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When Contested Issues Constitute Organizational Fields: The Copyright Discourse in the German Music Industry

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Introduction

Recent work on change processes in organizational, institutional, technological, or professional fields increasingly recognizes the importance of so-called *field configuring events* (FCEs) in shaping field structures (Lampel and Meyer 2008). FCEs are transorganizational structures (Anand and Watson, 2004) where actors from diverse backgrounds collide and ideas proliferate, thereby structuring the “issue-based field” (Hoffman 1999) they are embedded in. As such, the study of FCEs is a powerful tool to link micro-level activities by field actors to macro-level structures and can fruitfully be applied to understanding transnational change processes.

While most work on FCEs so far has focused on emerging fields, in this paper we investigate how changes in a mature field are both reflected and enhanced by corresponding changes in the respective event landscape. In particular, we are interested in the transformation of the music industry as an exemplary case of the so-called copyright industries (for a definition see Siwek 2006: 7), experiencing a substantial threat to established business models and regulatory institutions (Dolata 2008; 2009) in the course of the “Internet revolution” (Benkler 2006). This transformation process revolves heavily around the rise of a new issue, the issue of copyright regulation, changing the boundaries, core actors, and practices of traditional industries. Studying local events allows us to analyze the way a transnational regulatory issue is anticipated, reflected, and instantiated in a national industry, enabling us to understand more fully the drivers and constraints of industrial and organizational change at the intersection of transnational regulation and local business models.

In our research context, music industry fairs and conferences are examples of such localized, transorganizational structures that allow tracking processes of field-configuration. Understanding industrial transformation dynamics as essentially political processes, we conceptualize FCEs as arenas for conflict and contestation among colliding groups from which new institutional policies and structures may emerge dialectically (Hargrave and Van de Ven 2006). We therefore apply a perspective susceptible to discursive conflicts and coalitions to our study of FCEs: the notion of discourse coalitions put forward by Hajer

(1993; 2005). Hajer (1993: 47) conceptualizes politics as “a process in which different actors from various backgrounds form specific coalitions around specific story lines, all organized around discourse”. We expect to find such discourse coalitions with respect to copyright regulation at different industry events, where conflictual issues such as “copyright and licensing”, “access vs. ownership”, or “values and culture 2.0” are discussed by the diversity of field actors. The way the event landscape evolves can thus be taken as a representation of how the field evolves with respect to certain issues. We ask the question of how the transnational issue of copyright regulation is incorporated and enacted in the German music industry event landscape and how, in turn, this contributes to industrial change.

Empirically, we first look at the evolution of the event landscape, comparing the pre- with the post-Napster (Green 2002) period (1995-2001 and 2001-2009, respectively) to depict how the emergence of copyright conflicts has manifested itself in the overall event landscape and, accordingly, in different actor groups. We then zoom into a selection of three highly significant events – the traditional main industry event, the “Popkomm”, sponsored predominantly by the major labels and canceled in 2009 with reference to “illegal downloads”¹, and two alternative events rooted in the independent scene, the already established “c/o pop” in Cologne and the newly created “all2gethernow” in Berlin. In this context we analyse how established and new actor groups (“incumbents” and “challengers”, see Fligstein 1996; Hensmans 2003) try to form coalitions not only at the events themselves, but also by changing event characteristics.

The paper is organized as follows: in the subsequent theory section we jointly discuss literature on field configuring events and on the discourse coalition framework, followed by a detailed description of our methodological operationalization in section three. The distinction between event ecology and event discourse analysis introduced in the method section is then used to structure the presentation of our empirical findings (section four), which are eventually interpreted in the final concluding section.

Theoretical Perspective: Events and Discourse

Issue-based fields differ from traditional field conceptions such as “organizational fields” (DiMaggio and Powell 1991) in that not a certain type of actors or industry, but rather a focal issue is used for identifying and analyzing institutionalization processes. According to

¹ See Handelsblatt, June 19, 2009, <http://www.handelsblatt.com/unternehmen/it-medien/popkomm-wegen-piraterie-protest-abgesagt;2375028> [accessed: March 28, 2010]

Hoffman (1999: 351-352), this not only “reveals greater complexity in field formation and evolution”, but also highlights the importance of “new forms of debate [that] emerge in the wake of triggering events”. We relate to this connection of discrete events and their influence on field-level debates when we look at the formation of discursive conflicts and coalitions at field configuring events (FCE). We are particularly interested in how these debates on new issues intersect with the development of “traditional” organizational or industry fields.

Of course, “triggering events” is a very broad term covering catastrophic accidents, technological breakthroughs, as well as political revolutions and does not necessarily refer to field-configuring events sensu Lampel and Meyer (2008) such as conferences, tradeshows or award ceremonies. We would argue, however, that the more actors consciously perceive themselves as belonging to a certain field and thus try to deliberately influence its institutional configuration, the more important planned events of the latter format become for further field configuration. In other words, FCEs are of particular importance for explaining *endogenous* change that is maybe inspired, but not determined by external shocks of any kind. Especially when a field is centred around an issue or legal construct such as, in our case, ‘copyright’, conferences provide opportunities where different interpretations of issue-related topics and attempts of (re-)framing collide; they function as venues where “competing interests negotiate over issue interpretation” (Hoffman 1999: 351).

In much of the recent literature, the notion of FCEs as locales for discursive interaction, struggle, and coalition-building is at least implicated. Garud (2008: 1077), for example, chooses a written “consensus statement” – a discursive artefact – as a central unit of analysis in his investigation of three conferences concerning the development and commercialization of cochlear implants. Anand and Watson (2004) try to capture the field-level consequences of Grammy award ceremonies by analyzing their impact on discursive patterns in related media coverage. Taken together, these examples show that events might influence discourse in an issue-based field and vice-versa. Little is known, however, as to how exactly this reciprocal relationship of events, debates, and industry structures unfolds: how do established industry actors position themselves at conferences with respect to certain issues? How does the discourse taking place at localized events feed back into broader debates? How do actors, business models, and boundaries of an industry change as a reflection of these debates? *Do events continue to have an effect on discursive processes after their completion?*

For providing at least a partial answer to these questions we turn to Hajer’s (1993; 2005) already mentioned concept of discourse coalitions. In advocating an “argumentative discourse

analysis”, he suggests studying “political process as *mobilization of bias*” (Hajer 1993: 45). He defines discourse as “an ensemble of ideas, concepts, and categories through which meaning is given to phenomena” and argues that successful discourse may be solidified into an institution, a process called “discourse institutionalization” (Hajer 1993: 45-46). Prevailing in such conflict-ridden processes are those social constructs that are shared by the broader group of people, thereby forming the dominant discourse coalition. Any discourse coalition is “related to practices in the context in which actors employ story lines and (re)produce and transform particular discourses” (Hajer 2005: 303).

Consequently, Hajer (2005: 300) argues that “[t]he analysis of discursive constructions such as narratives, story lines, or metaphors is especially powerful when done in the context of the study of the social-historical conditions in which the statements were produced and received”. This emphasis on discourse contexts seeks “to find ways of combining the analysis of the discursive production of reality with the analysis of the (extradiscursive) social practices from which social constructs emerge and in which the actors that make these statements engage” (Hajer 1993: 45; cf. also Fairclough’s “critical discourse analysis”, e.g. Fairclough 1992, 1995). Importantly, while paying attention to strategic action and power, the discourse coalition approach also illuminates the unintended (re-)production of a discursive bias by different actors that do not necessarily share deep values or orchestrate their activities, but that cluster around specific story lines held together by the “discursive affinity” of their arguments (Hajer 1993: 47). As meanings are produced interactively, an argumentative discourse analysis is based on the detailed examination of accounts of these interactions (Hajer 2005).

Being aware of the fact that such an analysis has to selectively choose the contexts in which discourse is analyzed, we argue that field configuring events are a particularly suitable research site: first, by bringing together many related actors within a field they function like a discursive focusing lens, concentrating dominant frames and story lines both temporally and locally. Second, this very concentration, not least resulting from face-to-face dialogue (Bentrup 2001; Schneider et al. 2003), seems to make such events perfect locales for aligning compatible frames and story lines, eventually leading to the formation of discourse coalitions. Third, a change in the event landscape on a macro-level may in itself be an expression of changes in dominant frames in discourse coalitions. Finally, the multiplicity of discrete events in an issue-based field allows both diachronic and synchronic comparisons.

Exploring the potentials of an argumentative discourse analysis within the realm of field configuring events, we undertake two separate but related streams of analysis, both of which are delineated in the subsequent method section: an overall (1) longitudinal assessment of the event landscape in the realm of the German music industry, complemented by a (2) comparative in-depth discourse analysis of three selected events in the year 2009, a critical year for the German music event landscape.

Method

Field and case selection

The broader field that centers on the focal issue of ‘copyright regulation’ contains various ‘copyright industries’, each addressing different markets with different business models. In his report on copyright industries, Siwek (2006: 7) defines the core copyright industries as “those industries whose primary purpose is to create, produce, distribute or exhibit copyright materials. These industries include newspapers, books and periodicals, motion pictures, recorded music, music publishing, radio and television broadcasting, and business and entertainment software.” Of all these different copyright industries, the music industry was the first to experience substantive threats to a major part of its established business model – selling CDs in the consumer market for music –, when digitalization and Internet file-sharing of MP3-compressed music emerged during the late 1990s (Green 2002; Hensmans 2003). As is shown by recent developments in the film and publishing industries, the music industry was more of a front-runner than an exception in facing challenges in the course of digitalization (Fetscherin and Schmid 2003; Liebowitz 2006), making it a particularly interesting field for studying respective discourse dynamics. On the one hand, other industries are likely to or have already shown their willingness to learn from the music industry’s reaction and, on the other, the high visibility of the discursive struggles around copyright protection of music not only played a major role in recent (private and public) copyright reform efforts (see, for example, Dobusch and Quack 2010a), but is also likely to set the agenda for upcoming battles on similar or related issues.

The rationale for selecting the German music industry as a (sub-)field for investigating how the overarching and transnational discourse on copyright regulation is instantiated and (re-) shaped in the course of discrete and localized events is twofold: first, Germany is an important consumer market with strong subsidiaries or – as in the case of EMI – even headquarters of music industry incumbents. Second, during a first exploratory investigation,

we found a highly dynamic event ecology, which provides the opportunity to both select cases out of a large pool of events and put them into an overall, event-ecological context.

Argumentative discourse analysis adapted

As already mentioned briefly above, Hajer's (1993, 2002, 2005) approach to discourse analysis stresses analysing the context in which statements were produced and received and the interactions and social practices related to certain discursive constructions. In doing so, it is possible to understand the argumentative meaning of discursive positions and hence the underlying political processes, analytically represented in the concepts of discourse coalition and the mobilisation of bias in a process of discourse structuration when social constructs shared by a group of actors come to dominate the way society conceptualizes a certain issue. The medium of political action are the story lines that suggest certain positions and practices and criticize others and a discourse coalition includes all: a set of story lines, the actors that utter these story lines, and the practices that conform to these story lines (Hajer 1993: 47). Discourse itself is not to be equated with discussion, however. A discourse rather refers to a set of ideas, concepts, and categories in whose terms a certain issue is discussed (Hajer 2005: 300). Without explicitly referring to Giddens' (1989) theory of structuration, the discourse coalition approach proposes a processual perspective where meanings and experience influence each other recursively over time via the formation of social practices, stressing the possibility of unintended and uncoordinated results aside from intentional mobilization efforts.

In conducting a discourse analysis, Hajer (2005) proposes to examine statements which are often conveyed in the form of a narrative, i.e. as story lines with a beginning, a middle, and an end. Often people use short cues rather than telling the whole story, which is the reason why people who do not actually share the same understanding may still form a joint discourse coalition, *assuming* that the same narrative is shared by others. To analyze these story lines, and to detect possible discursive affinities, Hajer (2005, p. 306) outlines ten steps a researcher should follow: desk research to make up an initial chronology of events; helicopter interviews with key field actors; document analysis to define discourses and sites of discursive production; further interviews with key (political) actors; searching for sites of argumentation to account for argumentative exchange; analyse actors' positioning efforts; identification of key incidents; identifying practices related to meanings; interpretation of discursive structures and practices; cross-checking this interpretation with field actors. To sum up, an argumentative discourse analysis demands the identification of story lines, of the underlying

concepts, ideas, and categories that make up discourse, and of the practices in which discourse is expressed and reproduced.

In this paper we apply this approach in a more focused way and pre-select certain sites of argumentative exchange by focusing on field-configuring events in the German music industry. We argue that these events are particularly well-suited sites for presenting positions and exchanging ideas. In Hajer's terms, events are sites where story lines are constructed and discourse coalitions formed. As often powerful actors assemble at these events, or previously dispersed challengers meet, events may be consequential in leading to regulatory or institutional change (discourse institutionalization). We thus follow the methodological steps outlined above not in the broad field of copyright regulation, but in relation to music industry fairs, conventions, and conferences, of course embedding this analysis in our broader knowledge of the field of copyright regulation.²

Event ecology analysis

Assuming that events within a given field are sites where discourse coalitions are formed or, at least, reflected, we first attempted to construct a chronology of all events with a conference or convention section in the music industry between 1997 and 2009. We chose this time period as critical for the copyright discourse because the first file-sharing platform, Napster, went online in 1999 and, when sued by the Recording Industry Association of America (RIAA), sparked a broad public debate on copyright. We start our analysis in 1997 to be able to observe changes in the event landscape caused by this critical incident for the music industry. Generally, the aim of this analysis was to get an overview of when certain issues were picked up by the field and by whom, as well as when certain issues or actor groups disappeared from the field.

To construct an ecology of all relevant events in this time period, we began by searching through the archive of the main music industry magazine in Germany, the Musikwoche, which also features an extensive weekly event calendar. First, we searched for several German synonyms for the term "conference"³ as well as for the English term "conference" and included all findings into an event database. We explicitly excluded mere music festivals that did not have at least one official discussion panel, as we do not consider these as critical

² When we refer to events, we thus refer to (potentially) field-configuring events sensu Lampel and Meyer (2008).

³ "Konferenz" (conference), "Messe" (fair), "Kongress" (congress)

for the formation of discourse coalitions. Second, to cross-check this keyword-search, we copied all events from the Musikwoche event calendar which offers an “event type” classification. As the Musikwoche is the “mainstream” industry magazine, we searched explicitly for non-incumbent events such as the “Cologne Commons” to test the comprehensiveness of our findings. As some of these events were indeed not listed in the Musikwoche, we included an alternative German news source in our search: gulli.com, a webportal reporting about music production and distribution models compatible with peer-to-peer file-sharing. We again applied the search terms listed above and, through a number of additional findings, were able to eliminate the bias posed by the search in the Musikwoche. We searched for additional information on all of the events such as the beginning and end date and the mission and content of each event. On this basis we consolidated our initial list, deleting locally focused events, international events that only took place once in Germany, or annual association meetings that can not be considered as FCEs in our understanding.

Event discourse analysis

We further conducted a comparative in-depth discourse analysis of three selected events in the year 2009, a critical year for the German music event landscape. In 2009 the *Popkomm*, Europe’s main industry event taking place in Cologne and later in Berlin, has been canceled with reference to the crisis of the music industry allegedly caused by Internet piracy. An alternative event, the *all2gethernow (a2n)*, has quickly been established to fill this gap – an impromptu collective act of the independent players in the industry quite in contrast to the *Popkomm* that is associated with the music industry incumbents.⁴ We selected these two events along with a third, the *c/o pop* festival founded in Cologne when the *Popkomm* moved to Berlin in 2004 and now an established industry event associated with the digital music business⁵, as we consider these events as hosting potentially different discourse coalitions, each representing specific actor groups and story lines. Our aim was to identify compatible and incompatible story lines, associate them with certain actor groups (not) participating at these field-configuring events, and link them to the related event- and field-level practices.

⁴ The *Popkomm* will resurface in 2010 as a part of the now-to-be-established *Berlin Music Week*. This event is initiated by the Berlin senate and is planned to include the *all2gethernow*, the *Berlin Festival* and the *Popkomm* to stress Berlin’s importance as a “music city”.

⁵ The German music landscape is not limited to these three events. The *Reeperbahnfestival* in Hamburg and the *Pop Up* in Leipzig have started to host panels and discussions on the future of the music industry, too. We excluded the *Pop Up* from our sample as the *c/o pop*, the *all2gethernow* and the *Reeperbahnfestival* were publicly deemed to be the most promising candidates for being *the* future German music industry event besides the *Popkomm*. We further excluded the *Reeperbahnfestival* from our sample because its organizers repeatedly stressed that the *Reeperbahnfestival* is mainly a music festival and will remain so. Panels, discussions and workshops on business-related issues are seen more as a by-product.

We collected four types of data in relation to the three events – one of which, the Popkomm, was not actually taking place, but received a lot of media attention because of its cancelation: participant observation at the 2009 c/o pop and all2gethernow events, collecting the according event documentation, a set of interviews conducted with the event organizers of all three events, and press documents before and after the events to track field-level developments. Using the combination of participant observation, interviews and texts allowed us to triangulate the qualitative data and to assess the discursive impact of each (non-)event.

The core of our data consists of a media search for references to each of the three events in the year 2009. We studied both regional (Berliner Zeitung, Rheinische Post Düsseldorf) and national newspapers (Süddeutsche Zeitung, Frankfurter Allgemeine Zeitung) and the main music industry magazine (Musikwoche). We collapsed all articles into one file for each medium and event (e.g. Popkomm-Berliner Zeitung, Popkomm-FAZ etc.). If articles were included several times since all three events were mentioned in one article, only the passages concerning the respective event were included in the analysis to avoid duplicates.

As participants of the c/o pop and all2gethernow events in 2009, we attended and recorded the panel discussions, collected leaflets and other documents distributed at the event, and engaged in informal conversations with the participants and exhibitors. At least one researcher was present on each day of the event.

We further conducted six interviews with event organizers for background information on each event. The interviews lasted approximately between 30 and 90 minutes and were attended by at least one researcher. We have selected the core organizing team including the founders of each event as interviewees to get a broad range of perspectives. All interviews were semistructured and guided by an interview protocol comprising five elements: a reflection of the events in 2009, the development history of each event, the events' vision for the future of the industry, the organizing team and participants over time, and the role of specific topics such as digital distribution. All interviews were recorded and conducted and transcribed in German.

We used the Atlas.ti content analysis software to analytically structure our data. As a first step of our analysis, we searched through all media texts for passages referring to the broader theme of “copyright”. We then fine-coded the respective passages with respect to the kinds of actors making certain statements and the kinds of arguments made. As statements we counted all demands, proposals, criticisms, and decisions referring to copyright issues, similar to the

political claims analysis described by Haunss and Kohlmorgen (2010). Overall, we coded 79 passages that referred to the issue of copyright. These contained 34 different claims and, altogether, 80 claims were reported. Independent from the content we coded the month of each press article. We were thus able to say who made a certain claim at which point in time in the year 2009.

The Copyright Discourse in the German Music Industry and Beyond

When during the 1990s the dominant practice of selling music to consumers as a commodity, i.e. a CD, came under pressure, major corporations and industry associations started two complementary attempts of preserving and even strengthening the still prevalent innovation regime. On the one hand, they successfully lobbied politically for even stronger legal protection of copyrights both qualitatively and geographically (Helfer 2004; Kretschmer 2005), which materialized in the WTO's TRIPS⁶ agreement, the so-called WIPO-Internet treaties (see Okediji 2009) and thereof inspired national legislation such as the US Digital Millennium Copyright Act (DMCA). On the other hand, Digital Rights Management (DRM, see Becker et al. 2003) technology should supplement or even substitute (Bach 2004) for these legal provisions by making private digital copies impossible in an all-embracing technological architecture (Stefik 1996). In this case, private corporations in the music and related industries collaboratively tried to exercise private regulatory authority in the form of technological standardization (see Levy 2000). As an overall rationale for this regime proponents offer the utilitarian efficiency claim of strong intellectual property rights (Liebowitz and Margolis 2005; Siwek 2006) and the reference to natural rights of creators (see also Dobusch and Quack 2010a).

At least partly as a (counter-)reaction to these developments inspired and lobbied for by industry incumbents, a growing number of organizations and individuals developed a counter-narrative, depicting the same incumbents as part of the problem rather than the solution. Without backing of strong corporate support, this challenger coalition (Hensmans 2003) consisted (at least: initially) mostly of grass-roots activists, non-profit organizations such as Creative Commons (Dobusch and Quack 2010b), small online-only music distributors ("netlabels", see Galuszka 2009) and dissident or avant-garde artists. In advocating for copyright reform and new business models that were compatible with new digital

⁶ The treaty on "Trade-Related Aspects of Intellectual Property Rights" for the first time established high minimum standards of copyright protection for all WTO member states and included new protection for Internet related uses. In the words of Helfer (2004: 23), "TRIPs revolutionized international intellectual property law."

technologies such as peer-to-peer filesharing, these actors resemble social-movement-like market activists, described as “market rebels” by Rao (2009).

Against the background of this overall situation, our analysis of events in the German Music industry investigates how these field level dynamics are instantiated and shaped in the course of (organizing) events.

Event Ecology in the German Music Industry: Pre- und Post-Napster

We identified 27 events in the German music industry that fulfilled our selection criteria of being a public event hosting some sort of conference, where issues dealing with the future of the industry are discussed. Five of these events were only listed by gulli.com and not by the Musikwoche: Berlin Open 09, Cologne Commons, Kongress der unabhaengigen Medien, Tag der freien Lizenzen, and Wizards of OS. For our further analysis we classified each event as either conservationist, reformist, radicalist, or neutral to see how the event landscape evolved with respect to the issue of copyright. The five events that did not appear in the mainstream industry magazine were the ones we coded as radicalist.⁷ Overall, we coded 6 events as conservationist, 8 as reformist, 8 as neutral, and 5 as radicalist. A detailed view of these results can be seen in Table A.1 in the Appendix.

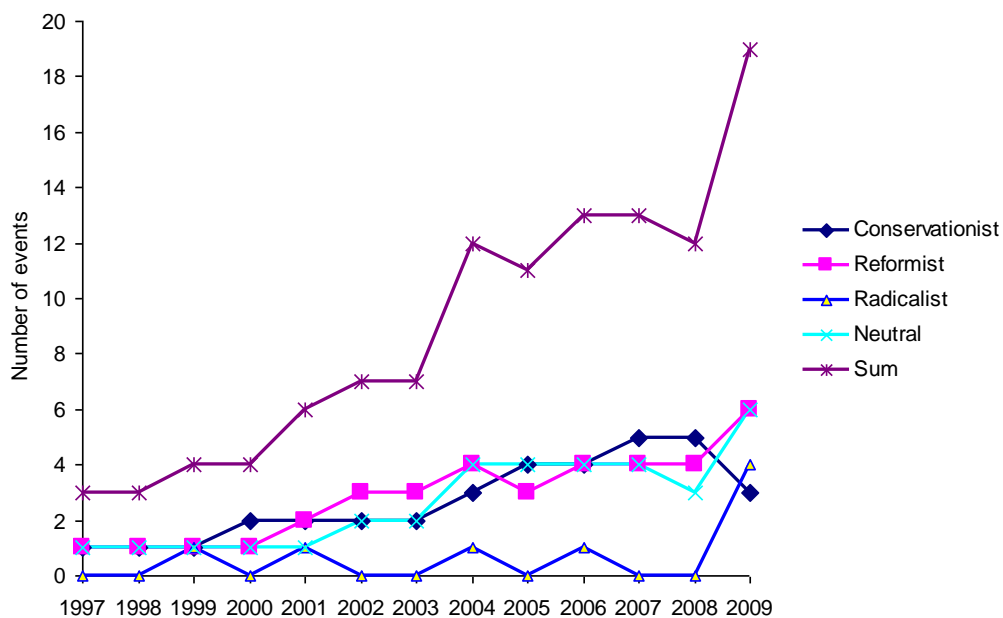


Figure 1: Evolution of the event landscape in the German music industry

⁷ While the differences among this group are substantial, these events share the absence of direct relations with industry incumbents and being ignored by mainstream media sources respectively.

We can observe a steady rise in the number of events, from only 3 in the year 1997 to 20 in the year 2009 (see Figure 1). The biggest jumps are between the years 2003 and 2004, as well as 2008 and 2009. While some of the 2009-newcomer events are neutral with respect to the copyright discourse, there was also a peak of radicalist events in the year 2009, which may have to do with the cancellation of the Popkomm. There is now a larger number of radicalist and reformist than conservationist events and, accordingly, the majority of newly founded events had either a radicalist or a reformist orientation (see Figure 2).

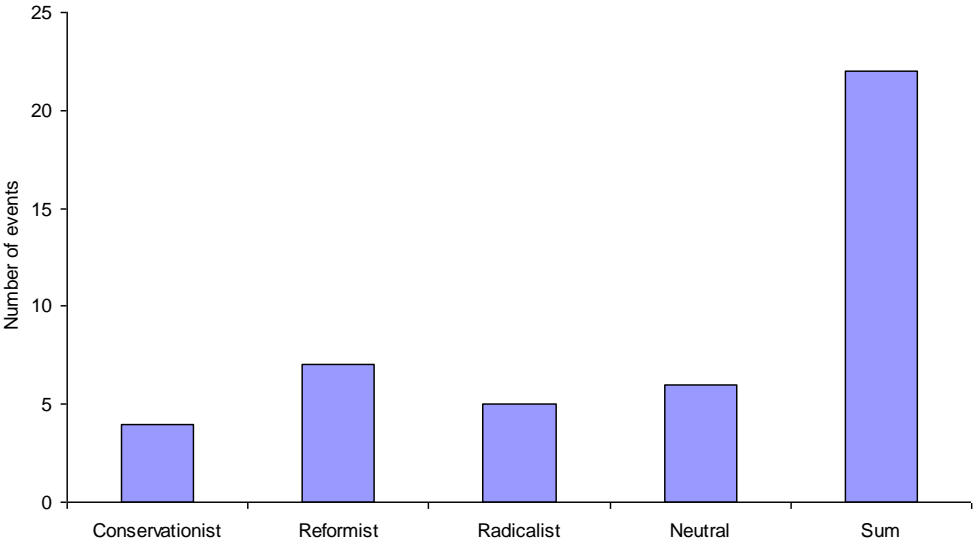


Figure 2: Number and types of new events

Event Discourse: Comparing the Discursive Impact of Three Selected Events

Overall, we coded 34 different claims, 30 of which we were able to group into one of the following position categories: conservationist, reformist, and radicalist. Two claims were made both by conservatists and reformists. Two claims were of a general nature and not typical of any position. An overview of the respective claims and the frequency of their appearance in our data is given in Table A.2 in the Appendix. Interestingly, there is almost a total balance of the overall claims made from the conservationist and the reformist positions (see Figure 3). The general media discourse regarding the issue of copyright in the context of the events under study can thus be considered as more or less neutral. Only the 73 clearly positioned claims were included for further analysis as our aim was to study the discourse coalitions related to different field-configuring events.

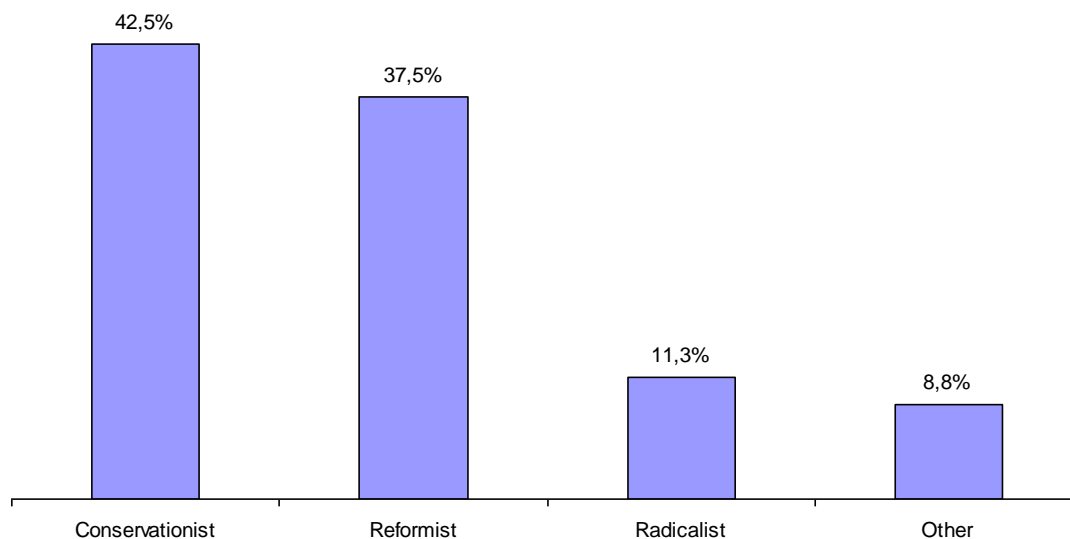


Figure 3: Percentage of claims falling into position categories

When looking at the kinds of claims made in relation to our three different (non-)events, the following – and much less neutral – picture appears (see Figure 4): the most balanced debate was taking place in the context of the *c/o pop*, with an equal number of conservationist and reformist claims reported and as the only event where also radicalist positions were voiced. In relation to the *Popkomm* mainly conservationist claims were reported, whereas the *a2n* was predominantly associated with reformist positions, although the latter exhibits a greater balance between conservationist and reformist positions.⁸

⁸ It is important to note, however, that both in articles about the *c/o pop* and about the *a2n* a number of the conservationist positions coded result from references to the *Popkomm*-cancelation and hence were not positions directly voiced at these events.

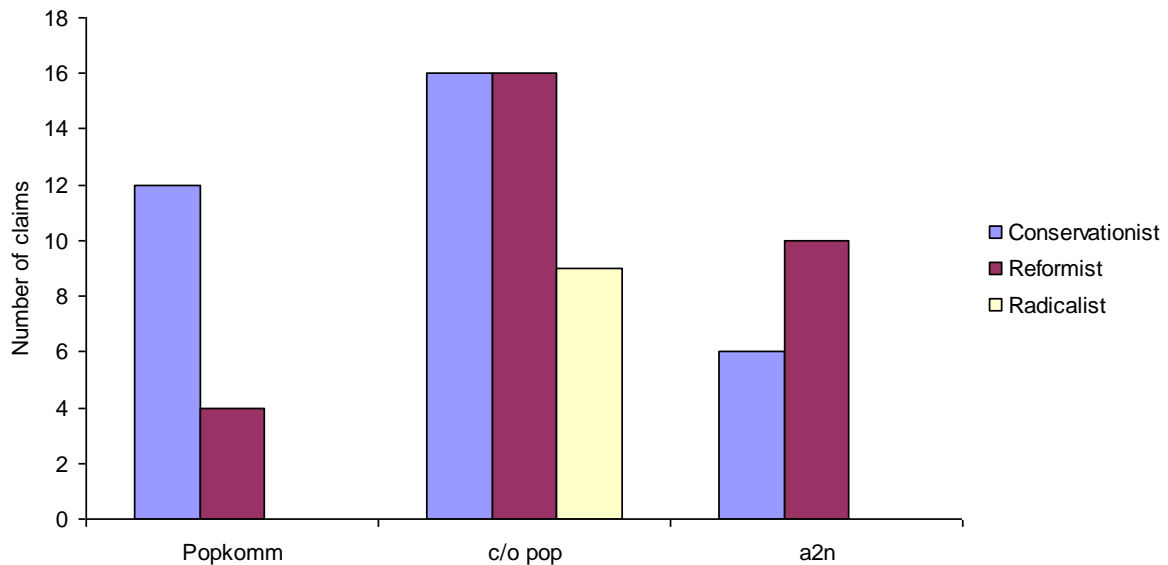


Figure 4: Number and types of claims in event context

These results fit with the general image and aim of each event as explained by the organizers in the interviews: the *c/o pop* aims to be a platform for debate that brings people from different backgrounds together and openly looks for new solutions in the digital age. As the founder of the *c/o pop* states in an interview (translated from German):

“We have to provide opportunities for asking questions and jointly discuss those. We have to create spaces for an exchange about questions such as ‘What is the value of music today?’ ‘Is the young generation willing to pay for it?’”

The *a2n* shares a similar goal, but, as a grassroots event, was very careful not to be (ab-)used as a stage for radicals, particularly the pirate party, to prevent being pushed into an outside position in the field, thereby jeopardising the event’s reformist agenda. As one of the founders of the *a2n* commented to us (translated from German):

“We drew a clear line towards the pirate party and said ‘We do not share your approach. You are welcome to join us, we are a platform, but your position is radical and if you instrumentalize us we will kick you out.’”

We further considered the timing of the claims. The results can be seen in Table A.3 in the Appendix and in Figures 5 and 6 below. A critical date for a comparison was, first of all, the cancellation of the *Popkomm* on June 19, 2009. In this context, the attempt to use this cancellation decision to promote conservationist claims was successful with the respective claims dominating the media coverage. The reporting unsurprisingly peaked around the dates of the events themselves, i.e. the August 13/14 for the *c/o pop* and September 16/17 for the

all2gethernow. Most claims overall were reported just after the c/o pop had taken place in August, whilst the all2gethernow received the highest media coverage of all three events.

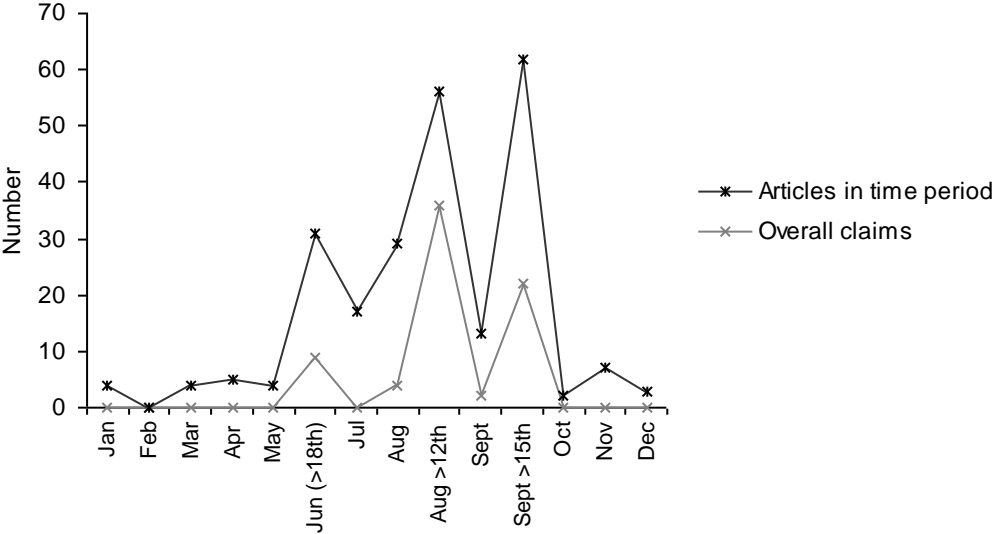


Figure 5: Press coverage and claims in time

Interestingly, the conservationist claims persevered throughout all events or were at least picked up again as a foil for comparison in the reporting on the other two events under study. This is particularly obvious in the case of the all2gethernow and the reporting in September, where the two events were almost always mentioned jointly and compared. The peak of radicalist claims during the c/o pop could however also be related to the federal elections on the 27th of September 2009 and the intensified campaigning of the pirate party. A closer look at the actors making statements will shed light on this question.

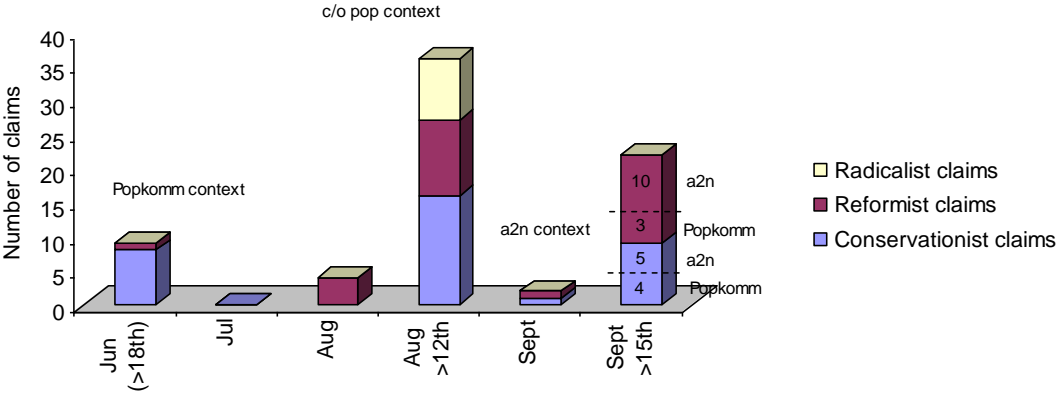


Figure 6: Timeline and types of claims in event context

An overview of the 16 types of actors we identified can be seen in Figure 7 below (and a more detailed view, including event contexts, in Table A.4 in the Appendix). The most

dominant actor in the media accounting for almost a quarter of all claims is Dieter Gorny, Popkomm founder and now head of the German Music Industry Association and, as such, one of the most prominent lobbyists for the music industry. He was the person attributing the Popkomm cancelation to Internet piracy and was hence only represented with conservative claims, mainly made in the context of the Popkomm. Interestingly, the current Popkomm organizers were not heard of at all in the media – whereas a2n and c/o pop organizers were almost equally represented. The pirate party does indeed partly account for some of the radical claims made in the context of the c/o pop. Most radical claims were, however, made by the major labels by denying the industry crisis – quite in contrast to Dieter Gorny’s lobbying efforts made in their name.

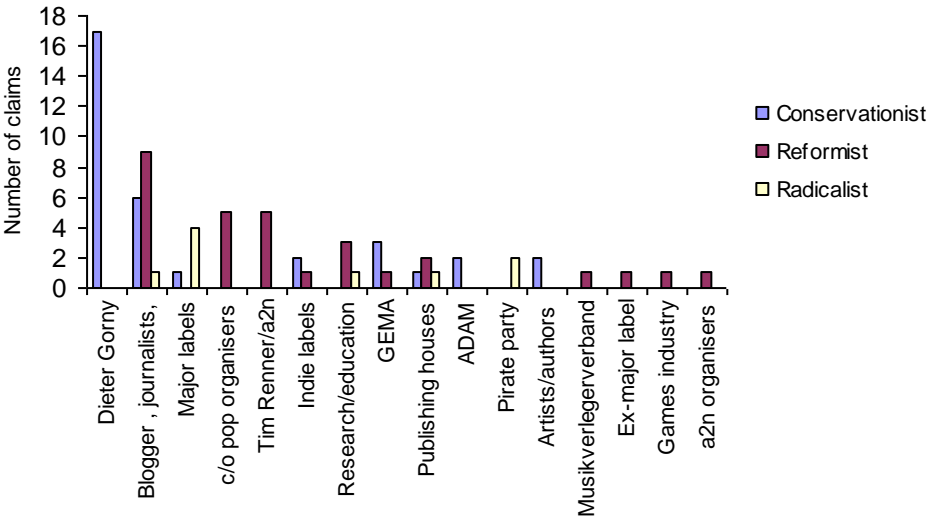


Figure 7: Types of claims by actor group

Only five different actor groups made statements in the context of the Popkomm, in contrast to ten at both the c/o pop and a2n (see Table A.3). This can be taken as an indication of the greater variance of debates at the latter two events as intended by the organizers. Only the media in form of bloggers and journalists, the major labels, and the publishing houses were represented in the media reports on all three events. Consumers and representatives of the younger generation often referred to in debates were, at least according to the media reports, not included at any of the events – despite one of the reformist claims proposed by the c/o pop organizers that these actors should be included in the debate.

When looking at the kinds of claims made by each actor group (see Figure 8), two discourse coalitions can be identified, one at the conservative end of the spectrum consisting of Dieter Gorny (Popkomm), authors/artists and their representative organization ADAM, and one at

the reformist end consisting mainly of the c/o pop and a2n organizers. Given the almost equal number of claims made by each of these two groups, the actors needed to form a “winning coalition” are those represented in the middle, with the German collecting society GEMA and the labels – interestingly both major and independent – closer to the conservative end of the spectrum and the publishing houses and the media more on the reformist end.

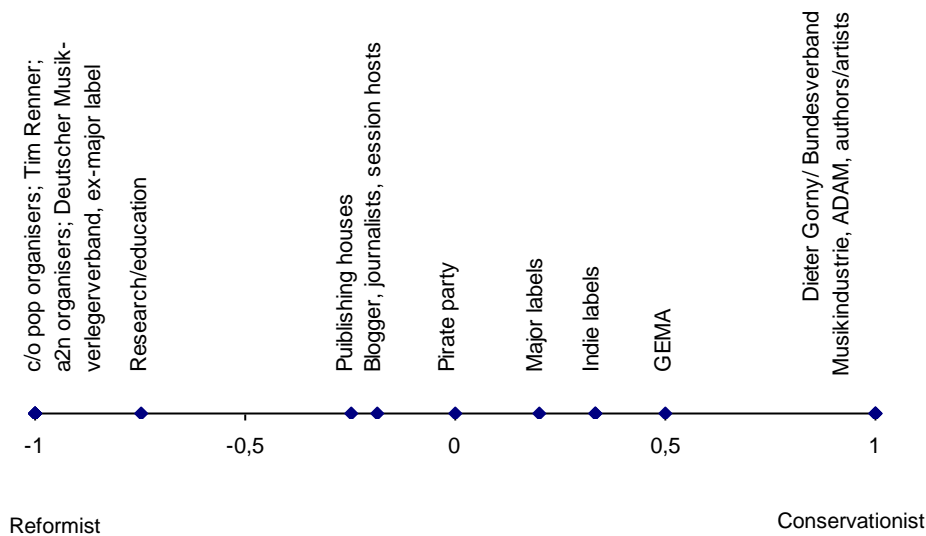


Figure 8: Mean positions of actors on conservatism-reformist-scale

Discussion and Conclusions

The aim of our paper was to understand the reciprocal relationship of field configuring events and discursive processes in a field. We therefore analyzed and compared different events in the field of the German music industry with respect to positions, actors, and practices through which discourse is produced. We furthermore looked at the evolution of the event landscape in the years 1997-2009 on a macro-level.

We find that indeed each event, at least as represented in the media, hosts a different discourse coalition, i.e. a different core group of actors associated with certain claims and story lines. The events themselves can hereby be considered as a practical manifestation of existing discourse structures and, in turn, as a platform for creating and shaping the field-level discourse. The cancellation of a central event, in our case the Popkomm, was a very powerful practice to support the claims made by the “conservationist” discourse coalition that Internet piracy and the lack of political regulation has caused the crisis of the music industry. This practice influenced all event-related reporting in the course of the year as both existing and

new events were then compared and contrasted with the Popkomm. It thereby provided both opportunities for breaking the dominant discourse structures and for strengthening the existing prominent conservationist claims by creating a high media presence. The foundation of a new event, the all2gethernow, can also be considered as a practice as such, bundling different reformist actors and approaches through one event and thereby creating a high media presence that before the event was much more dispersed and hence less powerful. This high media presence was only possible because the a2n stepped into the temporary void created by the Popkomm.

Not only the macro-level practices of events (not) taking place, but also the micro-level practices embedded in the event structures themselves are important with respect to discourse. The variety of actors included in debates and the opening up of existing discourse structures is enabled by events that explicitly propose an open dialogue, invite the respective speakers, and provide an open discursive space. This can clearly be seen in the case of the c/o pop, where conservationist, reformist, and radicalist positions were voiced in parallel. This event may (as of now) not be consequential in promoting a clear new discourse coalition that eventually may be powerful enough to lead to regulatory or institutional change. But it nonetheless was successful in providing a platform for the variety of actors and positions in the field, showing that there are no easy answers and solutions to the pressing questions in the industry as is suggested by the conservationist coalition.

With respect to the national and transnational discourse on copyright, our results show that field configuring events can indeed be an important platform for mobilizing new discourse coalitions. The effect on institutional and regulatory change processes is hereby probably rather indirect and can only be observed over time. What could be directly observed from our cases, however, is the direct effect on the representation of an issue in the media. New actors get a stronger voice as event organizers, and in that role they can legitimize grass-roots activism and bring challenging actors and views closer to the center of an (issue) field. In our case, the existence of two challenger events together with the cancellation of the incumbent event, has, at least to a large extent, led to the public delegitimization of the formerly dominant conservationist position of lobbying against Internet downloads and for the protection of the existing business model. The new events have helped to bring reformist issues such as alternative licencing (see Dobusch and Quack 2010a), the introduction of a flatrate for music and culture, or the reform of collecting societies onto the public agenda.

Quite in contrast to the proposed crisis of the music industry, we can see a striving event landscape. While events holding a conservationist position are indeed stagnating or even disappearing, there is a large number of new events with a reformist agenda, seeking to open up the debate on copyright and to find new solutions and business models. Maybe not in terms of financial revenues, but in terms of activism, debate, and exchange of ideas the industry thus appears healthy and lively. If this can in any way be taken as an indication, then we do not see a cultural decline caused by digital technology, but a steady increase in the role of music for modern culture.

References

- Bach, D. (2004): The Double Punch of Law and Technology: Fighting Music Piracy or Remaking Copyright in a Digital Age? In: *Business and Politics*, 6 (2), 1-33.
- Becker, E./Buhse, W./Günnewig, D./Rump, N. (eds./2003): *Digital Rights Management: Technological, Economic, Legal and Political Aspects*. Berlin: Springer.
- Benkler, Y. (2006): *The Wealth of Networks: How Social Production Transforms Markets and Freedom*. New Haven und London: Yale University Press.
- Bentrup, G. (2001): Evaluation of a collaborative model: A case study of analysis of watershed planning in the Intermountain West. In: *Environmental Management*, 27, 739-48.
- Dobusch, L./Quack, S. (2010a): Copyright between creativity and commercialization: Transnational mobilization and private regulation. Paper to be presented at the Fourth Conference on Economic Sociology and Political Economy June 12-15, 2010, Villa Vigoni, Italy.
- Dobusch, L./Quack, S. (2010b): Epistemic Communities and Social Movements: Transnational Dynamics in the Case of Creative Commons. In: Marie-Laure Djelic/Sigrid Quack (Hg.): *Transnational Communities: Shaping Global Economic Governance*. Cambridge: Cambridge University Press, xxx-xxx.
- Dolata, U. (2009): Technological Innovations and Sectoral Change. Transformative Capacity, Adaptability, Patterns of Change. An Analytical Framework. In: *Research Policy* 38, 6, 1066-1076.
- Dolata, U. (2008): Das Internet und die Transformation der Musikindustrie. Rekonstruktion und Erklärung eines unkontrollierten sektoralen Wandels. In: *Berliner Journal für Soziologie*, 18, 3, 344-369.
- Fairclough, N. (1995). *Critical Discourse Analysis: The Critical Study of Language*. Boston, Addison Wesley.
- Fairclough, N. (1992). *Discourse and Social Change*. Cambridge, Polity Press.
- Fetscherin, M./Schmid, M. (2003): Comparing the usage of digital rights management systems in the music, film, and print industry. In: *Proceedings of the 5th international conference on Electronic commerce*, 316 – 325.

- Fligstein, N. (1996): Markets as politics: A political-cultural approach to market institutions. *American Sociological Review*, 61(4), 656-673.
- Galuszka, P. (2009): Summary of research on netlabels. Working Paper, Online: http://phlow-magazine.com/wp-content/uploads/research_on_netlabels_by_patryk_galuszka_cc-by-nc-sa.pdf [May 28, 2010]
- Green, M. (2002): Napster Opens Pandora's Box: Examining How File-Sharing Services Threaten the Enforcement of Copyright on the Internet. In: *Ohio Law Journal*, 63, 799-818.
- Hajer, M.A. (1993): Discourse Coalitions and the Institutionalization of Practice: The Case of Acid Rain in Britain. In: Fischer, F./Forester, J. (eds.): *The Argumentative Turn in Policy Analysis and Planning*. Durham and London: Duke University Press, 43-76.
- Hajer, M.A. (2005): Coalitions, Practices, and Meaning in Environmental Politics: From Acid Rain to BSE. In: Howarth, D./Torring, J. (eds.): *Discourse Theory in European Politics: Identity, Policy and Governance*. Houndmills: Palgrave Macmillan, 297-315.
- Hargrave, T.J./Van de Ven, A.H. (2006): A Collective Action Model of Institutional Innovation. In: *Academy of Management Review*, 31, 864-888.
- Haunss, S./Kohlmorgen, L. (2010): Lobbying or Politics? Political Claim Making in IP Conflicts. In: Haunss, S./Shadlen, K.C. (eds.): *Politics of Intellectual Property. Contestation Over the Ownership, Use, and Control of Knowledge and Information*. Cheltenham, 107-127.
- Helfer, L.R. (2004): Regime Shifting: The TRIPs Agreement and New Dynamics of International Intellectual Property Lawmaking. In: *Yale Journal of International Law*, 29, 1-81.
- Hensmans, M. (2003): Social movement organizations: A metaphor for strategic actors in institutional fields. *Organization Studies*, 24(3), 355-381.
- Hoffman, Andrew J., 1999: Institutional Evolution and Change: Environmentalism and the U.S. Chemical Industry. In: *Academy of Management Journal*, 42 (4), 351-371.
- Lampel, J./Meyer, A.D. (2008): Field-Configuring Events as Structuring Mechanisms: How Conferences, Ceremonies, and Trade Shows Constitute New Technologies, Industries, and Markets. In: *Journal of Management Studies*, 45 (6), 1025-1035
- Levy, N.N. (2000): Method to their Madness: The Secure Digital Music Initiative, a Law and Economics Perspective. In: *Virginia Journal of Law and Technology*, 12, 1522-1687.
- Liebowitz, S.J. (2006): File Sharing: Creative Destruction or Just Plain Destruction? In: *The Journal of Law and Economics*, 49 (1), 1-28.
- Liebowitz, S.J./Margolis, S. (2005): Seventeen Famous Economists Weigh in on Copyright: The Role of Theory, Empirics, and Network Effects. In: *Harvard Journal of Law and Technology*, 18 (2), 435-457.
- Okediji, R. L. (2009): The regulation of creativity under the WIPO Internet Treaties. In: *Fordham Law Review*, 77, 2379-2410.
- Rao, H. (2009): *Market Rebels: How Activists Make Or Break Radical Innovations*. New Jersey: Princeton University Press.
- Schneider, M./Scholz, J./Lubell, M./Mindruta, D./Edwardsen, M. (2003): Building consensual institutions: Networks and the national estuary program. In: *American Journal of Political Science*, 47, 143-58.

Siwek, S.E. (2006): Copyright Industries in the U.S. Economic: The 2006 Report. Prepared for the International Intellectual Property Alliance. Online: http://www.iipa.com/pdf/2006_siwek_full.pdf [accessed: 10 March 2009]

Stefik, M. (2007): "DRM Inside": DRM and the Future of Digital Media. Working Paper, Online: <http://www.parc.com/research/publications/details.php?id=6250>; 30.08.2008.

Appendix

Event	Group	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
POPKOMM	Con	1	1	1	1	1	1	1	1	1	1	1	1	
DJ Meeting	Ref	1	1	1	1	1	1	1	1	1	1	1	1	1
Welttag des geistigen Eigentums	Con				1	1	1	1	1	1	1	1	1	1
Pop Up - Messe Forum Musik	Neu						1	1	1	1	1	1	1	1
Munich Mobile Music Conference	Neu								1	1				
Music meets Media	Con								1	1	1	1	1	1
SoundTrack_Cologne	Neu								1	1	1	1	1	1
jazzahead!	Neu										1	1	1	1
Media in Transition Conference	Ref										1			
Anti-Piracy-Branchenforum	Con											1	1	1
all2gethernow	Ref													1
Berlin Open '09	Rad													1
Cologne Commons: Konferenz für freie Musikkultur	Rad													1
Wizards of OS	Rad			1		1			1		1			
c/o pop	Ref								1	1	1	1	1	1
filmtontart - Tag der Filmmusik	Neu													1
Future Music Camp	Ref													1
Kongress der unabhängigen Medien	Rad													1
Reeperbahn Campus	Neu													1
CeBIT Sounds! 2010 - Music Business Festival	Con													
Green Music Dinner	Neu													
Wedelmusic - Int . Conference on Web Delivering of Music	Ref					1	1	1	1					
2bAHEAD-Zukunftskongress	Ref						1	1	1	1	1	1	1	1
Elektronikfestival Time Warp	Neu	1	1	1	1	1	1	1	1	1	1	1	1	1
European Music & Media Night (EMMN)	Con									1	1	1	1	
Jetztmusikfestival 2010	Ref											1	1	1
Tag der freien Lizenzen	Rad													1
SUM		3	3	4	4	6	7	7	12	11	13	13	13	19

Table A.1: Evolution of event landscape in the German music industry

Conservationist (10 claims)	Frequency
claim-internet causes crisis	11
claim-government needs to protect music industry	4
claim-internet needs to be regulated	4
claim-new generation is a pirate generation	4
claim-cultural variety/quality will die along with employment	3
claim-creative commons does not work	2
claim-new business models are expropriation	2
claim-no funding for popmusic	2
claim-downloading is stealing	1
claim-legal basis of copyright needs to be accepted	1
Total	34
Reformist (14 claims)	
claim-industry needs to and can innovate	9
claim-transnational regulation currently impossible	2
claim-open source licences as an option	2
claim-need to include consumers, other industries in debate	2
claim-internet should not be regulated	2
claim-GEMA distribution of royalties too complicated	2
claim-authors also become collectors	2
claim-artists need to be able to choose copyright options	2
claim-role and value of music has changed	1
claim-punishment strategy will not work	1
claim-music industry failed to innovate	1
claim-industry needs equally good legal business models	1
claim-GEMA does not protect artists	1
claim-flatrate as an option	1
claim-EU regulation needs to be changed	1
Total	30

Radicalist (6 claims)	
claim-there is no crisis	3
claim-there is no IP, artists need other sources of income	3
claim-musicians always had to struggle	1
claim-record company is a dirty word	1
claim-we have never paid for the music	1
Total	9
Conservationist and reformist claims (2 claims)	
claim-artists need to be remunerated	3
claim-need to change values	2
Total	5
General claims (2 claims)	
claim-file sharing platforms as new giants	1
claim-pirate party only wants votes	1
Total	2
Overall Total	30

Table A.2: Grouped claims and frequencies

Timeline		Conservationist claims			Reformist claims			Radicalist claims			Sum	Articles
		Popkomm	c/o pop	a2n	Popkomm	c/o pop	a2n	Popkomm	c/o pop	a2n		
Jan		0	0	0	0	0	0	0	0	0	0	4
Feb		0	0	0	0	0	0	0	0	0	0	0
Mar		0	0	0	0	0	0	0	0	0	0	4
Apr		0	0	0	0	0	0	0	0	0	0	5
May		0	0	0	0	0	0	0	0	0	0	4
Jun (1)	until 18/06	0	0	0	0	0	0	0	0	0	0	0
Jun (2)	since 19/06	8	0	0	1	0	0	0	0	0	9	22
Jul		0	0	0	0	0	0	0	0	0	0	17
Aug (1)	until 12/08	0	0	0	0	4	0	0	0	0	4	25
Aug (2)	since 13/08	0	16	0	0	11	0	0	9	0	36	20
Sep (1)	until 15/09	0	0	1	0	0	1	0	0	0	2	11
Sep (2)	since 16/09	4	0	5	3	0	10	0	0	0	22	40
Oct		0	0	0	0	0	0	0	0	0	0	2
Nov		0	0	0	0	0	0	0	0	0	0	7
Dec		0	0	0	0	0	0	0	0	0	0	3
Totals		34			30			9			73	164

Table A.3: Timeline of claims – frequencies

Actor Group	Conservationist			Reformist			Radicalist			Total	Percent
	Popkomm	c/o pop	a2n	Popkomm	c/o pop	a2n	Popkomm	c/o pop	a2n		
Dieter Gorny/Bundesverband Musikindustrie	11	4	2	0	0	0	0	0	0	17	23,3%
Blogger , journalists, session hosts	1	4	1	2	4	2	0	1	0	15	20,5%
Major labels	0	1	0	0	1	0	0	4	0	6	8,2%
c/o pop organisers	0	0	0	0	5	0	0	0	0	5	6,8%
Tim Renner/a2n organisers	0	0	0	1	0	4	0	0	0	5	6,8%
Research/education	0	0	0	0	3	0	0	1	0	4	5,5%
GEMA (German collector society)	0	3	0	0	0	1	0	0	0	4	5,5%
Publishing houses	0	1	0	0	1	1	0	1	0	4	5,5%
Indie labels	0	1	1	0	1	0	0	0	0	3	4,1%
ADAM (authors' association)	2			0	0	0	0	0	0	2	2,7%
Pirate party	0	0	0	0	0	0	0	2	0	2	2,7%
Artists/authors	0	0	2	0	0	0	0	0	0	2	2,7%
Deutscher Musikverlegerverband	0	0	0	0	0	1	0	0	0	1	1,4%
Ex-major label manager	0	0	0	1	0	0	0	0	0	1	1,4%
Games industry representatives	0	0	0	0	1	0	0	0	0	1	1,4%
a2n organisers	0	0	0	0	0	1	0	0	0	1	1,4%
Total	34			30			9			73	100 %

Table A.4: Actors, claims, and events - frequencies