti-Download Frame #2: Downloading comics is immoral.** Some critics of downloading activity ignore the legal constraints on the activity and simply invoke moral objections. Calling the practice "evil" and "disgusting," many of these frames do not appeal to any standard by which such judgments are leveled:

> Sorry, again, isn't stealing evil? Or are the morals different. Refusing to pay for someone else's creative output (which has a listed price on the cover) seems like non-moral, evil, activity. (Unger, 2007)

> The whole thing is piggish. I won't touch the downloads. I couldn't go to a convention and stare a creator in the face. Because if he had kids, taking that downloaded comic, to me, would be the equivalent of literally ripping food out of his children's hands. I can sit here and argue for hours wtih people abotu this, but I love the audacity of people who steal online, who think because it's a digital file and on a computer, that it's any less a theft than if they went to a car lot and hot wired a car and took off with it. (*Marc*, 2007)

> Are you kidding me, Perm?!?!? You realize that YOUR downloading comics takes the following things away:
>
> • Money from retailers. Moeny they need to combat rising rent prices to stay open and offering comics.
> • Money from the creators. They- not just the comic companies- make money off of every issue sold.
> You are getting these comics illegally. They are stolen property once you download it. It's disgusting. Period. (*JDEANFAN*, 2007)

The "pro-download" comments were coded into six discreet frames:

**Pro-Download Frame #1: Downloading digital comic books allows users to sample new and unfamiliar titles, and this ability leads to increased purchase for printed comic books judged valuable by the reader.** A majority of the pro-download arguments mentioned the ability to sample digital products before purchase. Discussants of this point cited the Apple iTunes preview function as a viable model for informed consumer decision-making (the iTunes store was prominently cited

throughout many arguments as a preferred model of digital dissemination). An example of this frame appears below:

> I'd personally read online comics more if I had the time. At the moment I buy close to 45 titles a month.
> Problem is, quality is frequently an issue. I can buy stuff that is utter crap and keep giving it a shot for 2-3 months before finally dropping it.
> Reading stuff online would help me cut down my costs on things I didn't enjoy rather than having to waste my money on the search cost of a good comic.
> In my pull-list about 30 comics I'm fairly happy with. Another 15 are pretty fringe and I just hope get better. That's $45 USD or $90 Australian that's simply being used to test the waters. An awful lot of money on a monthly basis . . .
> So yeah, while I'm sure this practice hurts titles and creators, it also comes down to an issue of quality for some. You aren't guaranteed that and you end up feeling burnt. The other way around it is to d/l the comics.
> And I'd distinguish comics from music in the sense that most of the time you've listened to the songs somewhere before and then still d/l it.
> Comics are inherently different b/c they ask readers to take a leap of faith on quality. And having seen the crap like Civil War and other stuff Marvel or DC put out, I've got to say I'm not surprised people'd rather d/l. (*STL*, 2007)

**Pro-Download Frame #2: Physical distance from comic book shops limits availability and encourages digital downloads to keep current in the community.** A large number of respondents invoke the de-situated aspect of cyberspace to argue that a fan's isolation from the distribution network effectively makes acquiring comic books (or at least the less popular titles) difficult. It has been previously known that American soldiers serving in Iraq used downloaded scans to keep up with their comic readership (Gorman, 2006). This view appears to justify fan/reader downloads, because membership of any kind in the fan community (closely tied to a fan's identity politics) depends upon a fan's ability to consume comic texts.

> Two examples of this frame (both from fans living outside the continental U.S.) appear below:

> I've downloaded comics, but I try to get the physical comics, my problem (or excuse) is that I live outside the US, and in my country you can only get those comics that are really popular, like the ones who are in the Top 50 or something, but for instance, things like She-Hulk, Runaways or Walking Dead are impossible to get, so I get those from the net. I know is illegal, but there is no other way. (*Ortiz*, 2007)

> I actually LOVE Demonoid. Puerto Rico is hell for a comic book geek, you can count the number of comic book stores with one hand . . . and have four fingers left over. (*Ed*, 2007)

**Pro-Download Frame #3: Preference for the digital download formats.** Several discussants argued that the digital formats used to encapsulate comic narratives have advantages over their print counterparts. Some argue that digital comics are more portable, allowing users to travel with hundreds of comics on a DVD that would normally take up several cubic feet of space and weigh hundreds of pounds. Some discussants invoking this frame also claimed that they only download comics they already own in a physical format, using digital formats to preserve their property as a backup. Included in this frame are the numerous critiques of Marvel's DCU (which many fans criticize as "extremely limited.") A few examples of this frame follow:

> I've been collecting comics since i was a child, and i can tell you i HATE the comic book format. It is flimsy, easy to rip and crinkle, etc. the stories are never long enough, and the ads these days detract majorly from the content. (Scaduto, 2007)

> I buy the comics. I still want the scan. They do a better job than I can, and I don't have to bend the spine. (*N Fiddledog*, 2007)

> If you own a physical copy of that issue, does it cause infringement if you've downloaded a copy also? I travel and don't like my issues to get smeared with food, creased, etc on a plane. So I usually end up scanning a few comics before I leave and read them on the plane. Have I infringed on DC's copyright by scanning my own comic and reading it? (*axio*, 2007)

> Marvel's new webcomics program is horribly flawed anyway. The comics are in lower resolution than what you can find on illegal download sites (to discourage people from printing them), and the worst part of it all is that you pay $4.99 a month (or $9.99 depending on the plan) to "rent" the comics: You can't view the comics without an internet connection, you can't load them onto a portable media viewing device such as laptop or PDA or whatever (which is the one feature I'd want in a digital comic . . . portability is the one thing "real" comics still have over digital comics, I want to be able to read my digital comics in the can or on the train) and if, for some reason, the webcomics program craps out, you'll have nothing to show for all the money you spent "renting" the comics (*zuludelta*, 2007).

> If I'm going to spend money on a digital download, I also want to **own** it, and be able to read it wherever and whenever I want (*scratchie*, 2007).

**Pro-Download Frame #4: Downloading scanned comics draw more readers to the fan community.** A majority of the fans supporting digital downloads claimed that either they themselves or someone they knew began collecting or reading comic books because of the availability of scanned comics online. Some claimed that exposure to comics have increased their consumer behavior, while others claimed to use downloads to generate interest in the narratives themselves. A related vein of this framework suggests that downloads actually increase visibility and economics support for the comics

industry, as fans use their social networks to pass and trade files that might otherwise be outside the experience of a consumer. An example of each appears below:

> I want to say that Zcult is responsible for me returning to comics at 31, my 23 regular subscriptions from a wide array of publishers, and at least 1 month of time that I should have otherwise been writing my dissertation. Maybe more. (*dmso12*, 2007)

> I have personally used downloaded comic books to get three of my friends, for the first time in their lives, interested in, and more importantly, BUYING comics. (*Beatnik*, 2007)

> Meh, I OWN a comic store, and I have no problem with downloading comics. Whatever gets comics into more people's hands is always a good thing. Most of the downloaders I know buy comics because they download them first to see if they like it. No real difference than going to a library, or reading them on the shelf at the store.
> There have been various polls on some comic download sites, and the results are always the same . . . people buy more comics when they download them. Sure, I mean, the voters could be lying, but why would they?
> Like I always say, whether it's comics, music, movies, etc. . . . downloading promotes quality. I think that's what scares some of these companies. (Higgins, 2007)

**Pro-Download Frame #5: Comics are too expensive, or industry practices inhibit print comic consumption.** Many defenders of downloadable comics argue that the comic publishers and distributers themselves encourage downloads, either because the rising costs and diminishing content within printed books makes collecting financially prohibitive, or because trends in storytelling have recently produced epic storylines that span dozens of comics titles, increasing the investment needed to keep abreast of comic knowledge. Other discussants argue that product scarcity created by the collector culture drives costs up at little benefit to the publisher. Included within this frame are the claims that downloaders rely on digital forms to keep abreast of comic events that inform their regular purchases. An example of each frame appears below:

> If i bought every comic I read on the computer I could probably sustain Marvel myself, but I don't have that sort of money, AND if I didn't real digitalized comic books the industry wouldn't get ANY of my money at all. (*Prem*, 2007)

> It would be nice to buy a copy of Cap #25 at retail price, during the month it appeared, instead of $15.00 and up. I always thought that the collector mentality of print comics was the bane of the industry. It's ridiculous to have to pay two dollars more for something only two months old. (Fox, 2007)

> I download comics once in a blue moon, rarely if ever the "current" issues.
> I've got a friend who's a creator, and we talk comics a lot. Every so often we'll talk about some old series that I have in the bowels of my collection (which is poorly organized), and

I tend to download that story, re-read it and then delete the files. I've paid for the item already and have it in my house, so I don't feel like I've hurt anybody's bottom line. (*Russ*, 2007)

A lot of the people I know who download AND buy do so to keep up with the Big Two's "shared universes", which have been getting ever-more shared and event driven recently. They - quite rightly IMO - don't want to have landfills of minor crossover titles sitting around the home, but they would like to read them. (Ewing, 2007)

Agreed, since the industry is slowing down and that you cannot get back issues, people find it difficult to jump into a series. (*GuyFawkes*, 2007)

Like most everybody, I download comics for one of three reasons - because I plan to buy it when the collected edition comes out, but I'd like to be able to participate in discussion of the medium in real-time; because I want to see if a title is any good before investing any money in it; or because I don't like it enough to buy it, but I'm curious about some aspect of it. (Solomon, 2007)

**Pro-Download Frame #6: Downloading comics is not stealing; American copyright law does not apply to the digital medium.** Rather than specifically defend their behavior, many discussants instead sought to impugn laws governing copyright protection of intellectual property constructs. In particular, many fans took exception to downloads being referred to as "stealing" or "piracy." Examples appear below:

Why do so many people have to come on this site and post their twisted definition of stealing? I always have to corrent them ;)
Stealing implies taking something away. Digital files are different then physical CDs, or any other physical object that you can steal. When you copy a digital file, no one looses anything (you might say that the artists loose money: No, they don't, no money is taken away from anyone. They potentially don't gain money, but that can be caused by anything; Someone walking by a theatre and not going in to it could have been a potential gain of profit if they had gone in, but it's not a loss). When you take a CD, the previous owner is deprived of it.
Digital files are like ideas. You can copy them, but copying them deprive anyone of the ideas.
Copying is not stealing. Get over it ;D. (*Nitrate Row*, 2007).

Copyright laws are going to go down as the 21st century's version of alcohol prohibition
…
Prohibition was not a good law - indeed, not only was it completely unenforcable, but it also criminalized behavior that was socially accepted by a majority people, which engendered sympathy for criminals and gave birth to the entire organized crime

movement in America - and copyright laws, as they currently stand, are not good laws, because they threaten to do almost exactly the same things, if not worse.

I tend to download most of my media legally, since I usually only download illegally to sample work that I wind up choosing to support financially anyway, but I can't get all that het up about people who consume more illegal media than I do, because to a certain extent, it's a natural reaction to the fact that copyright laws have only become more and more insanely - and unenforcably - prohibitive as the years have gone by. (Boxleitner, 2007)

**Conclusions and Discussion**

The vast majority of sampled discussion frames (approximately 90%) favored the pro-download position, while approximately 2% objected (roughly 8% contained no discrete frame in its commentary). It would appear that just as F. Wright's sample was biased in favor of the anti-download frame, the current study contained a selection bias in favor of the pro-download frame. Clearly, the locus from which a sample is drawn will determine some of the findings. In direct contrast to the earlier study, some respondents in the current study reported that fan websites and download sites were replacing the comic book store as the primary source of comic book news and discourse.

This would appear to be no small distinction: Among the forum discussants who displayed pro-download frames, divergences from the historic materiality feature of comic book fandom appeared with greater frequency. Some fans, on the other hand, clearly consider the possession of digital texts to fit the prerequisites of fandom. The lack of materiality of digital texts would appear to blend the demarcation between reader and fan, shifting the boundary from ownership to knowledge, consistent with Lessig's observation that digital texts are "closer to the world of ideas than to the world of things." By contrast, opponents to downloaded comics appear more likely to cling to the historic materiality of ownership.

However, most subjects reported a mixture of activity: visiting a comic store to purchase a few specific titles and discussing them, while subsidizing this activity with online interactions and downloads. In the current study, the majority of pro-download arguments reference regular trips to comic stores in addition to their prolific online activities. However, one wonders how the explosion of online fan activities affects the quantity and quality of time spent in comic stores, and also what effect the likely diminishment of time spent in stores might have on future sales from that shop. Currently, most pro-download advocates claim that their online activities have resulted in more sales from comic shops. Perhaps a future study specifically drawing in the patrons of comic shops alongside the online fan community in equal proportions might illuminate the amount of overlap between these two groups and uncover whether there are attitudes distinct to each group of fans.

One expressed attitude that might serve as a key to uncovering the differences between the two supposed groups might be attitudes concerning ownership. Throughout the current study, appeals to the print medium as a superior format from all perspectives seemed to favor the ownership of tangible goods over electronic files. Even among the more rabid pro-download advocates, their use of digital files appeared to be a supplement to their ownership, rather than a substitute. The ownership attitudes

become increasingly muddled when the critiques of Marvel's DCU service are examined: The chief complaint is that the service does not allow file downloads, leading users to frame the service as "pay-per-view" that does not allow "ownership." However, many of the same fans continue to argue that possessing digital files is not ownership, raising a challenge to the understanding of what constitutes "ownership," a challenge that might provide a key understanding to how the collector mentality will adapt to a world of digital forms.

In the current study, one item of particular interest is the dichotomy between the pro-download frames and the anti-download frames. The anti-download frames spring largely from considerations of law or morality. While some arguments appear born from a traditionalism in preference for the printed comic book pamphlet form, the majority of the anti-download argument is a moral chastening of the pro-download point of view: "Downloading is stealing and stealing is wrong"; "You are taking food out of kids' mouths"; "The whole thing is piggish/disgusting."

Pro-download frames, on the other hand, are largely grounded in pragmatic arguments: "I cannot purchase these titles in my geographic location"; "These titles are too expensive for me to risk spending money on something I may not like"; "Marvel will not allow me to keep what I have purchased." An occasional emotional or moralistic response emerges (such as claims that copyright law is immoral, or that a particular publisher is "evil"), but for the most part, the pro-download frames extend from a position of practicality. The likening of copyright laws to Prohibition is especially interesting as it not only frames the argument in terms of minimizing the effect of downloading, but also frames the anti-downloading camp as well-meaning but misguided folks who are ultimately doing more harm than good.

Demographics may account for some variance in the expressed attitudes. Because of the anonymous nature of the population under observation, collecting demographic information was impossible. Perhaps a future study that surveys subjects anonymously could examine whether differences in age, economic class, and computer usage might influence a fan's attitude towards scanned comics.

Of course, the nature of the superhero text itself might explain the larger numbers of pro-download opinions in the current sample. Comic book fans are unusually involved in the production of comic books texts (Stevens, 2011). One of the earliest copyright infringement cases involving comic book superheroes created a legal definition for the genre. In May 1939, a new hero called "Wonderman" appeared in the pages of *Wonder Comics* #1. The comic reportedly originated with accountant Victor Fox, who after seeing the sales figures from Superman's debut in *Action Comics* #1, declared "I want another Superman" and approached the Eisner-Iger shop to create one (Benton, 1992, p. 22). The resulting court case, *Detective Comics v. Bruns*, found that Wonderman was indeed a copy of Superman. Central to this ruling by Judge Learned Hand was the legal definition of the "superhero." Hand established that mission, powers, and identity defined a superhero. "Mission" is best understood as whether the character appears to be a "champion of the oppressed" who stands against "evil and injustice." "Powers," of course, are the exaggerated abilities and qualities that provide a hero his status. "Identity" in the legal case involved the use of a secret identity, for superheroes present one persona in public that exists apart from the private reality of their lives (or, with heroes like Superman, vice-versa).

As fans identify with the characters portrayed in superhero comics, each of these elements would seem to provide a predisposition for the justification of downloading digital comic files. The "mission" element of the superhero genre positions the hero as a "champion of the oppressed" who operates outside of the established legal framework in order to deliver a form of justice that the law or its executors are unable to deliver. Superheroes are not generally concerned with the technicalities of legal code (in fact, the vast majority of them are illegal vigilantes), but seek a "higher good" for society in their mission. Of course, their ability to exceed the legal limits is made possible by their powers and the anonymity granted by their secret identities. When considered this way, it is easy to see why arguing the finer points of legal code or morality falls on deaf ears within the fan community, the vast majority of whom appear to be willing to use their online abilities in a clandestine fashion to circumvent the injustice they see in the current distribution system and laws. It would appear that fans' devotion to symbols of justice that exceed the constraints of society might provide insight into how they form the basis for considering the appropriate creation, use, and dissemination of electronic comic content.

No matter which side of the pro or con classification a fan fell on, each perspective appears to grant tremendous weight to the object of their devotion. Those against digital downloads appear to argue that the activity cheapens the value of their property. Many of those in favor of digital comic downloads argue that the decisions of the copyright holder have driven them to alternative collection methods in order to pursue their hobby. Implicit in each of these classes of argument are differences about to whom the primary value of the comic text applies, with the anti-download arguments favoring the rights of the creators and distributors to decide how and where comic texts are disseminated, while the pro-download arguments appear to proclaim a deeper "right" to the text that supersedes the rights of law and morality. "Abuse" by the comic publishers appears to serve as a justification for their activity precisely because they argue that their consumption is as important (if not more so) to the survival of a comic text than the legal rights of the creators or distributors of the text.

Many of the differences in these attitudes appear to be holdovers from the arguments over popular music and motion pictures. The approach and effects of the RIAA's attempt to stamp out music downloading activity continues to serve as a model (and at times, as a warning) for both the copyright holders and downloaders of other forms of media. Differences in media consumption patterns make music an imperfect fit for a direct corollary with translating comics into a digital format—Marvel Comics' Publisher Dan Buckley explains the analogy is poor because "unlike music consumption, reading a digital comic online is a very different consumer experience than reading it in print" (Weiland, 2007a), and comic fans tend to agree, as referenced and cited above—but the paradigms and tactics undertaken by the various groups in the earlier music conflict continue to inform the various perspectives.

In addition, each pole of the argument spectrum points to the iTunes store as a model to reconcile this cultural dispute. Although they disagree on whether it is an acceptable practice to download scanned comics, both sides generally appear to acknowledge that the abilities to sample digital versions of a comic and acquire electronic files directly from the copyright owner have merit (though members of both perspectives continue to maintain that printed books are the superior format). And yet, when the iTunes model arrived in the form of the Comixology apps, other barriers like proprietary formats, region locks, and high prices became the focus of these complaints (Carlson, 2010).

Both sets of advocates also appear to agree in their dissatisfaction with Marvel's DCU platform, primarily because the lack of downloading capability limits access for the user and prevents consumers from sharing their comics, suggesting that, even in the digital world, some attributes of materiality are associated with "possession." This limitation would appear problematic on two levels. First, the "buying public . . . really do not like to be told what they can do with something they have paid for" (Clark et al., 2008, p. 121), and second, by using services like BitTorrent,[1] comic book fans can circumvent the publisher completely by illegally downloading the comics. In these technologically saturated times:

> [T]he ability to obtain near exact reproductions of software, CDs, DVDs, and to a lesser extent books and manuscripts, offers consumers an opportunity to capture more consumer surplus at the expense of the copyright holder.  (Chiang & Assane, p. 145)

By insisting, as Marvel currently does, on proprietary formats or unprintable, non-savable files, the company may be pushing consumers away from legitimate venues to obtain their products. As Condry explains, "In terms of consumption, we can begin by recognizing that a lot of [content] is already available for free *and* people pay for [content] anyway. Sales of bottled water show that the presence of 'free' does not necessarily eliminate markets" (2004, p. 347). The idea that the "inconvenience or fear of copyright cops is going to help make legitimate services look attractive" (ibid.) is a fallacy borne out by the exponential proliferation of pirated material available for download on the Internet. People will "copy objects as long as it is possible and interesting to do so" (ibid., p. 350), but producers may be missing the point entirely. In many respects, "the industry's concern with questions of supply (who owns these recordings?) . . . neglect[s] important questions of demand (why do people want them?)" (Marshall, 2004, p. 164).

At the heart of this question (why fans consume comic books and why they might prefer particular modes of dissemination) lies the future definition of comic book fandom. Currently, comic book fandom exists in a state of transition, similar to the material state of their object of focus.

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[1] In the case of BitTorrent,

> from a legal standpoint, it is unclear whether the service or its users violate copyright law because such technology is not explicitly described in existing laws . . . . Another concern is that many users are in countries without effective copyright laws. (Chiang & Assane, 2002, p. 147)

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[2] Many of the sites referenced in this article are no longer online. When possible, the researchers provided a link to the *WayBack Machine* archive of the pages as they existed at the time of original access.

[3] In 2007, DC Comics and Marvel Comics joined forces to pursue legal action against Z-Cult FM, driving the site off-line. The materials discussed in this article can no longer be found online as they existed behind a password-protected access point. The researchers list the original (non-working) links to these documents in the reference list.

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