


Habermas and the phenomenon of P2P filesharing



 Kazaa Lite K++

*The functioning of Kazaa Lite K++ as a
portal to a new, digital public sphere*

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Supervised by Imar de Vries
Koen Leurs – 0225304
Block 3 – 2003-2004
Group 1

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Abstract

By studying the functioning of Kazaa Lite K++, discussion arises whether the so called peer-to-peer downloading discourse, which the Kazaa Lite K++ interface enables users to participate in, can be seen as a public sphere. Linking several peer-to-peer characteristics with several critiques on the theoretical debate surrounding the public sphere, it seems that the downloading discourse is able to halter the “refeudalizing” (1996; 97) effect, which according to Jürgen Habermas was a major result of the rising of the mass consumption society.

1 Introduction: peer-to-peer, illustrative material for the public sphere?

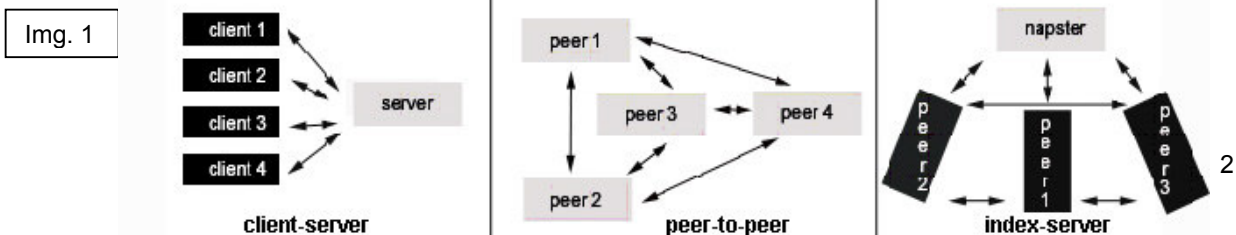
1.1 Network developments; client-server to peer-to-peer based

In the last six to seven years, peer-to-peer networking has become a collective noun for a group of techniques for the global organisation of distribution of digital information among users, “peers” (De Preter, 2002; 2). The global cooperative character plays a major role within the functioning of these kinds of networks. Nonetheless, the client-server distribution model is nowadays still superior in comparison with peer-to-peer based distribution.

The client-server model was first used in the early 80’s. The user who requests content and services serves as the client in this model. The server distributes digital information from a sole central point. This distribution model has been applied widely since the second half of the 80’s (Sadoski, 1997). The TCP/IP protocol, which is basically the foundation upon which the Internet rests, is based upon this model according to de Preter (2002; 3).

Before the dominance of the client-server model, which has been the most widely used concept for “distributed computing” for years (Singh, 2001; 4), the “UNIX-to-UNIX copy” computer network programme, introduced by Bell Laboratories in 1978 (Castells, 2002; 25) was a forebode of the imminent rise of “file sharing”, taking place at the end of the 90’s. UNIX-to-UNIX copy was a UUCP-programme, which enabled UNIX-computers to copy files from every other Unix-system within the network.

UNIX-to-UNIX copy was a UUCP-programme which enabled UNIX-computers to copy files from any UNIX -system within the UNIX network. This programme created a considerable extension for the practice of computer communication (idem) and is to be seen as a constituting factor for the rise and shine of the phenomenon “peer-to-peer file sharing”. In line with this way of thinking, Moro et al. state in *Agents and Peer to Peer computing* “P2P systems are intended for applications requiring high level of cooperation and communication” (2002; 1).



To give an overview of the file sharing world, an introduction to Napster is indispensable. Napster is information distribution-wise to be situated as a cross-fertilization between the client-server model and the peer-to-peer model (Img. 1). Napster was programmed to make indexation lists of the offered information (containing links to its providers) within the network, these Lists were published on a central server. Using a search-engine that was part of the interface of Napster, participants of the network could navigate within the offered information flow stalled in these lists. These lists caused the downfall of the Napster empire, because the RIAA (Record Industry Association of America) issued a claim on them. When Napster released them, all users of their network were exposed. KaZaa Media Desktop is however a good example of an optimally functioning peer-to-peer network. This programme only serves as a basic intermediary for digital information, without making indexations of contents or users (Gardeniers, 2004). Hence, that's one of the main reasons this research focuses on this file sharing programme. It must be noted however Kazaa Lite K++ (K-Lite K++), the hacked version of KaZaa Media Desktop (KMD) will be used as illustrative phenomenon, because this version offers some advantages in comparison with the original version. These advantages, among other factors, will be discussed later on.

1.2 Philosophical context

In order to positionate this research within the wanted paradigm of philosophy, several underlying structural common-ground values will be discussed firstly. A distinction between modern and postmodern ways of thinking will follow at the beginning, after which the theoretical discourse of the public sphere is explained. The chapter ends with an elaboration on the so called downloading discourse.

1.2.1 Modernism

The rationalism of Descartes characterises the commencement of modernism in the seventeenth century. The transformation of premodernism in modernism led to the mechanisation of the worldview, as stated by Raessens *Filosofie en Film: Vivre la Différence*: "The experimental nature sciences serve as a ground for modernism, With the experimental nature sciences as serving ground, the modernism strives to universal knowledge on the basis of which the reality in its unity and totality can be explained, systematically predicted and mastered. The industrial rationality is tightly connected to the development of modern technologies, serving as the basis for industrial revolution" (2001; 32)ⁱ.

For the eighteenth century, the century of the enlightenment, this way of thinking can be characterised by more thoroughly progression-optimistic perspective thinking. When

mankind frees itself of (old) traditions and enables itself to apply own reason, paradise is within its reach. According to Kant, people in the age of enlightenment are capable “in some and orderly fashion to use their own reason without being guided by someone else” (Kant, cited in Raessens, 2001; 32)ⁱⁱ.

According to Raessens, modernism persists in its strive to undo heterogeneity and to realise a homogenous unity. The eventual goal is a unity in which the being or the last fundament of the reality could be expressed. The eventual fundament of modernism is, as it happens, to be placed inside the human subjectivity. In this way, the reality is seen as the result of the sum of the projections, like they came to mind in the thinking processes of the human subject (2001; 33).

Generally speaking, the modern strive is to be seen as a peculiar strive towards unity, totality and universalism (De Mul, cited in Raessens, 2001; 36). In the light of this research, this way of thinking is to be seen as lying parallel to the client-server model of data transmission. Remarkable for this model is its decentralised functioning. The offered data is completely organised and controlled from one central node within the network.

1.2.2 Postmodernism

It could be said that the peer-to-peer file sharing in part originated from the client-server model. The twentieth century postmodernist perspective arose from the modern knowing in similar fashion. In other words, postmodernism was concealed within the modernism worldview. Illustrative, Lyotard states it as follows “modernism’s nature is continuously pregnant of its postmodernism” (idem; 34)ⁱⁱⁱ.

Raessens explains this by specifying this relationship as being a parasitic one. “Within the postmodern worldview, the modernist strive towards unity and totality, progression to its fundament and to an autonomous, rational subject gets replaced with a postmodernist strive towards differentiation and pluralism, a multiplicity of (constructed, KL) histories, interpretative frameworks and in the dead and the decentralizing of the subject” (idem; 36)^{iv}.

Postmodernism breaks with the earlier strive towards unity and totality and, in this way, affirms differentiation and fragmentation. Lyotard elucidates this declaring “the postmodernist perspective [...] sharpens our sensitivity towards differences and amplifies our ability to cope with l’incommensurable” (idem)^v.

Due to its decentralised character, the peer-to-peer surroundings are *en principe* logically to be indicated as being postmodern. The information supply is for instance not organised in a central manner and the same is true for the actual data transmission. Elaborating from this perspective, it’s assumable that peer-to-peer is a possible interpretation of the “decentralised subject” (idem)^{vi} when using the elaboration of Raessens.

1.2.3 The theoretical debate surrounding the public sphere

The goal of this scientific investigation is researching to what extent the cooperative and communicative elements within a postmodern peer-to-peer community like Kazaa Lite K++, are to be situated within the theoretical discourse of the public sphere, like it has been defined within the works of Jürgen Habermas. “While most of his more theoretical endeavours include heavy doses of philosophical abstraction and specialized vocabulary drawn from a variety of fields, *The structural transformation of the public sphere* employs a less technical sociological jargon and includes more illustrative material. In his monograph the theoretical discourse is often interrupted by talk of coffee houses, newspaper circulation or literary salons” (Holub, 1991; 3). This illustrative material opens up the theoretical discourse of Habermas’ public sphere. Since this is the case, a fitting underlying concept of theory is laid down, ready to be coupled with an interesting, rising phenomenon in the contemporary ICT-field; namely peer-to-peer file sharing.

Holub thinks Habermas was attracted to the notion of a public sphere because these offered “a foundation for a critique of society based on democratic principles [...] The public sphere is a realm in which individuals gather to participate in open discussions” (idem). This inquiry focuses on the ability of a peer-to-peer interpretation of a digital public sphere.

1.2.4 The downloading discourse

For representation goals, the term *downloading discourse*^{vii} will be applied. This term is to be seen as a metaphor for the up-and download behaviour of participating entities within peer-to-peer landscapes. Fraser states the following on counter discourses; “in order to signal that they are parallel discursive arenas where members of subordinated social groups invent and circulate counter discourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs” (1990; 67). She describes the whereabouts of certain entities that interact in specific counter arenas, parallel to the public sphere.

The downloading discourse is to be seen as an open arena which enables decentralized subjects to manifest themselves in a global *modus operandi*. This enquiry will look into this case, and will try to find an answer on the question whether the downloading discourse can be seen as an authentic counter discourse.

1.3 Research question

By means of the above described theoretical background, the following research question is distilled:

“Does the downloading discourse in Kazaa Lite K++ constitute a digital public sphere?”

1.4 Structure

In order to be able to answer this question, insight will be given on the desirable thinking framework of peer-to-peer. Next, the downloading discourse will be explicated by means of Castells “network society” (2002; 14). In the subsequent associated elaboration, the ideal public sphere, like it has been defined by Jürgen Habermas will be discussed. This public sphere will be coupled with peer-to-peer file distribution. Several critiques on Habermas’ vision on the public sphere are dealt with after this. Next, conclusions and discussion will follow.

2 Elucidation of the research question

2.1 The peer-to-peer framework

In order offer complete understanding of studied phenomenon, a description of the framework will be given. A P2P system can be characterised by a (1) shared (and dynamic), (2) decentralized and (3) autonomous architecture (De Preter, 2002; 4). Within this framework, the following definitions are applied:

1. “P2P computing is a network-based computing model for applications where computers share resources and services via direct exchange” (Moro et al., 2002; 2). Every P2P network can be characterised by an evenhanded sharing of sources. These are very dynamic systems, because the global offering of digital information is subject to constant shifts participation-wise.
2. “P2P refers to a class of systems and applications that employ distributed resources to perform a critical function in a decentralized manner. The resources encompass computing power, data (storage and content), network bandwidth, and presence (computers, human and other resources)” (Melville et al., 2002; 2). The decentred downloading which the interface of Kazaa Lite K++ enables its users to do, springs from its origin; the lack of a central node.

3. Autonomous functioning is essential for all P2P architectures. This results from its aforementioned decentred character. Because of the lack of central control, organisation and handling of the system needs to take place at the network level itself (De Preter, 2002; 4). Hence, the users form the organisation of the network, with their specific download and upload behaviour. It could be said that the downloading discourse can be characterised by the means of its self regulating and fluctuating structure.

2.2 The double decentred workings of Kazaa Lite K++

Like aforementioned, the interface of K-Lite K++ enables users to participate in the decentred downloading of digital information. The users constitute the content of the network all by themselves in decentred fashion.

Nonetheless, another layer to be reckoned with even within this structure is what I would like to call “multi-segmented” up- and downloading. The success of the Fasttrack network (open to K-Lite K++) is among other things due to this feature. It offers the possibility to download double decentred wise, meaning that every user, at every moment, can get access to every specific bit of the file he or she is looking for, at the highest available bitrate. A user downloads, from multiple sources, his or her specific file together. This way, the FastTrack network boosted and was well on its way to overthrow Napster from the top of the P2P networks. Eventually, at the end of 2001, Fasttrack exceeded Napster in shared data volumes (Wikipedia, 2004).

2.3 The downloading discourse within the network society

Peer-to-peer communities are to be seen as a result of what Castells notes as the ongoing developing of the “the network society”. The final decennia of the twentieth century, according to him, brought three separate developments together, which evolves into a new, network-based- social structure; (1) the needs of the economy for flexible management and the globalisation of capital, production and trade, (2) the demands emerging from society in which values of individual freedom and open communication got overpowering and (3) the revolutions in the micro-electronic sector. “Under these conditions, the Internet changed from being an obscure technology where besides the closed world of computer scientists, hackers and alternative communities nobody dealt with, to a lever for the transition to a new form of society – the network society” (Castells, 2002; 14)^{viii}.

The downloading discourse can be characterised in line with some of the specific characteristics, deriving from this network-society. “Flexible management” and “globalisation” have taken place within the world of P2P, (see 2.1), be it with the exemption of an aim to yield profit. “Individual freedom” and “open communication” are important structures that

enable entities to have the power to down- and upload as much or as little as they prefer. These structures also regulate their own network. Finally, the “revolution”, this needs to be seen as the enablement for greater chances, made possible by technical innovation, to participate within the self-created downloading discourse.

2.4 The rise (and shine) of the standard user as a competent user

The contemporary development has created a new societal form, the network-society. Peer-to-peer networks need also to be indicated within this society. Networks, for example the Fasttrack-network used by Kazaa Lite K++, would have never seen so much success if they hadn't been freely accessible for all. The enormous success of the networks in 2002 and 2003 are good indicators of the obvious effectiveness of self regulation.

The opening of the formerly closed character of the Internet can be illustrated nicely with the workings of the Kazaa Lite K++ interface. Immediately eye-catching is the fact K-Lite K++ wishes to be qualified as “freeware”, the ‘about’-section of the programme warns the users as follows: “Important note: Kazaa lite and all tools included are FREEWARE! Commercial use of this software is strictly prohibited”. Logically, this feature, adds up to global communication flows.

The approachability and accessibility freeware offers, man doesn't have to spent any matter to be able to have to programme, enables the standard (beginning) computer user to participate within the P2P world with relative ease. The starting users don't have to follow difficult installation procedures; one mouse click lets the user access a nearly unlimited amount of digital information. This makes average pc users “competent users” of the downloading discourse, evaporating the obscure and closed image the Internet once had. The American Heritage Dictionary describes the term “competent” as follows: “1. Having the ability to perform well: able, capable, good, skilled, skilful. 2. Being what is needed without being in excess: adequate, comfortable, decent, enough, satisfactory, sufficient” (2004).

The standard user has therefore become a adequate, competent user since he or she, without using more conditions than he or she necessary has, can participate within the downloading discourse in a desired manner with relative ease.

3 The public sphere, according to Habermas

3.1 *Ideally within the class of the bourgeoisie*

The ideal conception Habermas had of the public sphere, was eventually realised in the eighteenth century. He described this sphere as follows: “By public sphere we mean first of all a domain of our social life in which such a thing as public opinion can be formed. Access to the public sphere is open in principle to all citizens [...] A portion of the public sphere is constituted in every conversation in which private persons come together to form a public” (1996; 92).

In principle, the public sphere is accessible for all civilians, but according to Habermas, only private persons from the bourgeoisie class are capable to form a optimal public sphere: “the bourgeois public sphere can be understood as the sphere of private persons assembled to form a public” (idem; 94). According to Habermas, this is because “The bourgeois are private persons; as such, they do not ‘rule’” (idem, 95). The bourgeois where, independent from commercial and political oppressors, in contrast with other citizens, able to gather and form a public debate, “the bourgeois public opposes to the principle of established authority [in a way it, KL] aims at a transformation of authority as such, not merely the exchange of one basis of legitimation for another” (idem). The bourgeoisie were the ones who could exclusively match the liberal connotation of the public sphere; “they guarantee society as a sphere of private autonomy; opposite it stands a public power limited to a few functions; between the two spheres, as it were, stands the domain of private persons who have come together to form a public and who, as citizens of the state, mediate the state with the needs of bourgeois society, in order, as the idea goes, to thus convert political authority to ‘rational’ authority in the medium of the public sphere” (idem). For instance, the working-class citizens would not be able to form a public sphere in which private autonomy would be guaranteed. Because (political) authorities would be notified of the needs of the bourgeoisie, in the form of the outcomes of public debates, this kind of public sphere could be labelled as being fully “rational”.

3.2 *The downfall of the public sphere*

The downfall of the public sphere can be illustrated by the rise of newspapers and magazines. In the very beginning, newspapers were widely appraised. “From mere institutions for the publication of news, newspapers became the vehicles and guides of public opinion as well, weapons of party politics” (Bücher, cited in Habermas, 1996; 95). The predominant train of thought was in fact the expectation that consisted of thinking that the press was to remain an institution of the public, because it was perfectly well suited to “provide and intensify public discussion” (Habermas, 1996; 96). Although the public political discussion could be feuded and intensified, it was nothing more but an “organ for the

conveyance of information” but “not yet a medium of consumer culture” (idem). It definitely became a consumer medium, when journalists anticipated on the personal necessities of the people; “the sphere of publicness was changed by an influx of private interests that achieved privileged representation within it” (idem).

“With the spread of the press and propaganda, the public expanded beyond the confines of the bourgeoisie. Along with its social exclusivity the public lost the cohesion given it by institutions of convivial social intercourse and by a relatively standard of educations. Accordingly, conflicts which in the past were pushed off into the private sphere now enter the public sphere” (idem). According to Habermas, the rise of the consumption society caused a so called “refeudalization”. “The public sphere, which must now mediate these [private, KL] demands, becomes a field for competition among interests in the cruder form of forcible confrontation” (idem). The private interests of the working class people that ended up in the public domain caused a downfall of the public sphere, states Habermas.

3.3 P2P as the 21st century weapon against the downfall of the public sphere?

Habermas as well stated that “Citizens act as a public when they deal with matters of general interest without being subject to coercion; thus with the guarantee that they may assemble and unite freely, and express and publicize their opinions freely” (1996; 92). The virtual world of peer-to-peer created by Kazaa Lite K++, enables its users to act and interact freely within their self created downloading discourse. This downloading discourse acknowledges a bipartite community, enabling entities to express and publicise of one's own accord without having to deal with restrictions.

3.3.1 The bipartite community

On the one hand, the peer-to-peer world of Kazaa Lite can be seen as “a distributed P2P cache for caching large multimedia files” (Kangasharju et al. 2002; 2) while it also offers the possibility to give rise to a “social network” (Gulia & Wellman, 1999; 169).

The K-Lite K++ users are give the opportunity to manifest themselves within one of the “IRC-based” chatrooms. Within these chatrooms, participating entities form a public in a public arena, one in which they can express and share their opinions without any restraint whatsoever. In this way, the public can form a distinct sphere; “the public sphere as a sphere mediating between state and society, a sphere in which the public as the vehicle of public opinion is formed” (Habermas, 1996; 93).

In regard to this investigation, it's not essential to distinguish between an offline and an online public sphere, since for instance Wellman argues “an electronic group is virtually a social network” (1996; 1). By saying this, he there's not necessarily an immanent difference between participating in a computer network and participating within any offline network.

The ones that communicate within a virtual world combine information transferring, friendship, (emotional) support and service (Walther, cited in Wellman, 1996; 13).

The publishing element can be recognized by a different interpretation of community; in the form of a “cache”. Cache can be described as a safe shelter for data storage (Kangasharju et al., 2002; 2). Illustrative, they state; “in contrast with a file system, the goal of a P2P community is not to provide strong file persistence, but instead maximal content availability. Thus, in a P2P community, the number of replicas of an file depends on the popularity of the file” (idem). Any peer-to-peer vicinity can be seen, more or less, like a decentred buffer for digital information. K-Lite K++ users are able to fill in this buffer according to their own preferences.

These two manifestations of community K-Lite K++ offers, form distinct virtual spaces and might potentially bring together a wide and varied array of individuals.

3.3.2 Guarantying a private autonomous sphere is not exclusively bourgeois

Exclusively the bourgeois would match the liberal representation of the public sphere; “they guarantee society as a sphere of private autonomy” (Habermas, 1995; 95). The distinctive conceptualization of the structures of peer-to-peer frameworks offers the possibility to make personal, autonomous use of the public sphere. The self-regulated working of this network-model is to be seen as autonomous, since users constitute the offerings of the network. Because a participating entity, within the network, puts a file in his “my shared files” folder, he instantly acts as a producer, since he publishes the file in this manner. The published files are openly accessible for all other participant within the network.

The qualities the participating subjects share, being autonomous that is, are to be considered in accordance with the bipartite structure of the community. The aforementioned self-regulating factor is a nice example of how a “cache” \ buffer brings about autonomy. However, IRC-chatrooms also offer “a sphere in which the public as the vehicle of public opinion is formed” (Habermas, 1995; 95). Congenial lovers of free information can gather within a digital, public opinion forming vehicle: the IRC-community.

4 Critiques on Habermas’ notion of the public sphere

Associated with the observation that the bourgeois are not exclusively capable of forming an autonomous public sphere, there are more critiques to be found regarding Habermas’ notion of the public sphere.

4.1 The outlook of Fraser

The critique of Fraser mainly aims at the (lack of) applicability of the public sphere on the contemporary society. She states that the focus of Habermas' public sphere on the bourgeois class unnecessarily serves as a restrictive mechanism. According to her, this point of view needs to be extended. In the form of a discussion of four hypotheses, she defines her ideal notion of the public sphere. This discussion can be related to the facilities peer-to-peer file sharing offer.

The reprehensibility of the "as if" assumption will be dealt with firstly. Subsequently, the benefit of a diversity of "publics" will be described, whereupon thirdly the pros and cons of "private interests" within the public sphere will be taken into account. Finally, the fading boundaries between the present-day society and the state will be illustrated.

4.1.1 Assumption 1: "as if"

"The assumption that it is possible for interlocutors in a public sphere to bracket status differentials and to deliberate "as if" they were social equals; the assumption, therefore, that societal equality is not a necessary condition for political democracy" (Fraser, 1990; 62).

In her discussion of what she calls "intrapublic relations" (idem; 65) she states that "we should recall that the bourgeois conception of the public sphere requires bracketing inequalities of status [...] This public sphere was to be an arena in which interlocutors would set aside such characteristics as differences in birth and fortune and speak to one another as if they were social and economic peers. The operative phrase here is "as if". In fact the social inequalities among the interlocutors were not eliminated, but only bracketed" (idem; 63).

The "bracketing" of differences between participants of the public sphere isn't adequate enough, according to Fraser. It can in matter-of-fact have a negative effect; "such bracketing usually works to the advantage of dominant groups in society and to the disadvantage of subordinates" (idem; 64).

Following this reasoning, it could be stated that Habermas' notion of the public sphere isn't based on equality and unity of its participants, but on the differences of its participants. The differences weren't eliminated but they were not looked after either. Because of this, nothing was done to reduce or neutralize dissimilarities. Hence the following statement of Fraser: "it is a necessary condition for participatory parity that systemic social inequalities be eliminated" (idem; 65).

In order to create a participating unity within the public sphere, it's necessary to throw off the blinders, and to look to deal with the differences. In contrast with the original version of Kazaa, KaZaa Media Desktop, K-Lite K++ users have the opportunity at their disposal to raise their "participation level" to optimal levels. (Slyck Tom, 2003). In fact, the standard configuration of K-Lite K++ is already adjusted to this optimal level. With this configuration,

every user gains equal opportunities to participate, since everyone can download from all the participating users at the optimum download rate. In this way peer-to-peer can create a authentic unity, within a self formed public sphere. Users don't have to have a certain background or status.

Besides this, users of K-Lite K++ get the chance to participate within the different chat rooms. No entrance requirements are asked, every user can participate here. The participant can fill in every role he or she wants; thereby they get offered the chance to overcome differences in status, ethnicity and location.

Concluding, a public sphere, constituted within a peer-to-peer community is essentially different from the public sphere like Habermas described it in the acting of the bourgeoisie class in the second half of the eighteenth century.

4.1.2 Assumption 2: "a nexus of multiple publics"

"The assumption that the proliferation of a multiplicity of competing publics is necessarily as step away from, rather than toward, greater democracy, and that a single, comprehensive public sphere is always preferable to a nexus of multiple publics" (Fraser, 1990; 62). In her consideration of the appointed "interpublic relations" (idem; 66), she states that "in stratified societies, arrangements that accommodate contestation among a plurality of competing publics better promote the ideal of participatory parity than does a single, comprehensive, overarching public" (idem). If an overarching public ought to be formed, many individuals wouldn't be able to access the sphere. "Members of subordinated groups would have no arenas for deliberation among themselves about their needs, objectives, and strategies" (idem).

Fraser states that lower class individuals can unite in "subaltern counter publics in order to signal that they are parallel discursive arenas where members of subordinated social groups invent and circulate counter discourses" (idem; 67). An appropriate representation of this kind is the aforementioned downloading discourse.

"Passing panels" such as K-Lite K++ introduce congenial devotees of the free flow of information to the possibilities of utilizing their freedom of speech and publication. In this manner, participants within the K-Lite K++ peer-to-peer network, form a "subaltern counter public". The bipartite character of the communities, accessible via the downloading discourse, is illustrative for a deeper structured fragmentation of several "publics" (idem).

4.1.3 Assumption 3: “private” –vs– “common good”

“The assumption that discourse in public spheres should be restricted to deliberation about the common good, and that the appearance of “private interests” and “private issues” is always undesirable” (Fraser, 1990; 62). Appropriately, Fraser responds on this as follows: “Let me remind you that it is central to Habermas’ account that the bourgeois public sphere was to be a discursive arena in which “private persons” deliberated about “public matters” (idem; 72). A public sphere enables “private persons” to gather to talk about issues that they define as having significant social, societal or public relevance. Fraser believes optimal participation equals the possibility to speak out “one’s own voice” (idem; 66). Question arises whether participants share a universal conception of which issues are of social, societal or public relevance and which ones are not. “Only participants themselves can decide what is and what is not of common concern to them. However there is no guarantee that all of them will agree” (idem).

Universal delimited intellectual frameworks are absent in the imagination of mankind, therefore it’s inept to claim that private issues shouldn’t be taken along within a public sphere. “According tot Habermas, the idea of a public sphere is that of a body of ‘private’ persons” assembled to discuss matters of “public concern” or “common interest” (idem; 65). Within the downloading discourse, a file of high common interest gains the highest availability rate. The amount of replicas within the network correlates with its popularity (see paragraph 3.3.1). However, it’s of great importance to the vitality of each and every network, that fresh input remains in place. Private persons need to offer their own interests (digital files) to other users, to be able to participate within the dynamic character which defines a peer-to-peer world. One specific input within the network can be copied over and over, in this way it will grow and, over time, can be considered as a common interest file.

In addition, any chat room can also, similar to this process, become of common interest. Users are able to found a room and label it after any name they choose. Besides this, different publics in the form of a great diversity of chat rooms, offer the potential to manifest and discuss matters, be it of common interest or not (yet).

A private person, participating within the peer-to-peer network of Kazaa Lite K++, can opt to choose remain a private person, up to a certain extent. Users, namely, can remain anonymous within the downloading discourse, because he can tick the “do not save IP addresses in .DAT files” box. .Dat files are the temporary files which get stored on a computer, while downloading files from the K-Lite K++. By utilizing this option, traceability of the circulating files gets hampered.

4.1.4 Assumption 4: “civil society” –vs– “state”

“The assumption that a functioning democratic public sphere requires a sharp separation between civil society and the state” (Fraser, 1990; 63). Fraser believes the contemporary “achievement of parliamentary sovereignty, therefore, the line separating (associational) civil society and the state is blurred” (idem; 75). Because of this, a clear distinction has become impossible in our time. However, we need to recognize the distinguishing institutional influences nowadays and during the “egalitarian society” (idem).

Focussing on the public sphere, constituted in the downloading discourse, it needs to be noted that governmental organisations won't be able to have enormous influence. The abovementioned option for instance stagnates traceability. Moreover, the government cannot regulate the network, since self-regulating constitutes its fundamentals. Kazaa Lite K++ users have yet another trump card to halt external, institutional interventions, in the form of the sidekick programme “IP Blocker Updater”. This programme is included in the package of software, when installing the complete version of Kazaa Lite K++. IP Blocker Updater enables its users to keep out files which could originate from governmental organisations. Because certain specific IP-numbers are automatically blocked, users can keep themselves from being possible governmental interference. This way, users are able to achieve the ideal goal of “unrestricted rational discussion” (idem; 66) within the downloading discourse. It obviously remains in the hands of autonomous individuals and publics.

4.2 Critiques deriving from the downloading discourse

4.2.1 Blurring of the boundaries within the domain of competent users

Whatever the human mind may create can be reproduced and distributed at no cost (Barlow, 2001). “Because -Lite K++ enables its users to get every digital file imaginable freely, the notion between the public and private domain has gotten blurred. In other words, Historically, media consumers have perceived small-scale distribution of bought items acceptable, “even though strong norms against large scale copying and/or selling of media were prevalent” (Strahilevitz, 2003; 22-24).

The exaltation of peer-to-peer transformed this small scale distribution into global distribution. “With the decrease in transaction costs precipitated by the emergence of peer-to-peer (“P2P”) file-swapping networks, “sharing” norms were expanded to include file-swapping over P2P networks, as these networks allowed expansive access to media content without the stigma of seeking personal gain associated with large scale pirating and selling activities, despite the wide reach of these networks” (Gasser et al., 2004; 2). Users of K-Lite K++ consciously choose to participate within the downloading discourse, without personal benefits or profit aims.

Users of the K-Lite K++ interface need to have a limited amount of skills to be able to participate within the networks. Consequently, the moral boundary of free data distribution is possibly diminished, since the threshold that needs to be taken doesn't necessarily involve technical ingeniousness or skills. With a limited set of skills, participants are to be seen as competent, given the fact they maintain the network.

Stalder acknowledges this process of "mutual shaping between a new actor and an existing network". He elaborates: "In networks where the actors have successfully converged, [...] the network as a whole stands behind any one of the actors who make it up" (1997). In spite of the heterogeneity of its users, the total network is dependent on the (input of its) users.

"Networks can be so large and stable that they appear to be independent from the actors. This, however, is a misconception" (idem). In order to maintain properly buffered, stabile, divers and dynamic, entities need to participate.

4.2.2 Boundary blurring as a metaphor for the new morality

The examples of haziness described above "private" versus "common good" and "civil society" versus "state" can be fitted in line with this observation properly. Leland labels the dimming of the defining of the private and public domain: "a metaphor for the new morality. As long as you can get it, it doesn't matter how. As their favourite musicians recombine digital samples to create new music, downloaders recombine digital songs in new contexts" (2003; 1). The enormous popularity of the use of the possibility to publish downloaded files anew bears witness to this new morality. Individual users, in the first place, do not have any advantageous gains to share their downloaded files. The underlying functioning which they basically keep intact by doing this; the optimum "caching", is however, of great importance for every participant within the network.

4.2.3 Dissolution of the historical concepts in the public domain

Fraser argues that because of horizontalisation/levelling within the network society, there's no such thing as subordination of the public domain to a centre such as for instance political decision-making (2002; 51). The subordination of a public domain, like it could occur within the client-server model by centralised controlling, has been tackled by the to be called double decentralised functioning of for instance the Kazaa Lite K++ interface. The authoritative exercise over the flow of information seems to be slipping out of hands of the original distributors. The creation of the subject within this discourse can be seen as opposed to the panopticism-alike, as defined by Foucault (1975), structure of the centralised control. Strict spatial partitioning, surveillance, quarantine and enclosure, all elements that can be interpreted in relation with central control, are absent.

According to Frissen this is in potential a significant development, since the importance of a vital and varied public domain is very strong, also in a network society. Up until now, trusted mechanisms and institutes have failed. National and international policy makers are trying to regulate the virtual world, and are trying to forbid certain those things that are unthinkable and unacceptable within the physical, offline world (idem; 49). You could for instance think of the prosecution of files haring via peer-to-peer channels.

5 Conclusions

By studying the operationalisation of the phenomenon Kazaa Lite K++, it was to be seen whether the downloading discourse could be understood as a public sphere.

Chapter 2 describes several deeper layers that are recognizable within peer-to-peer surroundings. It could be stated that the identified double decentred working of the K-Lite K++ system is leaving its mark its participating subjects on two different scales. Paragraph 2.4 makes it apparent that computer users with minimal capacities can flourish into competent participants of the downloading discourse relatively rapidly?.

Paragraph 3.3 gives an observation of the functions participants can utilize within the downloading discourse. The K-Lite K++ users are able to express themselves and get offered the possibility to publish within the P2P network. By means of a bipartite characterisation of the community within the interface, paragraph 3.3.2 shows claims of the impossibility of the bourgeoisie as the sole ones to guarantee a private autonomous public sphere.

Chapter 4 contains a deliberation on the critiques of Nancy Fraser on Habermas' notion of the public sphere. Also, connections to specific properties of the P2P downloading discourse are laid down here. Paragraph 4.1.1 showed the prospects of a new discourse, to create a new public sphere, without obligatory eye flaps. The downloading discourse wasn't based on differences, as was the case for the Habermas' ideal public sphere, but on overall unity. 4.1.2 shows the forming of a "subaltern counterpublic" (Fraser, 1990; 62) within the P2P network. 4.1.3 looked into different conceptions of societal benefit ("common good"). Personal interests show to be of great importance within the self regulating workings of a peer-to-peer network. 4.1.4 describes the strengths offered by Kazaa Lite K++. 4.2 offers insight on the critiques on Habermas' idea on the public sphere, deriving from the downloading discourse. 4.2.1 and 4.2.2 make clear that this new discourse causes blurring of boundaries, its antecedent being a new morality spread among its participants. Peer-to-peer worlds, as described in 4.2.3 seem to gain the strength to achieve a deprivation of the hierarchical conceptions of the public sphere.

5.1 Assessment

In contrast with Habermas' notion on the downfall of the public sphere during the rising of the mass consumption society; the workings of peer-to-peer networks can be seen as its counterpart during the "refeudalization" (1996; 97) of the public sphere.

According to Holub, refeudalization caused "The public opinion of the private people assembled to form a public no longer retained a basis of unity and truth; it degenerated to the level of a subjective opinion of the many" (Holub, 1991; 5). By means of keeping the "cache" at optimal level and manning the "IRC-chat rooms", the participants regulate the downloading discourse. Because self-regulating is a core value in the discourse, it could be said that a new train of thought, based on uniformity, is formed within the autonomous up- and download behaviour of the participating entities.

Kazaa Lite K++, as a counterpart to the refeudalizing mass media during the mass consumption society, is to be seen as a portal to a new, digital public sphere. The downloading discourse serves as an intermediary.

Quite rightly, Frissen states that the "decentralised realities are smarter and more divers [in contrast with centralised systems, KL], by which they can cope better with the complexities and turbulences of our society" (Frissen, 2002; 50)^x. The new digital public sphere, in part because of its self-regulating character, proves to be an outmost stabile (counter) discourse within the fluctuating society of 2005. Because the heart of the power isn't centred anymore, since it has been decentred in distributed networks, hierarchy is absent. Because of this, there's no fundamental difference between the public and private space. Hierarchical panoptical concepts have evaporated and the blurring of the boundaries serves as a clear example of the media magnets' loss of dominance.

One critical marginal comment needs to be issued on this almost utopian post-modern peer-to-peer file sharing of digital information; since modern tensions have arisen. The public opinion, formed within the new digital public sphere, which has been as appointed as the downloading discourse, to a certain degree produces somewhat of a universal consensus. The postmodern, flexible database accessible by Kazaa Lite K++, is accessible for dispersed subjects, no matter where on this world. The flexible database can be seen as a modern (however self-regulated) database, aimed at mass distribution and mass consumption. Participating subjects, participate within a (to be called mass) downloading discourse, since they want to have digital information at their disposal. This way, the downloading discourse constitutes a homogenous representational whole. Herewith, the decentralizing of the subject, a characteristic of the postmodern knowing (Raessens, 2002; 32) becomes oppositional as opposed to the autonomy of the subject, a characteristic of the modern knowing (idem).

6 Discussions

There's a digital public sphere to be recognized within peer-to-peer surroundings. Question arises whether "spoofing" (the distribution of erroneous files within network) could exceed the self-regulating functioning of a peer-to-peer network and in this way lead to a fast diminishing of this new sphere. This recent development could weaken the public sphere, because the autonomous power of the individual user could be tempered with. According to the The American Heritage® Dictionary of the English Language, spoofing can be seen as "nonsense; tomfoolery" and "a hoax".

Certain organisations intentionally submerge peer-to-peer networks with polluted or damaged data, aimed to halt the large scale copying and distribution of music and films. For instance MediaForce offers a service that overwhelms "file trading communities with non-working versions of copyrighted material" (The online reporter, 2002). These non-working files can pollute P2P networks. Users cannot be aware whether the file there downloading is corrupted unless they fully download the specific file.

The counterpart of spoofing organisations are so called "data-mining" companies. By means of data-mining, companies gain information on the preferences of participating users within networks. This way, information on a user can be processed, sold, manipulated and it can be used to later on influence the very user.

Serving illustratively, meet Overpeer, Overpeer is a company that makes money on the selling of information, obtained from data-mining within for instance peer-to-peer networks. "Overpeer's robust data mining tools and technology organize and analyze information captured on the networks to provide partners with a comprehensive real-time view into global downloading behaviour across major file sharing networks. As a result, companies can gain access to compelling market and customer research and analysis, take strategic action to curb copyright infringement and promote traffic to legitimate distribution channels" (Overpeer, 2004). Mediasentry also data-mines: "Using our MediaSentry application, clients monitor the status of their copyright searches and create extensive management reports to track trends. A powerful library of reports and graphs - available online, or via email and fax - allows clients to review the progress of their copyright enforcement activities" (Mediasentry, 2004).

These contradictory interests leave a clear mark on peer-to-peer networks. For certain, it must be stated that spoofing caused the Fasttrack-network to get very unstable^x. During future research, these two phenomena need to be dealt with more thoroughly.

7 References

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Illustration

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8 Footnotes

ⁱ Translated, originally written in Dutch: "Met als model de experimentele natuurwetenschap streeft het moderne weten naar universele kennis op grond waarvan de werkelijkheid in haar eenheid en totaliteit zowel verklaard, systematisch voorspeld als beheerst zou kunnen worden. De industrialistische rationaliteit is dan ook nauw verbonden met de ontwikkeling van moderne technologieën die ten grondslag liggen aan de industriële revolutie" (2001; 32).

ⁱⁱ Translated, originally written in Dutch: "op zekere en goede wijze hun eigen verstand te gebruiken zonder leiding van een ander" (Kant, geciteerd in Raessens, 2001; 32).

ⁱⁱⁱ Translated, originally written in Dutch: "de moderniteit gaat naar haar aard voortdurend zwanger van haar postmoderniteit" (Lyotard, geciteerd in Raessens, 2001; 34).

^{iv} Translated, originally written in Dutch: "In het postmoderne weten wordt het moderne streven naar eenheid en totaliteit, naar vooruitgang naar een laatste fundering en naar een autonoom, rationeel subject namelijk vervangen door het postmoderne geloof in differentie en pluralisme, in een veelheid aan geschiedenissen, in interpretatieve kaders en in de dood en decentrerend van het subject" (Raessens, 2001; 36).

^v Translated, originally written in Dutch: "het postmoderne weten [...] scherpt onze gevoeligheid voor verschillen en versterkt ons vermogen het incommensurabele te verdragen" (Lyotard, geciteerd in Raessens, 2001; 36).

^{vi} Translated, originally written in Dutch: "decentrerend van het subject" (Raessens, 2001; 36)

^{vii} This term was first introduced by me in a group research paper entitled *P2P-Activism; Kazaa Lite K++ as a portal to the post-modern landscape* during the course New media, new citizenship (2004; semester 1, block 2).

^{viii} Translated, originally written in Dutch: "Onder deze omstandigheden veranderde het Internet van een obscure technologie waar buiten het gesloten wereldje van computerwetenschappers, hackers en alternatieve gemeenschappen weinig mee te doen was, in een hefboom voor de overgang naar een nieuwe maatschappijvorm – de netwerkmaatschappij" (Castells, 2002; 14).

^{ix} Translated, originally written in Dutch: "gedecentraliseerde werkelijkheden zijn slimmer en gevarieerder, waardoor ze beter kunnen omgaan met de complexiteiten en turbulenties van onze samenleving" (Frissen, 2002; 50)

^x The instability of the Fasttrack network, using the Kazaa Lite K++ interface, is also the result from the relative old version of KMD (Kazaa Media Desktop) K-Lite K++ is based on. The hacked version is based on a stripped version of KMD <2.5. With the release of KMD 2.6 and the pay version 2.6.3, super nodes within the network will not, or incompletely recognize shared files of K-Lite K++ participants.