

Cracking Copyright: Disruptive Events, Social Skill and the Bulte-Geist Affair

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ABSTRACT

*Institutional crises can serve as formative breeding grounds for political entrepreneurs and the development of new strategic frames. It is in moments of institutional uncertainty when skilled actors play a critical role in strategically defending the status quo or by producing viable alternative schemas that induce marginalized members to coalesce. New cultural conceptions provide new meanings and alternative rules of action and, if they resonate successfully with other actors, can destabilize dominant power relations and inspire new institutional channels for insurgent action. This paper focuses on the emergence process by which one such crisis event significantly altered the institutional dynamics of Canadian copyright politics. I argue that the Bulte-Geist affair, a dramatic series of public exchanges between Michael Geist and Liberal member of parliament Sarmite Bulte, destabilized institutional equilibrium within Canadian copyright policy making in three critical ways: **1)** it problematized close relations between policymakers and industry interests in light of the ongoing accountability debates that underscored the 2006 federal election; **2)** it disaggregated and distinguished contradictory interests within the field's privileged 'Canadian creator' status identity; **3)** it vivified the alternative Balance of Interests frame by amplifying an original complaint of imbalance in policy outcomes to a systemic concern of imbalance in the policy making process.*

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Disruptive events create liabilities for institutional incumbents and opportunities for institutional challengers. When set rules of action and structural arrangements are put at risk, dominant groups struggle to restore the established order while insurgents exploit turbulence to transform structures and invite new institutional arrangements (Clemens and Cook 1999). Typically, political institutions endure by neutralizing temporary scandals and other small “ruptures” by co-opting, repressing or ignoring challenging claims and claim-makers. But, while a single tumultuous event rarely dismantles a larger institutional order in itself, the heated drama of a local interaction can have lingering tremor-like effects, spiraling into adjacent structures and producing “changes in cultural schemas, shifts in resources, and the emergence of new modes of power” (Sewell 1996, 844).

More than inducing political opportunities, institutional disorder also serves as formative breeding grounds for political entrepreneurs and the development of new strategic frames. As Neil Fligstein has suggested (2001), it is in moments of institutional uncertainty when skilled strategic actors play a critical role in strategically defending the status quo or by producing viable alternative schemas that induce marginalized members to coalesce. New cultural conceptions provide new meanings and alternative rules of action and, if they resonate successfully with other actors, can destabilize dominant power relations and inspire new institutional channels for insurgent action. As disruptive events usually do not occur at one’s choosing, socially-skilled entrepreneurs “use what the system gives”, employing situation and historically-specific system inputs to creatively generate frames for the field. Consequently, the temporal context of a crisis event can have lasting structuring effects on resultant collective action frames and future channels of insurgent action (Armstrong 2006).

This paper focuses on the emergence process by which one such crisis event significantly altered the institutional dynamics of Canadian copyright politics.

Michael Geist, a university law professor, online blogger and newspaper columnist, caught national headlines in December 2007 when his Fair Copyright for Canada group swiftly mobilized over 20,000¹ Facebook users in an online petition against the Conservative government's proposed copyright reform package (later named Bill C-61). Though the subsequent campaign is worthy of its own empirical analysis, this paper is primarily concerned with the period leading up to that mobilization and the process by which opportunities for action were conceived. In particular, I will look at the impact of a contentious episode two years prior between Geist and a campaigning Member of Parliament, Sarmite Bulte, during the 2006 federal elections. Conceptualizing Canadian copyright policy making as an institutional field, I argue that the "Bulte-Geist affair" can be read as a disruptive event, which undermined the dominant field frame (*Protection of Rights*) ordering relations between the field's various stakeholders and, further, cohered a central challenging frame (*Balance of Interests*) under which marginalized strategic actors could exploit and coalesce. In the aftermath of the Bulte Affair, fissures appeared in the once stable and hegemonic policy domain, as dominant groups disaggregated, power shifted and new actors and resource bases emerged – all of which provided opportunity for later mobilization. In sum, I argue that the Bulte-Geist affair destabilized institutional equilibrium within Canadian copyright policy making in three critical ways: **1)** it problematized close relations between policymakers and industry interests in light of the ongoing accountability debates that underscored the 2006 federal election; **2)** it

¹ By June 2008, this number would reach 90,000

disaggregated and distinguished contradictory interests within the field's privileged 'Canadian creator' status identity; **3**) it vivified the alternative *Balance of Interests* frame by amplifying an original complaint of imbalance in policy outcomes to a systemic concern of imbalance in the policy making process.

Crises, Fields and Political Entrepreneurship

Scholars of institutions and social movements pay close attention to how instability within political environments increases prospects for marginal groups to challenge authority and dominant modes of decision-making. Social movement researchers within the political process tradition analyze how collective actors react to fluctuating political environments. While the “hard core of the political process framework” consists of the relatively static political opportunity structure, the more malleable notion of “political opportunity” explains the rise and decline of movements as concurrent with dynamic openings or closings of the polity (Kriesi 2005, 69). Challenging groups are thought to mobilize when structural conditions within the political system become favourable for collective action, as when new allies appear, elite groups disaggregate, or with the weakening of state authority. Meanwhile, institutionalists and public policy researchers speak of “exogenous shocks” or “institutional crises” as precursors to transformative change. The focus here is on how particular culturally-proscribed “stressors” - disasters, scandals, innovations, spillover effects, etc. - destabilize accepted modes of action, generate stress on organizational relations, make visible contradictions within dominant logics, and highlight new issues and problems (Clemens and Cook 1999, sources). In periods of institutional crisis, alternative logics are generated and may ascend to replace the dominant logic (Sheingate 2003, 186). The contrast

between the structural emphasis of political process models and more culturally-attuned institutional models can be played off one another, but the differences are more in degree than in kind as both paradigms respectively address the role of schemas and resources (Fligstein 2005).

That said, in this paper, I employ an institutional field model to analyze the disruptive Bulte-Geist affair and the emergence of the Fair Copyright movement. I do this for two reasons. First, an institutional field model can help to address the “historically and situationally contingent” character of political opportunity (Goodwin and Jasper 1999, 38). Structurally-prescribed interactions, such as elections, do not necessarily translate into opportunity (Gamson and Meyer 1996, 282). I argue that the opportunity afforded to Michael Geist by the 2006 federal election can be understood only if we pay attention to temporally-specific culturally-proscribed elements, in particular: the broader institutional crisis incurred by the Liberal Party sponsorship scandal and the subsequent accountability debates that served as the cultural backdrop to the 2006 campaign. Second, an institutional field model allows us means for connecting local situated action with broader structural meanings and resources (Lounsbury et al. 1997, 75). Addressing the concern that overly-structural approaches “wash the meaning and fluidity” of strategy and agency (1999, 29), I pay close attention to how the contentious interactions between Geist, Bulte and other actors involved are both “structured and structuring” (Sewell 1992). In particular, employing a socially-situated notion of entrepreneurship (Fligstein 2001), I argue that the political opportunities that resulted from the Bulte-Geist affair can be in large part attributable to Michael Geist's pragmatic and skillful framing of field action in light of institutional

arrangements, by emphasizing dissonance between dominant institutional meanings, identities and ongoing practice while promoting a new ordering of identities and interests.

In this paper, I conceptualize copyright policy making as an institutional field and locate Bulte-Geist affair as a particular contentious episode, comprising a series of interactions, within that field. A field can be thought of as a socially constructed arena “organized around local rules of action and conceptions of membership” (Fligstein and McAdam 1995, 2), wherein actors orient their action towards one another. Rules are institutionalized and become constitutive of repeated patterns of field interaction. These rules channel and constrain strategy by defining legitimate and illegitimate courses of action and by unevenly providing resources for dominant vis-à-vis marginal members. Likewise, power hierarchies, identities and interests are stabilized via the “rules of the game”.

Under a field model, we distinguish between incumbents and challengers and specify the material resources, such as organizational strength, as well as symbolic resources that reproduce status hierarchies, such as “shared understandings about the goals of an enterprise, who can participate in it, and how the enterprise is to be pursued” (Armstrong 2005, 164). The rules of each field are specific to particular constellation of power between groups (Fligstein 2005). Such culturally-ascribed “conceptions of control” serve as collectively shared cognitive construct and are used to control interactions actors within a field. Actors engage in strategic action, and adapt to the actions of others, by drawing from this shared cultural template (Swindler 1986). “Stability...results when, as the game is played, dominant groups reproduce their power” (Fligstein 2001, 109).

A spectrum of field types can be conceived between those that are *hegemonic*, where power is highly concentrated in one coalition, and those that are *differentiated*, where there is a low concentration of power and multiple groups vie for authority (Ray 1998). A corollary to the hegemonic field is what policy researchers call a *policy monopoly*, where a powerful single idea or logic helps to structure unequal access to policy making institutions and resources that benefits one policy coalition over others (Baumgartner and Jones 1993). It is important to note that in locating the Bulte-Geist affair within an institutional field, I do not strongly demarcate between “institutional politics” and “protest politics” but rather view institutional and extra-institutional action as differing strategies, given the structure of the field, organized towards the same end: exerting control on copyright policy.

Political opportunities are specific to the set of relations and meanings within a field and emerge when the guiding institutional arrangements begin to break down. Stable institutions can dissolve gradually over time or destabilize quickly when a field is thrown into crisis (Armstrong 1996). According to Fligstein(25, 2001), “ a crisis is a situation where the current conception of control no longer delivers valued goods to the members of incumbent groups”. These are moments where we see old constellations breaking up and social space emerges for new alliances to be formed. Crises can be emotionally unsettling experiences as “no one [can] be entirely sure what actions [are] safe or dangerous, moral or wicked, advantageous or foolish, rational or irrational (Sewell 1996; 848)

Scholars have frequently noted the role of exogenous shocks in incurring institutional crisis (Clemens and Cook 1999; Sewell 1996; Sheingate 2003). A crisis in one field may ripple out and cascade into adjacent fields (Sewell 1996). Under explored in the empirical

literature is the role institutional actors play in sustaining order or encouraging change through crisis. Employing Fligstein's concept of social skill (2001) provides means to conceptualize how actors strategically act in moments of crisis. Dominant actors attempt to reassert control by defending the status quo and “will manipulate the same symbols, identities, and tactics that have always proved successful in the past” (2001, 118). Challengers, meantime, can exploit crisis to forge new rules and order through organizational rearrangement or by proffering novel templates of identity and interest. The main objective of the socially-situated entrepreneur therefore is to frame events within the context of institutional discourse that can convince other actors to follow (Rao 1998). Thus, skilled social actors frame stories that transform existing identities rules and resources into viable alternative schema for action (Fligstein 2001; Sewell 1992).

Framing, the action of strategic claim-making to mobilize passivity into action, has long been understood to be a critical component of political entrepreneurship (Morris and Staggenbourg 2005). The notion of social skill gives a neat sense of why some framing efforts are more successful than others: “the definition of social skill highlights how certain individuals possess a highly developed cognitive capacity for reading people and environments, framing lines of action, and mobilizing people in the service of these action “frames”” (Fligstein 2001). Good entrepreneurs can interpret the interests of others and are situationally and culturally aware. They work pragmatically, taking “what the system will give”, and recombining elements within a given cultural context – events, identities, interests, existent frames – to build frames that find consensus among diverse institutional identities (Rao 1998; Fligstein 2001). Accordingly, socially-skilled actors are highly

responsive to the actions, claims and counter-claims of others in the field. The interactive, dramatic and dialogic qualities of framing tends to be underplayed in the empirical literature (Benford and Hunt 2003). Benford and Hunt remind us that frames are not simply proffered and then passively accepted or rejected, but are actively responded to, either critically or amicably, and these responses are often in turn then reframed. Successful strategic frames are rarely born fully-formed but are adjusted, corrected and recoloured through series of contentious interactions between allies, opponents and bystanders. A field model of entrepreneurial action focuses our attention on the work of claimsmaking as a socially-situated struggle. In sum, as Fligstein notes (2001, 122), the concepts of social skill and fields attune scholars to particular process oriented questions: “How do alternative projects to reorganize field emerge? How do [entrepreneurs] spread their ideas, build potential coalitions, persuade others and create new identities? How can we observe them reorienting their framing? And to whom are they appealing by taking what the system gives, figuring out how to get others to cooperate and figuring out who to cooperate with?”

The following analysis of a transformative event in Canadian copyright policy making provides a process-oriented account of how an alternative project to reorganize a field found coherence. I argue that prior to January 2006, the institutional field of copyright policy was rigidly hegemonic, structured by a *Protection of Rights* logic and dominated by a single stable policy coalition. However, the disruptive Bulte-Geist affair served to undermine this hegemony by putting in question established institutional arrangements, and in particular, the close relations between government and industry and the integrity of the privileged identity status of Canadian creators. Moreover, I emphasize the crucial role of

Michael Geist, as a socially-skilled actor, in responding to and framing the actions of his opponents in light of temporal cultural and institutional contexts and, in turn, refashioning his alternative *Balance of Interests* frame for the reorganization of the field by emphasizing an imbalance in policy making rather than an imbalance in policy outcomes. Finally, I trace the fragmentation of the field in the aftermath of the event as the dominant coalition lost members while Geist's movement gained strength. My empirical evidence is drawn from Geist's well-maintained blog and dozens of newspaper articles from the period in question.

Copyright policy as a hegemonic political field: the Protection of Rights frame and Bill C-60

Copyright policy-making is historically a complex and thorny issue that encompasses a wide plethora of economic, cultural and technical issues, which unevenly impact multiple interests and stakeholders (Murray and Trosow 2005). In articulating Canadian copyright policy making as an institutional field, I am less concerned with the technical issues at play than with the broader guiding frameworks establishing a central policy problem, which policy interests are most important and what modes of action are considered legitimate. To track the effects of a disruptive event, we need to take stock of the field in its initial state. We need to identify the pre-existing set of central collective actors, resources, and rules that guide the possibility of action (Fligstein 2001). In this section, I assert that Canadian copyright policy making was a rigid hegemonic field, guided by an explicit 'Protection of Rights' field frame, between the years of 2001 (the year the latest reform process began) and 2006.

In Canada, formulating new copyright policy is the shared responsibility of the Minister of Canadian Heritage and the Minister of Industry and these actors play a critical

role in orienting the policy debate by signaling institutional receptiveness to certain claims over others. As Laura Murray has documented, beginning with Heritage Minister Sheila Copps in 2001, fellow lead policymakers have consistently articulated a particular rhetoric, which I label the Protection of Rights frame (and summarized in table 1), in justifying the need to engage in copyright law reform (Murray 2004; 2005). Problem definition in policy making rests on generating causal stories (Stone 1989). The Protection of Rights frame emphasizes the need to safeguard Canadian culture and Canadian creators from the threat of emerging digital technologies and technological practices (most explicitly illicit downloading or ‘piracy’). This notion is nicely captured in a 2004 quote by then Heritage Minister, Helene Chalifour-Scherrer:

There is no doubt that we must modernize the Copyright Act as soon as possible. The emergence of the Internet and new digital technology has shaken entire sectors of our society. I am thinking in particular of protection for the intellectual property of our creative people. (in Murray 2004)

The Protection of Rights frame draws on themes of rights, modernization and nationalism and implicates at least four distinct claims as to why and how copyright law should be reformed (detailed in table 1).

TABLE 1

The Protection of Rights Frame

Normative ideals : Protection, Control, Respect, Fairness, Patriotism

Organizing Principles: Modernization, Harmonization, Innovation

Key Stakeholders: Canadian Creators and Cultural Industries

Key Antagonists: Internet Pirates, Technology, P2P Practices

Key Policy Problems:

1. To update Canada’s antiquated law and bring it in line with the World Intellectual Property Organization (WIPO) agreement Canada signed in 1996.
2. To provide a means for industry to prosper from novel technologies such as the internet.
3. To help secure the continued sustenance of Canada’s cultural sectors.
4. To ensure that Canadian creators and artists are fairly paid for their work.

In defining the problem as well as the chief protagonists and antagonists, this framework has strong implications for structuring the field by privileging 'rights-holder' interests over others. Specifically, the fourth claim listed here provides a moral imperative that renders the notion of creator rights in 'common sense' terms and privileges the identity of Canadian creator or artist as a special stakeholder in the policy agenda. As Heritage Minister Liza Frulla conveyed to the Canadian Club in May 2005, "if our creators and artists can't make money from their works – if their copyright is not respected – they won't be able to continue doing what they do best. They lose as individuals. We lose as a country" (in Murray 2005, 19). The primacy of the Canadian creator to Canada's copyright policy agenda has meant that those actors who can successfully ally themselves to this identity are advantaged in the policy making process. This identity status is a critical symbolic resource, and the claim that artists should be fairly paid for their work a core institutional value, in Canada's copyright debates. Meanwhile, under the above dominant rights-holder schema, competing identities and claims, such as the notion that users have an equal stake in copyright, are dissonant and likely to find little resonance with policymakers.

Accordingly circa 2001-2005, rights-holder interests monopolized the copyright policy reform debate in both institutional arenas, such as through parliamentary committees, as well as through the mainstream media. We can speak of a dominant rights-holder coalition that, along with governmental actors, was made up of industry associations and guilds which include (among others): the Canadian Recording Industry Association (CRIA), The Canadian Motion Picture Distributors Association (CMPDA), Society of Composers, Authors and Music Publishers of Canada (SOCAN), the Alliance of Canadian Cinema,

Television and Radio Performers (ACTRA) and the Canadian Copyright Licensing Agency (Access Copyright). The key actor within this group is CRIA, a trade organization representing music Canadian recording labels, which prior to 2006 included both foreign-owned nationals and locally owned independents. CRIA was (and remains) the most vocal member of the rights-holder coalition and stringent advocate of copyright reform. CRIA's privileged field position arises from its claim to represent the interests of Canadian artists and creators. As Murray argued in 2005, “just as copyright has not had to justify its location at centre-stage of Canadian cultural policy, the music industry [CRIA being the industry's central lobby organization] has not had to justify its location at centre-stage of copyright discussion” (27, 2004). CRIA's articulated position on copyright is synonymous with the Protection of Rights frame: Canadian copyright must be modernized to protect artists and rights-holders from emerging lawless technologies (Murray 2004).

Prior to 2006, the few notable alternative voices to the rights-holder framework were frequently marginalized in the policy making process. These marginal actors represented a weakly unified front of groups tenuously connected to commensurate values of 'public interest', 'technological neutrality' and the desire to ensure accessibility to cultural products (Murray 2005, 17). The most powerful actors amongst the challengers were from the education and research sector including the Association of Universities and Colleges of Canada (AUCC), the Canadian Library Association (CLA), and the Council of Ministers of Education, Canada (CMEC). While voices outside of education included Digital-Copyright Canada, a user rights organization, and the Canadian Internet Policy and Public Interest Clinic (CIPPIC) at the University of Ottawa – of which Professor Michael Geist is associated

with. While these groups frequently share a claim for the existence of 'user rights' in copyright, prior to 2006, the opposition to the dominant policy paradigm was fragmented and limited.

The pervasiveness of the Protection of Rights logic and the dominant power of the rights-holder coalition may be seen in the development and mild debate over the Liberal government's never ratified Bill C-60. In March 2004, CRIA lost a key Federal Court of Canada ruling when the court judge ruled that downloading files from the internet did not break Canadian law. In the aftermath CRIA turned its attention to quickening the pace of policy reform and lobbied the Heritage Minister Chalifour-Scherrer at the annual Canadian Juno music awards. Within weeks the Minister acted. While the judge had ruled that copyright law constituted a 'balance of interests' between creators and users, Chalifour-Scherrer asserted: "We are going to make sure that downloading stays illegal...We will make it a priority so it is done as quickly as possible....Now I really know what the music industry is all about...I am going back to Ottawa with the will to do something" (The Globe and Mail, Apr 13 2004). CIPPIC among others criticized the Minister for emphasizing industry over the public interest, but these concerns found little resonance. In May 2004, a Heritage Canada parliamentary committee, chaired by Liberal MP Sarmite Bulte, tabled a set of policy recommendations that evoked strong protection of creator rights while rejecting the proposals of education and user rights communities. The report had the support of all parties in the Committee. While the federal elections in June 2004 delayed reform, it again revealed the hegemonic dominance of the Protection of Rights framework as the Liberals, Bloc and New Democratic Party "showed near-unanimity on copyright policy". The Conservatives

and Green Party never articulated their positions (Toronto Star June 21 2004) as “it was not an election issue” (Murray 2004).

Anxious that reform was not coming fast enough, CRIA intensified their lobbying in fall 2004 by having notable Canadian artists such as Tom Cochrane and Jim Cuddy speak directly to the Ministers of Industry. The following June the Liberal’s proposed copyright package, Bill C-60, was introduced. Though considered more moderate (Murray 2005), the bill followed the same pattern as the Bulte Committee in seeking to secure stronger rights and privileges for creators while guaranteeing few provisions for users. The introduction of the bill was granted next to no coverage in the press² and stimulated very little debate within parliament – good evidence of the absence of controversy surrounding the issue. The strategies of marginalized actors during this period, in particular within the education sector, appear consistent with what one would expect in a hegemonic field. Building from Fligstein, marginal actors in stable conditions will direct their efforts towards “niche-building”, meaning to seek space within the dominant framework to survive rather than broadly challenging it (2001, 117). Accordingly, over the summer and in preparation for the bill’s public hearings in fall 2005, AUCC and CMEC lobbied policymakers in hopes of obtaining copyright 'exemptions' for educational and research purposes. In seeking sector-specific exemptions, AUCC and CMECC demands were narrow rather than broad-based³ However, the strongest lobbying action was undertaken by CRIA who sought to strengthen

² Such an assessment is given on the basis of an analysis of Canada's three major newspapers, *The Globe and Mail*, *The National Post* and *The Toronto Star*. Between June 20th, when the legislation was produced, and December 31st 2006, there were but four articles which referred to Bill C-60 (excluding Michael Geist's Toronto Star op-eds). A September 17th *Globe* article dealt with educational concerns with the bill, a July 23rd *Post* article dealt with concerns within the video game industry, while *The Star* was the only paper to provide coverage of the bill's formal introduction – a five-sentence paragraph in a news round up in the paper's entertainment section.

³ Narrow

the bill's anti-downloading provisions. In November, the Liberal government fell under the weight of a sponsorship scandal and Bill C-60 died on the order.

At the end of 2005, one may assert that the institutional field of Canadian copyright policy was stable and hegemonic. Although one political party, the NDP, adopted a more access-oriented copyright platform by the year's end (Murray 2005), the rights-focused logic driving the policy process remained uncontroversial. All evidence suggests that the January 2006 federal election would have passed copyright issues by and the reform process would have remained status quo. Nonetheless, the stage was being set for an impending drama, with Michael Geist and Sarmite Bulte as lead protagonists, and which would have destabilizing ramifications for the field.

The Bulte-Geist Affair: An Analysis of A Disruptive Event

The Actors

Michael Geist is a law professor and Canada Research Chair in Internet and E-commerce Law at the University of Ottawa. Since 2001, Geist has been involved in the reform process both formally, as an expert counselor called before government to speak on issues of technology and law, and outside government through his regular op-ed column in *The Toronto Star*. The column, along with his online blog (www.michaelgeist.com), is a rare channel of consistent dissent in the Canadian public discourse on intellectual property. Thus, the column and blog are a critical resource for marginalized interests within the policy field and provides space for alternative claims to be publicly aired⁴

⁴ CRIA, Geist's central antagonist, recognized the threat of Geist's public column and, in a failed attempt, pressured The Toronto Star to remove him from the paper in April 2005.

His column and blogs have consistently effused an alternative cultural framework for copyright policy which I call ‘Balance of Interests’ (a more cohered version of this frame is given in Table 2). Again without highlighting its specific technical provisions, this broad framework may be summarized with a simple claim: copyright is about maintaining a balance between the rights protected and the interests of the public in accessing protected works. The definition here does not constitute a collective action frame as such, in that it contains no imperative for action, but it provides the substantive interpretive logic underlying in Geist’s pragmatic claims-making. Reading Geist’s blogs and articles in continuity reveals an actor consistently reacting and attuning his claims to ongoing interactions within the field of copyright policy. Observed events within the field and in the broader cultural context – public statements made by Heritage Ministers, legal decisions, CRIA press releases on piracy, copyright-specific controversies – are interpreted, translated and reframed by Geist as variant articulations of the *Balance of Interest* interpretive frame. In using “what the system will give”, Geist is exemplary of the pragmatic mold emphasized by Fligstein⁵. However,

⁵ A short example can be useful to highlight this point. In July 2005, Rainbow Books, the publisher of the Harry Potter book series, sought a court injunction against a British Columbia grocery store that had inadvertently sold 14 copies of the latest edition earlier than the release date. Along with halting the sale of books, the publisher was granted an order compelling those who had bought the book to return them, citing copyright and trade secrets law concerns. In responding to the event, Geist reworked its specific cultural materials and combined them with a second simultaneous event to create a new variant claim. In a July 17th 2005 column, connected the Harry Potter incident to the plight of the Manitoba Frontier School Division that was being charged \$150 for copies of photographs of native figures from the National Gallery of Canada. Drawing on themes of education, national culture and children Geist translated these events as claims against Bill C-60:

Sadly, there is every indication that these cases represent only the tip of the iceberg in Canada. Bill C-60, the federal government’s proposed copyright bill, envisions ever more limitations on the ability for individual Canadians to interact with their culture, while doing precious little to facilitate access in our libraries, schools and homes...When copyright law is used to stop children from reading or learning about their cultural heritage, it is clear that something has gone wrong. (The Toronto Star July 17th 2005; emphasis added)

prior to January 2006, Geist's claim-making was primarily directed to criticizing policy outcomes, the negative implications of an imbalanced rights-holder bill, as opposed to criticizing the practice of policymakers⁶.

The second main figure in the event to be analyzed is Sarmite (Sam) Bulte, a Liberal member of parliament from the Toronto riding of Parkdale-High Park. Like Geist, Bulte was long connected with the copyright reform process. A strong advocate of Canadian artists, with deep ties to Toronto's cultural community, Bulte has consistently eschewed a *Protection of Rights* framework for copyright. Detailed previously, as deputy MP to the Heritage Minister, Bulte chaired a 2004 parliamentary committee which recommended a strict rights-holder copyright law. In the lead up to the 2006 federal election, Bulte was tapped to be Canada's next Heritage minister, on condition the Liberal Party retained power, setting her to be the most influential actor within the field.

The Cultural Context : The Liberal Sponsorship Scandal

The 2006 federal elections would serve to undermine the institutional equilibrium in Canadian copyright policy making and provide opportunity for marginal actors to mobilize against the dominant policy coalition. To understand how this occurred to we need to take stock of the broad cultural context that framed that election, and in particular, the “accountability” debates. In February 2004, the publication of a scathing auditor-general

The claim, coating the Balance of Interests frame within a specific cultural context, is but one of innumerable variants made by Geist in aim of drawing attention to copyright issues and mobilizing support for a ‘Balance of Interests’ approach. Each variant claim arguably represents a *potential* disruptive action frame to the dominant Protection of Rights frame. However, for a claim to engender mobilization and transform into an action frame, it ultimately must resonate with other actors and speak to their interests.

⁶ It is worth noting that in a few columns written before 2006 Geist had raised the issue of close ties between policymakers and industry and, as early as a 2004 column, had raised questions concerning campaign contributions from CRIA to Sarmite Bulte. Nonetheless, earlier charges of systemic imbalance in copyright policy making were typically implicit and far fewer in number than in columns written after the Geist-Bulte affair. A later version of this paper will specify exact counts of such op-eds prior to the event and after.

report on deep-rooted corruption in the Liberal government's "sponsorship program" invoked a broad institutional crisis that would plague the government for the next two years and, ultimately, lead to the Liberal party's fall from power. The scandal turned on the illicit use of public funds, originally intended for government advertising in the province of Quebec and directed to corporate firms which employed Liberal party members or donated to the party, and implicated a number of Liberal cabinet members, as well as the former Prime Minister Jean Chretien. As means of damage control, current Liberal PM Paul Martin called for a public inquiry and staked his mandate on its outcome, declaring that he would call an election upon the release of the inquiry's findings. "The Gomery Commission", as it was termed, effectively dominated the national political discourse from its inception in September 2004 to its conclusion some 14 months later. Over that period, the Liberal Party underwent a profound crisis as the Martin regime attempted to distance itself from Chretien, going so far as to describe the former regime as fostering a "culture of corruption" (reference!!!). The Gomery Commission meanwhile spoke of a "culture of entitlement" Naturally, the scandal played into the hands of Liberal opposition and, with the call of an election in January 2006, the Conservative Party, under its leader Stephen Harper, campaigned on an "Accountability" platform, as illustrated by this scripted television advertisement⁷:

Interviewer: How is that hundreds of millions of dollars go missing and no one is in jail?

Stephen Harper: Well, look who's in charge. These guys can't even tell between right and wrong.

Interviewer: Ok, we've got a question...

Woman on street: It's like you get to Ottawa and no one can touch you. How will you change that?

Stephen Harper: You change the people in charge but you also have to change the system. The first thing I'll do is pass the Federal Accountability Act. It's a real plan to clean up government.

⁷ The video can be found at <http://www.youtube.com/watch?v=OS4MrHWS5oc>

The theme of 'cleaning up government' pervaded the 2006 election campaign and served as discursive backdrop to the Bulte-Geist affair. As a broad institutional crisis, the Liberal sponsorship scandal, was an exogenous shock that 'spilled over' and served to destabilize the institutional field of copyright policy making. But, as will be shown, the larger scandal was given meaning for copyright policy only through the pragmatic and effective claimsmaking of Michael Geist.

The Event

According to Sewell, an event may be conceived of as a “[sequence] of occurrences that result in [a] transformation of structures” (Sewell 1996, 843). Thus, an occurrence becomes meaningful when it touches off a sequence of occurrences leading to substantive change. The Bulte-Geist affair comprises a sequence of occurrences, or interactive exchanges by various actors, which led to a changed political environment for copyright actors. It began inconspicuously enough. In December 2005, ahead of January's federal election, Michael Geist wrote a Toronto column evaluating the party's platforms on digital policy (The Toronto Star Dec 12th 2005). While the column was relatively mild in its criticism of the incumbent Liberals, it stimulated a letter response from Sarmite Bulte. Bulte refuted Geist's assertion that Liberal copyright policy was one-sided and underscored that “this Liberal government... is committed to a balanced reform of copyright legislation”. In closing the letter, she re-emphasized a *Protection of Rights* framework as means of distributing “our songs, our stories, our products of the mind” and to reward Canadian “creators and encourage cultural production” (The Toronto Star Dec 14th 2005). A week later Geist retorted. A short blog posting entitled “That's What Friends Are For” highlighted a

Bulte fundraiser to be held four days prior to the January 23rd federal election, and that was sponsored by CRIA and other rights holders organizations:

Within the boundaries of the Election Act, MPs are of course free to fundraise any way they like and individual Canadians are free to contribute to those same MPs. However, with the public's cynicism about elected officials at an all-time high and Canadians increasingly frustrated by a copyright policy process that is seemingly solely about satisfying rights holder demands, is it possible to send a worse signal about the impartiality of the copyright reform process? At \$250.00 a person, I have my doubts that many of the artists that Ms. Bulte claims to represent will be present. Instead, it will [be] lobbyists and lobby groups, eagerly handing over their money... (Dec 19th 2005 Michael Geist Blog)

This claim, like numerous others, could have quietly died away on Geist's webpage if it were not for the strength of a nascent and heretofore unrevealed mobilizing structure: the blogosphere. Ten days later on December 31st Boing Boing, at the time the most trafficked blog on the internet, picked up on Geist's claim in a posting and triggered a cascade of similar postings on tech-savvy blog sites such as TechDirt. Two days later, the online versions of the Globe and Mail and the National Post carried op-eds critical of the Bulte fundraiser. Geist's January 2nd 2006 blog posting reveals a key moment of awareness:

If the amount of blog discussion and private email that I am receiving is any indication, the story about the Sarmite Bulte fundraiser...is at a tipping point with the potential to crack into the mainstream political press... The perception is that this is pure influence peddling...Copyright is a critical issue to millions of Canadians and the Bulte fundraiser sends an awful message about how the government views the concerns of those people. The Conservatives have made accountability their number one issue and it seems to me that the Bulte fundraiser plays right into their hands.

Geist moved quickly with a series of posts that amplified his attack on Bulte. On January 3rd, he posted details of Bulte's past campaign contributions from the 2004 elections, asserting that "it is becoming increasingly clear that the pro-stronger copyright lobby is a major Bulte backer". On January 4th, the Hollywood Reporter picked up the story with interviews from the presidents of CRIA, Graham Henderson, and CMPDA, Douglas Firth. Firth and Henderson responded with a strategy of problem denial (Benford and Hunt 2003) in defending fundraising as legal and asserting that "we're delighted to find other

parliamentarians who strongly support the rights of artists to be protected from theft”. As emphasis, Firth acknowledged that their group was funding two Conservative candidates, including Bev Oda the Conservative Heritage Critic, as means of “coalition building” (The Hollywood Reporter, Jan 4th 2006). This revelation served to amplify Geist’s claims-making strategy. On January 4th, two postings “The Sad Reality of Copyright Policy in Canada” and “Cleaning up Copyright” signified Geist’s call to arms:

Canadian copyright policy has degenerated into a funding battle between large corporate interests (whether foreign or Canadian) with little regard for the interests of the actual artists, creators, users, and the general public. I may be naive, but this is not supposed to happen in Canada... With both prospective Canadian Heritage Ministers accepting copyright lobby cash and the funders making it clear that they are in the market for more, it is time to clean up copyright in Canada. The election campaign provides the perfect time to do so.... I think the party leaders should take a Copyright Pledge.

Thus, Geist articulated Balance of Interests as a genuine collective action frame, with a strong imperative to mobilize. In doing so, the new frame accentuated the original problem definition in three critical ways. First, it amplified the issue of imbalance as more than a mere problem in policy and as a systemic problem in policy making itself. Second, it diagnosed an imbalance within the rights holder group and disarticulated corporate interests from artists. Third, and most specific to the Bulte affair, it bridged the perceived imbalance within copyright policy making with the broader cultural concern with political accountability and ethics that surfaced in the wake of the Liberal government’s sponsorship scandal. This accentuated framing of the original Balance of Interests framework would find resonance within the field.

Meanwhile, the ‘Copyright Pledge’, a short contract and online petition that asked leaders to ensure that no lead policymakers were funded by rights-holders interests would soon engender a new phase of the emergent controversy. By January 6th, the rights holder

fundraiser became a bona fide campaign issue in Sam Bulte's Parkdale-High Park riding after the Toronto Star ran an article under the title "Fundraiser a rare glimpse into party power politics". Like Henderson and Firth, Bulte responded to journalistic inquiries through problem denial ("There's nothing to hide here. These people support me. They support me because of my position on copyright") but also through what Benford and Hunt (1993) label counter-maligning: "Seriously, who is [Michael Geist] funded by?" (The Toronto Star Jan 6th 2005). In a very tight race with NDP candidate Peggy Nash, the media coverage provided fodder for Bulte's chief opponent to highlight the issue of accountability: "I think that ethics is a key issue in this election" (The Toronto Star Jan 6th). Soon links to articles on the fundraiser appeared on Nash's website. The controversy came to a head at an all candidates meeting on January 11th. With a spectator filming the debate, an audience member asked whether Bulte would take Geist's 'Copyright Pledge'. Bulte responded with evident emotion, defending her commitment to the arts:

I am proud of my support for creators in terms of copyright. I am an advocate for the creative process...My donations are absolutely transparent. In 2004, ten percent of my donations came from so-called 'cultural industries'...I mean ninety percent of donations came from individuals. *People support me because they support my voice for the artists and I will not allow Michael Geist and his pro-user zealots, and Electronic Frontier Foundation [an American based NGO] to intimidate me into silencing my voice. I am proud of my support of artists. I will continue to be that voice. I have been that voice since 1997. And I will ensure that the voice of creators gets heard and Industry Canada when we negotiate a properly balanced copyright reform*"⁸.

Moments after the Bulte's response, Nash was quick to endorse the Copyright Pledge. Within hours the video was posted on YouTube and stimulated a new wave of blogging and criticism for Bulte.

The incident brought more mainstream media attention to the issue and to Geist's Copyright Pledge petition posted on his Online Rights Canada website. On blogs, the focus

⁸ A video of this incident may be found at http://www.youtube.com/watch?v=GQ-p_Roouss

turned to Bulte's use of the term "pro-user zealots". For some, the slandering term brought on new sense of indignation and collective identity as "consumers" "being written off as zealots by a politician taking money from the industry side" (TechDirt Blog Jan 12th 2006). One web site offered "Pro-User Zealot" bumper stickers for sale (Café Press, Jan 19th 2006). For Geist, however, the term became opportunity to recast the identity of an emerging broader collective:

I think it is important to consider the reference to pro-user zealots. I suspect that Ms. Bulte thinks she is talking about little more than a few file sharers who want access to music that, depending on your perspective, is either free or paid for by the private copying levy. This is where she is simply wrong...when she uses this characterization, she is calling the nine justices of the Supreme Court of Canada zealots. She is calling Canadian artists such as Jane Siberry, Matthew Good, Barenaked Ladies, Bob Wiseman (formerly of Blue Rodeo), Charlie Angus, and Neil Leyton zealots. She is calling the provincial ministers of education zealots. She is calling publishers such as Irwin Law and the 19 professors who contributed to [In the Public Interest](#) zealots. She is calling historians such as Jack Granatstein a zealot. She is calling the thousands of Canadians who have contributed to [Creative Commons Canada](#) zealots. She is calling the [hundreds of bloggers](#) and thousands of Internet users who have become engaged on this issue zealots. Indeed, judging by the video, she is calling many of her constituents zealots. It seems to me that I'm in good company whatever the label. I can't say the same for Ms. Bulte. (Geist Blog Jan 12th 2006)

Geist's statement found deep support within the blogging community and was once again reposted on the highly read Boing Boing blog (Jan 12th 2006). Moreover, as the quote suggests, an increasing number of Canadian artists were identifying themselves on side of protestors. The public stir over the fundraiser helped to catalyze growing dissent within the Canadian music community. In particular, the controversial event provided opportunity for the manifestation of latent divides between the independent and corporately owned music industries. Domestic independent artists and music labels decried the apparent hypocrisy of the foreign-based interests guiding CRIA's supposedly lobbying. One Toronto independent label, Fading Ways Records, issued a press release that declared solidarity with Peggy Nash and decried CRIA's claim to represent Canadian artists:

In fact, they represent the interests of the "Canadian" major labels, who are in fact cultural importers (largely of US acts) rather than exporters of Canadian artists. Very often Canadian artists like Danko Jones have to sign to foreign labels in order to export their own music. CRIA's close ties to MP Bulte ("they are my friends", she explained) are questionable and objectionable. Fading Ways Records believes that Canadian Heritage should be controlled by true Canadian cultural interests, not political sell-outs. (Fading Ways Website, Jan 9th 2006)

Matthew Good, a prominent Canada rock musician, posted on his blog:

What I would like to do is address this issue from the standpoint of Canadian musician with regards to someone like Sam Bulte claiming to represent our interests rather than those of the corporate executive. The most important realization that any Canadian can make about this country's music industry is that it is almost entirely beholden to foreign parent companies. Now, many of you might be labouring under the false assumption that the primary concern of Canada's foremost corporate music giants is the promotion of domestic artists, but nothing further could be from the truth. (Qtd on Digital Copyright Canada website, January 15th 2006)

Similarly, other voices from the independent music scene voiced similar hypocrisy concerning the corporate interests of CRIA (Geist Blog Jan 9th 2006). The defection of music artists served to undermine CRIA and Bulte's claim to be representing Canadian creators as a whole and drew unwanted attention to the corporate participants supporting the fundraiser.

For her part, Sarmite Bulte stuck to a resolute political strategy of problem denial and continued with the fundraiser as scheduled. This strategy ultimately provided insurgent actors with an opportunity to move their collective action offline and 'into the streets'. Following Bulte's reframing of her fundraiser as "a celebration of my support for the arts community" (TorStar Jan 17th 2006), Geist's Online Rights Canada organized a 'counter-celebration' at the same time and location. Staged in the corner cafe of the hotel where Bulte's banquet was taking place and mainly attended by "bloggers, students, musicians, [and] techies", ORC's 'Balanced Meal' served as "an opportunity for kindred spirits, familiar with each other's work and activism, to meet, often for the first time" (ITbusiness.ca, Jan 20 2006).

On election night, Bulte fell to Peggy Nash by a difference of 3521 votes, a shift of 5722 votes to Nash from their previous battle in 2004.

Analysis

The Bulte-Geist affair lasted 33 days, from the time of Geist's initial blog posting on December 21st to election night on January 23rd. Within that space of time we observe an institutional field in flux. The federal election provided the essential structural opening, in putting a key institutional actor at risk, but it was the historically-specific cultural context and dynamic claimsmaking between field members that ultimately generated a political opportunity. As one media commentator observed, “under normal circumstances, there would be little interest in copyright reform or Ms. Bulte's fundraising activities” (Tossell Jan 21st 2006). However under the weight broader institutional crisis, the Liberal sponsorship scandal, the public, media and opposing parties were extraordinarily attuned to claims of corruption and conflicts-of-interest concerning government actors. In his claimsmaking, Michael Geist translated these concerns to the field of copyright policy making by problematizing the previously unproblematic close ties between government and industry and, in particular, the fundraising efforts of Bulte and CRIA. Geist used 'what the system will give' by constructing, reacting to the action of others and reconstructing claims in response.

Key to the problematizing of relations between Bulte and CRIA was the decomposition of the privileged Canadian creator/artist status identity. For her defense, Bulte employed a traditionally reliable symbolic resource in defending her actions as acting on behalf the long-suffering Canadian artist. However, within the scope of the Bulte

fundraiser, the strategy of identifying as a 'voice for artists' was far less effective as it had been in the past. Geist and others pointed out contradictions in that claim: the participants at the fundraiser were primarily industry executives, the \$250-a-plate fee was far above what a 'starving artist' could afford, etc. Moreover, actors identifying themselves as Canadian artists, in turn, dismissed Bulte's claim to be speaking on their behalf and distanced their own interests from those of CRIA and other industry groups. In disaggregating industry interests from those of Canadian artists, the dominant policy coalition lost its monopoly on a critical symbolic resource. As a result, the historically close ties between government and industry, and particularly Bulte and CRIA, lost moral legitimacy.

The effectiveness of Geist's challenge arose from his ability to frame events which resonated with several different actors at once. In articulating a systemic imbalance in the creation of copyright policy, Bulte's political opponents had a useful discursive tool to exploit within an election campaign. By vilifying recording industry and lobby associations but importantly exonerating "actual artists", artists could redefine their interests on their own terms. Meanwhile, in evoking the reaction of blogosphere as representing 'engaged constituents', Geist identified a new stakeholder group. Most importantly, the Bulte-Geist event served to cohere an alternate project organized around a *Balance of Interests* logic (see Table 2) to mobilize actors⁹.

⁹ It is worth noting that the *Balance of Interests* frame shares certain values with the *Protection of Rights* frame (Patriotism, Respect, etc.), but reorients the primary policy problem from protection to balance.

TABLE 2

The Balance of Interests Frame

Normative ideals : Balance, Openness, Respect, Fairness, Patriotism

Organizing Principles: Access, Technological Neutrality, Innovation

Key Stakeholders: Creators, Artists, Users, the Public

Key Antagonists: American and Industry Lobbyists

Key Policy Problems:

1. To enable technology to benefit and stimulate innovation across all sectors
2. To ensure Canadians have access to cultural goods.
3. To help secure the continued sustenance of Canada's cultural sectors.
4. To ensure that Canadian creators and artists are fairly paid for their work.

Aftershocks in the Field: The Emergence of the Fair Copyright Movement

The Bulte-Geist affair had lasting effects for the field of copyright policy and the potential future mobilization of its marginalized actors. Here, I argue that the event had three important ramifications for the field: it revealed new indigenous resource bases and mobilizing structures, it helped to fragment and weaken the strength of the field's dominant advocacy coalition and, third, it crystallized a viable alternative frame for future coalition-building. An immediate effect was the recognition of a powerful new mobilizing structure in the internet. In the media coverage of the event and in the postmortem that followed, much discussion focused on the role of bloggers in bringing down Bulte. Likewise, for Geist, the event revealed new capacities for collective action:

It is difficult to quantify, but I'm fairly confident that the online community had a real impact in Parkdale High-Park (although I again hasten to add that without a strong candidate running against Bulte this definitely would not have happened). The voting shift was fairly significant given that this was a rematch of the 2004 election and no other Toronto riding in similar circumstances experienced quite as dramatic a move toward the NDP....I should also note that the way the story spread through the blogosphere... tells us a lot about how stories propagate online. Further, the distribution of video, audio,

parodies, bumper stickers, and a petition are all a fascinating part of the Internet story. (Michael Geist Blog Jan 24th 2006)

In the Bulte affair, the biosphere's capacity to rapidly transmit and reference information within a broad network of linked activists helped to stimulate an echo-chamber effect: claims were amplified exponentially with each new blog posting. Certain novel technological tools, such as YouTube, created new means of disseminating cultural materials to the public and rendered new tactical strategies possible – a politician's momentary loss of face at the candidate's meeting could now be permanently archived on the web. Of course, part of the tactical value of blogs and digital technologies arose out of their novelty. As one commentator noted, Bulte was caught off guard by the blog attacks and her rebuttal strategy was ineffective at targeting weaknesses in blog reporting, particularly the absence of journalistic fact checking (Zerbisias, Jan 21 2006). Likewise, mainstream media were drawn to the story of blogs as a political tool. Internet technology and novel digital tactics would serve as key in the subsequent Fair Copyright mobilization against the Conservative government's Bill C-61. Specifically, the use of the social networking site Facebook helped swiftly mobilize 20,000 petitioners against the proposed bill, generate media headlines, and delay its introduction in Parliament (The Globe and Mail Dec 14th 2007).

The second major effect of the Bulte affair was in destabilizing copyright's dominant advocacy coalition. Four months after the fundraising controversy, six independent Canadian music labels separated themselves from CRIA. In a letter to new Conservative Heritage Minister Bev Oda, the Canadian labels cited irreconcilable differences as reason for the separation:

It has become increasingly clear over the past few months that CRIA's position on several important music industry issues are not aligned with our best interests as independent recording companies" and

"we do not feel that we can remain members [of CRIA] given CRIA's decision to advocate solely on behalf of the four major foreign multi-national labels. (Geist Apr 12th 2006)

Two weeks later, the Canadian Music Creators Coalition (CMCC) formed as a rival pressure group to CRIA. The CMCC, comprised of notable Canadian musicians such as Steven Page and Sarah McLaughlin, articulated its objectives as to “ensure that lobbyists for major record labels and music publishers are not the only voices heard in debates about Canada's copyright laws and other key cultural policy issues” (Globe and Mail Apr 26th 2006). The significant symbolic capital of the CMCC, in representing major Canadian musicians, granted it privileged lobby access and media attention. The defection of the independent Canadian music labels from CRIA and the appearance of the CMCC further symbolized the disaggregation of a creator identity within Canadian copyright discourse – now cultural creators were on both sides of the debate. Moreover, in the wake of the CMCC, a handful of less powerful artistic pressure groups mobilized against proposed copyright reforms including Appropriation Art, Canadian Art Museum Director’s organization (CAMDO) and the Documentary Organization of Canada. Within parliament, while the new Conservative government served to reproduce dominant power by championing a *Protection of Rights* frame under Heritage Minister Bev Oda, the opposition parties no longer spoke in harmony. The NDP, finding opportunity to distinguish and enhance their cultural policy platform, adopted a strong *Balance of Interests* framework under their Heritage Critic Charlie Angus. These new actors and shifts in power meant that the copyright policy was a far less hegemonic field in the lead up to the Conservative’s Bill C-61.

Finally, and perhaps most importantly, the Bulte affair cohered the *Balance of Interests* frame as a resilient alternative project for copyright policy and structured the shape

of future collective action. The new frame accentuated previous claims concerning imbalances in policy outcomes to an imbalance of interest in policy making. The frame made targets out CRIA as lobbyists and the Heritage Minister as receiver of lobbyist funding. Though Sarmite Bulte went down in election defeat, the new Heritage Minister Bev Oda quickly became a new target for Geist. He soon publicized the financial backing Oda had received in the 2006 federal election. Tactics such as lobbying and raising funds for politicians, long the main political strategy of rights holder organizations, suddenly acquired a new vulnerability. Oda's progress on copyright reform was plagued by her own fundraising and lobbying controversies in summer and fall of 2006. By the time of Oda's removal and the installation of the less controversial Industry Minister Jim Prentice as head copyright policymaker in fall 2007, the lobbying frame had been broadened to incorporate strong nationalistic elements. The dominant interests behind Canadian copyright reform were painted as American lobbyists. With the announcement of the Conservative's copyright reform, Bill C-61, Geist and allies reframed the bill as "Canada's DMCA" in reference to the American Digital Millennium Copyright Act. The strong nationalistic flavor of the Fair Copyright for Canada movement, which emphasized an imbalance between Canadian and foreign interests in copyright policy making, was a further evolution of the Balance of Interest frame that found coherence in the Bulte Affair.

Conclusion

Drawing from the notion that field interactions are instances of 'the game being played' (Fligstein 2001), the Bulte Affair may be thought of as a particularly tumultuous round of the game and a game changing event within the field of Canadian copyright policy.

The event itself did not break the hegemony of the *Protection of Rights* frame in Canadian copyright policy. This is evidenced by the Conservative's introduction of subsequent Bill C-61, which invoked even stronger rights holder protections than the Liberal's previous Bill C-60. The dominant advocacy coalition did not collapse under the weight of the Bulte fundraising controversy. But its power was weakened. In the process, new challenging actors came to the fore, new coalitions were formed and new resources were made available for marginalized actors to exploit. Thus, after the 2006 federal elections, new opportunities arose for collective action that did not exist previously.

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