Beyond *The Phantom Edit*: A Critical History and Practical Analysis of Fan Edits

By

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Abstract

Fan edits are essentially unauthorized alternative versions of films made by fans, whom I define as people with intense interest in films and related media. Unlike traditional film editing, which is characterized by a new assemblage of original film or video content, fan editing is a form of recombinant filmmaking that reactivates existing arrangements of audiovisual material. Fan edits are noncommercial transformative works that illustrate the mutability of digital cinema as well as the potential for new media artists, experimental filmmakers, and diverse critical voices to emerge from a networked public.

The Phantom Edit (2000) is a seminal fan edit based on *Star Wars Episode I: The Phantom Menace* (1999) that established a model of production and distribution for fan edits. As a central research problem, this study recognizes that the failure of previous scholarship to account accurately for the history of *The Phantom Edit*, as well as an evident lack of close engagement with contemporary fan edits, have hindered the ability of scholars to grapple with significant developments in fan edit culture. In general, film and media studies have failed to account for both *The Phantom Edit* and nearly two decades of progressive work.

This study builds upon the limits of previous scholarship in order to illustrate a historical trajectory of fan editing from *The Phantom Edit* to its more diverse present state, which is exemplified by *Raising Cain: Re-cut* (2012), a fan edit based on *Raising Cain* (1992) that was eventually endorsed by Brian De Palma and sold as the official director's cut. Furthermore, this study examines practical trends of fan edits and effective means of classification. Combining archival research, interviews, practical fan editing experience, and textual analysis of fan edits

collected over several years of participation in the fan editing community, this study offers a

foundation of knowledge about the technology, legal contexts, and cultural practice of fan edits.

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Introduction: Digital Cinema and the Persistence of Revision

Several years ago, on a modest home computer in southern California, film editor Mike J. Nichols created something that shocked Star Wars fandom and disturbed the balance of forces between Hollywood and its audience. *Star Wars: Episode I.I - The Phantom Edit* (2000) was Nichols's critically transformative response to *Star Wars: Episode I - The Phantom Menace* (1999), the first of three "prequel" films spearheaded by Star Wars creator George Lucas. Nichols, like many longtime Star Wars fans, had felt alienated by Lucas's *Episode I* for several reasons, including its juvenile humor, burdensome exposition, and unsatisfying characterizations of the iconic Jedi and their mystical "force" power. With *The Phantom Edit*, Nichols sought to improve the overall narrative quality of *Episode I* by carefully removing and restructuring portions of the film that he considered problematic. Nichols, whose pseudonym was The Phantom Editor, maintains that *The Phantom Edit* was an experimental project for which he originally had no plans to share with the world; his intent was simply to apply his editing prowess and storytelling sensibility in order to yield a more personally satisfying version of *Episode I*. Further, Nichols argues that the version of *Episode I* which Lucas released into cinemas in May 1999 represents an unrefined work from a once daring filmmaker who had lost his way and had become insulated by wealth and sycophants. Rather than profit from the distribution of his unauthorized version of *Episode I*, Nichols explains that his loftiest ambition for making *The Phantom Edit* had been to engage with Lucas in a creative dialogue and to share a critical perspective that his obsequious employees were evidently afraid to offer.[1]

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[1] Joshua Wille, "Fan Edits and the Legacy of *The Phantom Edit*," *Transformative Works and Cultures* 17 (2014), 3.1.

Ironically, *The Phantom Edit* was not supposed to explode across online file-sharing platforms and foment unrest among Star Wars fans and its author, George Lucas; nor was it meant to serve as a seminal work of contemporary grassroots film textual variation beyond the purview of Star Wars fandom. But that is precisely what happened. Through a combination of his impressive editing work and the unintended worldwide publication of *The Phantom Edit*, Nichols essentially created the prototypical fan edit: an unauthorized alternative version of a film made by a fan.[2]

As a new chapter in an established saga, *Episode I* unsurprisingly drew critical comparisons to the "original trilogy" of Star Wars films (1977-1983). Veteran fans, whose affinity with Star Wars was firmly rooted in their formative experiences with the original trilogy and its associated toys, literature, and ancillary television content, were perhaps the most estranged by *Episode I*. Unlike their younger counterparts in the audience, for whom *Episode I* was possibly their first contact with Star Wars, many veteran fans were unsatisfied with the new direction that Lucas had steered the franchise. Additionally, Star Wars fans who were disappointed by *Episode I* might have considered the perceived shortcomings of the new film as a symptom of a larger problem; Lucas had, since 1997, made significant and controversial alterations to the original trilogy films, including revising visual effects with computer generated imagery and implementing several alterations to the existing narrative.

The most contentious of these modifications in *Star Wars: Episode IV - A New Hope* (1977) was the re-edited version of a violent encounter between Han Solo and the bounty hunter Greedo early in the film. In all preceding versions of *Episode IV*, Greedo holds Han at gunpoint

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[2] Ibid, 1.4.

in the Mos Eisley cantina, threatening to capture him for a bounty, but before Greedo can react, Han fires his laser pistol at Greedo from underneath a table, killing him instantly. This brutal action defines the ruthless character of Han Solo at the outset of the film, thereby setting up his character development and ultimate heroism by defending Luke Skywalker from Darth Vader during the climactic trench run on the Death Star. However, when George Lucas revised this scene for the 1997 Star Wars "Special Editions," Greedo shoots first, and Han is digitally reanimated to dodge the laser blast, only then to retaliate with a fatal shot at Greedo. Thus, in the updated versions of the scene, Han kills Greedo in self-defense. Although Lucas may have intended for this change to render the film more family-friendly, it undermines the effective character arc of Han Solo. For many fans, this particular scene became emblematic of Lucas's meddling with Star Wars, and some even adopted the phrase "Han shot first" as a motto for their collective dissent. Lucas courted further controversy among Star Wars fans by refusing to release high definition home video editions the classic Star Wars films in their original versions, effectively replacing them with his modified cuts. Against this divisive background came *Episode I* and its contentious reception, which inspired Nichols to create *The Phantom Edit*.

Although it is not well known by the general public, the motion picture industry has historically engaged in textual variation to facilitate the wide distribution of film products; this includes distribution in foreign markets, on television, and in special contexts such as airlines and prisons, where censorship and technical revisions of film runtimes and content may be imposed.

At around the time that *The Phantom Edit* first appeared, the motion picture industry itself was on the verge of conspicuous commercialization of modified film versions. Not long

after *The Phantom Edit* spread globally via online file sharing platforms and made headlines for its controversial reception, film audiences were also witness to a burgeoning area of the home video market for sanctioned alternative versions of Hollywood films. These products typically include "extended" and "unrated" editions, which incorporate content not included in original theatrical releases; and "director's cuts," which ostensibly distinguish a film director's preferred version through the addition, omission, or reconfiguration of filmed material. Collectively, these products belie perceptions of a film as sacrosanct. Lucas's Special Editions of the Star Wars original trilogy were perhaps the most publicized director's cuts for their time and arguably introduced the concept of film revisionism to wide audiences. Thus, this steadily growing commercial phenomenon was exemplified by the Star Wars Special Editions and other major film revisions of the late 1990s and early 2000s, which arguably

> demolished the idea of a film as a single, finished product in the minds of the movie-viewing public. Instead we are headed towards a new conceptualization of a film as a permanent work-in-progress, which exists in multiple permutations, and can always be tinkered with in the future, whether by the director or by anybody else."[3]

The director's cut tradition of film revision had brewed in Hollywood since at least 1942, with Charlie Chaplin's revised edition of *The Gold Rush* (1925). Over the next three decades, Chaplin released new versions of *The Pilgrim* (1923, revised 1959), *The Circus* (1928, revised 1967), *The Kid* (1921, revised 1971), and *A Woman of Paris* (1923, revised 1976). Throughout the 1970s and 1980s, the trend of releasing director's cuts gradually caught on, typified by

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[3] Peter Rojas, "Hollywood: The People's Cut," *The Guardian*, July 25, 2002, http://www.guardian.co.uk/film/2002/jul/25/internet.technology/.

renewed releases of *The Wild Bunch* (1969, revised 1974) and *Close Encounters of the Third Kind* (1977, revised in 1980 and 1998). Around that time, *The Godfather Saga*, an expanded chronological recombination of The Godfather films overseen by director Francis Ford Coppola and editor Walter Murch, was released in varying editions on television and videocassette. In the 1990s, the spread of home video technology such as laserdiscs and DVDs precipitated the expansion of the director's cut tradition to a viable market catering to film fans and collectors, exemplified by new editions of *The Last Picture Show* (1971, revised 1992), *Blade Runner* (1982, revised 1992 and multiple times since), and the aforementioned Star Wars Special Editions beginning in 1997. This trend gained momentum throughout the 2000s, punctuated by director-driven recuts of films like *Apocalypse Now* (1979, revised 2001) and *E.T. the Extra-Terrestrial* (1982, revised 2002).

Moreover, several alternative versions of feature films have since been assembled under the auspices of a film studio or home video distributor. Unlike subsequent fan editing projects, these sanctioned transformative products notably take advantage of access to original film negative, footage from dailies, and other essential filmmaking elements. This is certainly true in the revisited version of *Touch of Evil* (1958, re-edited by Walter Murch in 1998 according to director Orson Welles's extensive notes); a hybrid version of Welles's exceptionally elusive *Mr. Arkadin* (1955) that was assembled by Stefan Drössler and Claude Berteme in 2006; as well as *Superman II: The Richard Donner Cut*, a 2006 hybrid of material produced for the 1980 film that was constructed by Michael Thau in consultation with director Richard Donner himself. These commercial projects differ from the typical approach to fan editing, in which unauthorized alternative versions are effectively reverse-engineered by fans who work almost exclusively with

material made available to them on various home video editions. Under those limitations, *The Phantom Edit* provided an essential template for fan edits: it was created by a fan using only commercially available media on a home computer, using off-the-shelf software, and it spread by an increasingly networked culture of cinema fans. Since *The Phantom Edit*, fan edits have exhibited more diverse creative and critical approaches, and they reflect increasingly sophisticated aesthetic and technical characteristics.

However, it is important to recognize that maverick film revisionism began well before Hollywood found a way to market multiple versions to the masses. Joseph Cornell's seminal collage film *Rose Hobart* (1936) provides some of the earliest context for the recombinant work of fan editors and their place within the arts. While writing about the controversial public reception of *The Phantom Edit* in a July 15, 2001, editorial in the *New York Times*, J. Hoberman (2001) recalls:

> The first known fan cut was made by the artist Joseph Cornell in 1936. Cornell obtained a 16-millimeter print of a Hollywood adventure film, "East of Borneo," released by Columbia Pictures five years earlier, and transformed it into 24 [*sic*] enigma-charged minutes that he names in honor of the movie's female star, Rose Hobart. Objections to this radical revision and blatant copyright infringement came not from Columbia but from Cornell's fellow artist Salvador Dali, who accused Cornell of having plagiarized his dreams.[4]

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[4] J. Hoberman, "I Oughta Be In Pictures," *New York Times*, July 15, 2001. *East of Borneo* was actually a Universal Pictures production. Hoberman also mistakes the runtime of *Rose Hobart* to be 24 minutes, when in fact it runs approximately 18 minutes.

In 2001, the same year as the controversial reception of *The Phantom Edit*, its ancestor

Rose Hobart was selected for preservation in the United States National Film Registry in

recognition of its cultural significance. Although *Rose Hobart* effectively divested the narrative

of its source material and *The Phantom Edit* sought to refine the storytelling in *Episode I*, both

projects were pioneering works of maverick film revisionism and emerged from comparable

circumstances. For example, they were both produced at their creator's home using the amateur

tools of their day; *The Phantom Edit* was created from a digitized VHS copy of *Episode I*, while

Rose Hobart was derived from the 16mm film print, an arguable equivalent to consumer home

video in the pre-VHS era. Because 16mm and VHS formats afforded many consumers the

convenience and repeated viewings, these formats made cinema more tangible for greater

numbers of people. Pushing the technology just a step beyond its intended uses, Cornell and

Nichols exploited the pliability of these formats and essentially attempted to recapture a type of

filmmaking that had disappeared from their respective cinematic generations. Nichols's stated

purpose in the opening text crawl of *The Phantom Edit* was to divine a better version of *Episode

I*, which he believed to be more akin to the earlier filmmaking of George Lucas.[5] As for *Rose

Hobart*, the inspiration was evidently the aesthetics of the silent film era:

> Cornell wanted to re-create the lost art of the silent film, whose era had recently vanished
>
> with the advent of the first talking picture, *The Jazz Singer*, in 1927 […] To transform the
>
> talkie *East of Borneo* into the silent film *Rose Hobart*, Cornell removed the soundtrack,
>
> played a record of Brazilian music at each screening, slowed the film down to silent

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[5] Richard Fausset, "A Phantom Menace?" *Los Angeles Times,* June 1, 2002. http://
articles.latimes.com/2002/jun/01/entertainment/et-fausset1.

speed (16 frames per second versus sound speed's 24), and projected the film through a

colored filter. Using close-up shots and featuring gesture (rather than speech) as a

primary language, he tried to return to the methods and moods of silent film.[6]

Although *Rose Hobart* is a groundbreaking work of recombinant filmmaking that may

have anticipated *The Phantom Edit*, it is still relatively unknown to the general public. And,

despite a steadily rising tide of sanctioned alternative film versions over the previous decades,

the idea that ordinary people could recut Hollywood films was seemingly unprecedented when

The Phantom Edit appeared in the summer of 2001. When news outlets reported on the existence

of *The Phantom Edit*, consumer technology such as the vinyl record and turntable had already

provided music enthusiasts with a tangible and relatively inexpensive toolset to quickly produce

more widely recognized transformative music like a remix or a mashup, but precision film

editing technology had historically been expensive, cumbersome, and beyond the reach of most

people.

However, powerful innovations in computer technology in the late 1990s and early

2000s, including affordable nonlinear video editing software and the popularization of the World

Wide Web and various file sharing systems, was already beginning to erode many technological

and economical barriers between Hollywood producers and audiences. With the spread of digital

consumer technology, fans increasingly discovered ways to creatively and critically interact with

cinematic media. It could be said that fans in the digital age exemplify the denizens of the

idealized participatory media culture described by Henry Jenkins in *Textual Poachers: Television*

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[6] Cartherine Corman, "Surrealist Astronomy in the South Pacific: Joseph Cornell and the Collaged Eclipse," *East of Borneo*, November 4, 2010, https://www.eastofborneo.org/articles/surrealist-astronomy-in-the-south-pacific-joseph-cornell-and-the-collaged-eclipse/.

Fans and Participatory Culture (1992) and *Convergence Culture: Where Old and New Media*

Collide (2006), as well as a dynamic "read/write" culture subsequently described by Lawrence

Lessig in *Remix: Making Art and Commerce Thrive in the Hybrid Economy* (2008). In essence,

these scholars theorize an emerging media culture in which there are practical pathways between

professional content producers and their creative audience, suggesting an increasingly

democratic culture of reciprocal consumption and production of mutually transformative media.

In this context, media fans continually develop new breeds of creative and critical expression.

Contemporary fan editing, which was essentially debuted with *The Phantom Edit*, is an extension

of this cultural model.

Since *The Phantom Edit* first made fan edits newsworthy in 2001, public awareness of

this practice has continued to spread. This was partially driven in recent years by news that well

known entertainment figures like Steven Soderbergh and Topher Grace have moonlighted as fan

editors. Soderbergh, the filmmaker behind celebrated films like *Sex, Lies, and Videotape* (1989),

Erin Brockovich (2000), and *Traffic* (2000), has also released his own unauthorized alternative

versions of films such as *Raiders of the Lost Ark* (1984) and *2001: A Space Odyssey* (1968) on

his personal website. Grace, an actor best known for his work in the television series *That 70's*

Show (1998-2006) and *Spider-Man 3* (2007), has reportedly shared his own alternative versions

of the Star Wars prequel trilogy (1999-2005) and *Close Encounters of the Third Kind* (1977) in

private screenings attended by entertainment industry bloggers and journalists. Although it is

reasonable to assume that public interest in Soderbergh and Grace compelled journalists to write

about their fan editing side projects, the publicity has coincidentally driven more attention

toward the idea of re-editing movies.

Additionally, fan edits made by relative unknown persons based on major Hollywood films, such as The Hobbit trilogy (2012-2014) and *Batman v Superman: Dawn of Justice* (2016), have appeared in entertainment news outlets with greater frequency. One of the most significant fan edits in recent years is *Raising Cain: Re-cut*, a fan edit created by freelance filmmaker Peet Gelderblom that was based on the psychological thriller *Raising Cain* (1992). The film, which concerns a homicidal child psychologist with multiple personality disorder, vexed writer and director Brian De Palma so much that he completely changed its original nonlinear narrative structure shortly before its commercial release. Working from an early draft of the screenplay that had leaked online, Gelderblom rearranged all the scenes in the film to reflect De Palma's originally conceived narrative structure for *Raising Cain*. Gelderblom's project was eventually discovered by De Palma, who made an unexpected move to endorse it as his official director's cut. Consequently, *Raising Cain: Re-cut* was reconstructed in high definition for the 2016 Blu-ray edition of *Raising Cain* under the creative consultation of Gelderblom. Hence, as Gelderblom explains, "What was once a mere fan edit, has now officially been elevated to Director's Cut."[7]

De Palma's embracing of the fan edit and the subsequent commercialization of its work represents a notable inversion of Lucas's response to *The Phantom Edit* sixteen years earlier. Whereas the rebellious nature of *The Phantom Edit* and its ambivalent relationship with Star Wars emperor Lucas can be described in colorful characterizations lifted directly from the Star Wars mythos of oppressive imperials and intrepid freedom fighters, *Raising Cain: Re-cut* signifies a different relationship for fan editors and filmmakers. *The Phantom Edit* may have

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[7] Peet Gelderblom, "Changing Cain: How My Fan-Edit Became a Brian De Palma Director's Cut," *Directorama*, July 26, 2016, http://www.directorama.net/2016/07/26/changing-cain-fan-edit-brian-de-palma-directors-cut.

served as the prototypical fan edit and established a model for unauthorized transformative works over the past several years, but *Raising Cain: Re-cut* represents a new paradigm in this area of fan labor in which unwarranted creativity meets commercial viability.

The Limits of Fan Edit Scholarship

In spite of new developments in the field of fan editing, most film and media scholarship has continually pointed to *The Phantom Edit* as an almost singular representative work. Scholars have often exclusively relied on secondary journalistic accounts of *The Phantom Edit* from its initial coverage from 2001 to 2002 rather than conducting original research on contemporary fan edits. Because *The Phantom Edit* has been the most publicized fan edit in the mainstream press, it has therefore remained the most cited example of fan editing across scholarly disciplines. Thus, there is a dearth of scholarship that provides any sustained attention to the practice of fan editing. Instead, the subject of fan editing has occasionally resurfaced in brief examples of grassroots creativity that have been made possible by powerful consumer digital technologies. Fan edits have managed to make cameo appearances in meditations on the evolving character of expression and free speech in the digital age, arguments on the rights of consumers to modify increasingly malleable digital media products, examinations of authorship and authenticity of contemporary cinema, and analyses of industrious fan cultures. In general, these scholarly digressions have neglected several years' worth of fan edits in favor of cursory and often inaccurate references to a single work: *The Phantom Edit*.

Although its public reception occurred nearly twenty years ago, *The Phantom Edit* endures as the indelible yet misunderstood example in nearly all scholarly writing on fan edits. The neglect of contemporary fan edits in current scholarship can be partly attributed to a general

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reputation of fan edits being difficult and even dangerous to obtain. As I explained in a 2015

essay, "Dead Links, Vaporcuts, and Creativity in Fan Edit Replication," tenuous strategies of

accessing and archiving fan edits negatively affect audiences and researchers alike. Given their

controversial nature, fan edits are often subject to expurgation from the Internet on grounds of

copyright infringement. Thus, "fan editors typically rely on less regulated distribution channels

such as file locker Web sites, Usenet, and torrents, but these methods require the use of

specialized software that may deter some casual viewers…"[8] Apprehension about navigating

complex and contested spaces on the Internet may explain some reluctance on the part of

scholars to explore these works further, but contemporary fan editing forums such a FanEdit.org

and OriginalTrilogy.com are easily accessible sites of crucial fan editing discourse which are

neglected in most scholarship.

As a central research problem, this study recognizes that the failure of previous

scholarship to account accurately for the history of *The Phantom Edit*, as well as an evident lack

of firsthand experience with fan edits in previous scholarship, have hindered the ability of film

and media studies to grapple with most developments in the field of fan editing. Moreover, film

and media scholarship has generally relied on secondary accounts about *The Phantom Edit* in

order to represent the totality of fan editing as a practice; such historical accounts of *The*

Phantom Edit vary in accuracy and have contributed to an insufficient interpretation of the

intentions behind *The Phantom Edit* and descriptions of the work itself. Thus, previous

scholarship has addressed remarkably little of the staggering volume of fan edits that have

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[8] Joshua Wille, "Dead Links, Vaporcuts, and Creativity in Fan Edit Replication," *Transformative Works and Cultures* 20 (2015), 1.3, http://dx.doi.org/10.3983/twc.2015.0663.

appeared since *The Phantom Edit*. At nearly twenty years old, *The Phantom Edit* should no longer be treated as representative of all fan edits. As creative and critical works, fan edits illustrate the mutability of digital media in contemporary life, as well as the potential for new media artists, experimental filmmakers, and diverse critical voices to emerge from a networked public. There is a need for scholarship to engage directly with contemporary fan editing culture and examine the types of work being made, the means of their production and distribution, and the development of their creative communities.

In answer to this problem, the following study builds upon the limits of existing scholarship in order to illustrate a historical trajectory of fan editing from the transgressive seminal work of *The Phantom Edit* to its more diverse present state, which is exemplified by the recent case of *Raising Cain: Re-cut*. Furthermore, this study examines practical trends of fan edits and effective means of classification. Combining archival research, interviews, practical fan editing experience, and textual analysis of fan edits collected over several years of participation in the fan editing community, this study offers a detailed account of the cultural practice of fan edits. Moreover, this research reveals that fan editing has progressed appreciably since *The Phantom Edit*, growing both in aesthetic complexity, technical sophistication, and social organization.

Literature Review

There are few scholarly texts that offer sustained attention to the subject of fan edits; most of the extant literature references fan editing in the midst of broader examinations of law, policy, authorship, and media fandom. Furthermore, these texts almost exclusively reference *The Phantom Edit*. The earliest body of literature of interest to fan edit studies includes a selection of

influential journalism about *The Phantom Edit* that appeared in prominent news publications between 2001-2002. This material, which governs much of the extant scholarship related to *The Phantom Edit*, includes J. Hoberman's July 15, 2001, editorial in the *New York Times Magazine*, "I Oughta Be In Pictures"; Daniel Kraus's November 5, 2001, article for *Salon*, "The Phantom Edit"; Daniel Zalewski's "Thinking These Thoughts Is Prohibited," a review of Lawrence Lessig's book *The Future of Ideas: The Fate of the Commons in a Connected World*, which appeared the *New York Times* on January 6, 2002; Amy Harmon's April 28, 2002, article in the *New York Times*, "'Star Wars' Fan Films Come Tumbling Back to Earth"; Richard Fausset's June 1, 2002, article in the *Los Angeles Times*, "A Phantom Menace?" and Peter Rojas's October 8, 2002, editorial in the *Village Voice*, "The Blessed Version."

A subsequent body of literature, which represents the earliest scholarly discussions about *The Phantom Edit*, is generally concerned with issues of consumer agency and conflicts between creativity and copyright that have emerged since the dawn of the digital information age. This scholarship regards *The Phantom Edit* as a primary example of grassroots creativity that has emerged with the development of more affordable consumer media technology and an increasingly networked culture. For example, there is Yochai Benkler's published lecture, "Freedom in the Commons: Towards a Political Economy of Information" (2003); Jack Balkin's essay, "Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society" (2004); Rebecca Tushnet's "Copy This Essay: How Fair Use Doctrine Harms Free Speech and How Copying Serves It" (2004); Mark S. Nadel's "How Current Copyright Law Discourages Creative Output: The Overlooked Impact of Marketing" (2004); Nikki D. Pope's "Snipping Private Ryan: The Clean Flicks Fight to Sanitize Movies" (2004);

Sharon Weinberg Nokes's "E-Rated Movies: Coming Soon to a Home Theater Near You?" (2004); Darcy Williams's "Sanitizing the Obscene: Fighting for the Right to Edit Objectionable Film Content" (2005); Siva Vaidhyanathan's book *The Anarchist in the Library: How the Clash Between Freedom and Control Is Hacking the Real World and Crashing the System* (2004); Yvonne Sarah Morris's chapter, "The Legal Implications Surrounding the Practice of Video Sampling in the Digital Age," in *Readings in Law and Popular Culture*, edited by Steve Greenfield and Guy Osborn (2006); James G. H. Griffin's essay "The Rise of the Digital Technology 'Meritocracy': Legal Rules and Their Impact" (2006); Derek E. Bambauer's "Faulty Math: The Economics of Legalizing The Grey Album" (2008); Matt Mason's book, *The Pirate's Dilemma: How Youth Culture Is Reinventing Capitalism* (2008); and Matthew Sag's essay, "Copyright and Copy-Reliant Technology," as well as Prodromos Tsiavos and Edgar Whitley's paper, "Uncommon Commons: The Unlikely Tales of Programmers, Educators, Pirates, and Lawyers in the Land of the Commons" (2009).

Additional scholarship of interest to fan edit studies is concerned with how fan practices, particularly the making of *The Phantom Edit*, complicate concepts such as authorship and perceptions of authenticity in digital media. These texts include Simone Murray's essay, "'Celebrating the Story the Way It Is': Cultural Studies, Corporate Media and the Contested Utility of Fandom" (2004); Frederick Mark Gedicks and Roger Hendrix's "Religious Experience in the Age of Digital Reproduction" (2005); Derek Johnson's "*Star Wars* Fans, DVD, and Cultural Ownership: An Interview with Will Brooker" (2005); Alina Ng's "Authors and Readers: Conceptualizing Authorship in Copyright Law" (2008) and "When Users are Authors: Authorship in the Age of Digital Media" (2010); Paul Booth's "Mashup as Temporal

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Amalgam" (2012); Catherine Coker's chapter, "The Angry!Textual!Poacher! Is Angry! Fan

Works as Political Statements," in *Fan Culture: Theory/Practice*, edited by Katherine Larsen and

Lynn Zubernis (2012); John C. Lyden's essay, "Whose Film Is It, Anyway? Canonicity and

Authority in *Star Wars* Fandom" (2012); Forrest Phillips's "The Star Wars Franchise, Fan Edits,

and Lucasfilm" (2012); Chuck Tryon's chapter, "Fan Films, Adaptations, and Media Literacy, "

in *Science Fiction Film, Television, and Adaptation*, edited by J. P. Telotte and Gerard

Duchovnay (2012); John L. Sullivan's *Media Audiences: Effects, Uses, Institutions, and Power*

(2013); and John Alberti's *Screen Ages: A Survey of American Cinema* (2015).

More contemporary scholarship includes various examinations of fan edits other than *The*

Phantom Edit in explorations of film genres and specific films, as well as a few studies which

focus more directly on fan editing. This literature includes Michael Fuchs and Michael Phillips's

chapter, "Part of Our Cultural History: Fan-Creator Relationships, Restoration, and

Appropriation," in *A Galaxy Here and Now: Historical and Cultural Readings of Star Wars*,

edited by Peter W. Lee (2016); Mark Bould's 2014 BFI Film Classics book on the *Solaris* films

(1972; 2002); Pawel Frelik's chapter, in "Digital Film and Audiences," in *The Liverpool*

Companion to World Science Fiction Film, edited by Sonja Fritzche (2014); Martin Barker, Kate

Egan, Tom Phillips, and Sarah Ralph's *Alien Audiences: Remember and Evaluating a Classic*

Movie (2016); and Laura Hubner's chapter, "Archiving Gore: Who Owns *Zombie Flesh Eaters*?"

in *The Zombie Renaissance in Popular Culture*, edited by Laura Hubner, Marcus Leaning, and

Paul Manning (2015).

My own previous scholarship is situated within this fourth body of literature. I have

branched out from *The Phantom Edit* and Star Wars to explore the motivations, manifestations,

and effects of fan editing in other areas of film in essays like "Fan Edits and the Legacy of *The Phantom Edit*" and "Dead Links, Vaporcuts, and Creativity in Fan Edit Replication," as well as book chapters like "Reforging the Rings: Fan Edits and the Cinematic Middle-earth," in *Fan Phenomena: The Lord of the Rings*, edited by Lorna Piatti-Farnell; "James Bond Fan Edits and the Licence to Cut," in *Fan Phenomena: James Bond*, edited by Claire Hines; and the forthcoming "Fan Culture," in *Keywords in Remix Studies*, edited by Eduardo Navas, Owen Gallagher, and xtine burrough.

Methodology

This study draws from discourse within the fan editing community forums and my communication with fan editors, as well as my practical experience of making the fan edit *Watchmen: Midnight*, interviews with fan editors, the Internet Fanedit Database (IFDb), and my personal research archive of approximately 1,200 fan edits.[9] As a fan edit researcher and practitioner who has created an acclaimed fan edit and developed social ties within the fan editing subculture, I feel privileged to be in a unique position to establish a more lucid scholarly perspective on this practice.

Whereas Henry Jenkins debunked a stereotypical view of media fans as socially inept obsessives by revealing many of their creative responses to television media in *Textual Poachers: Television Fans and Participatory Culture* (1992), this study will refute a prevailing characterization of cinematic fan editors as the peevish makers of uninspired derivative works. Instead, this study will show that fan editing is a community of intrepid media fans and hobbyist film editors who manifest their own critical and creative perspectives in textual transformations

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[9] "Fanedit" and "fan edit" are used interchangeably throughout the fan editing community.

of cultural artifacts, namely digital cinema and television content. This outlook is comparable to Jenkins's portrait of organized fandom as "an institution of theory and criticism, a semistructured space where competing interpretations and evaluations of common texts are proposed, debated, and negotiated and where readers speculate about the nature of the mass media and their own relationship to it."[10] Jenkins supported his vital work by writing as both a researcher and participant within the television fan community; in this dissertation, I also draw from my own experiences as a participant in the fan editing community to describe its emerging practices.

Chapter Outline

Chapter 1 of this study examines critical perspectives of *The Phantom Edit* from its initial public reception through its current representation in film and media scholarship. Beginning with a survey of journalism and discourse on *The Phantom Edit* in 2001, this chapter establishes a clearer picture of how the critical reception of this seminal work shaped the limits of scholarship on fan edits for nearly two decades. A subsequent section of this chapter interrogates a significant body of literature to ascertain not just what has been said about fan editing but how scholars have used limited resources to base their interpretations of *The Phantom Edit*. This chapter will serve as a corrective for cursory accounts of the origins of fan editing.

Chapter 2 looks beyond the *The Phantom Edit* in order to examine contemporary fan editing in context with other transformative practices, namely music remixes and video game mods. This chapter differentiates cinematic fan edits from other types of fan works, including fan fiction, fan vids, and miscellaneous activities that alternatively use the term "fan edit," such as

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[10] Henry Jenkins, *Textual Poachers: Television Fans and Participatory Culture* (New York: Routledge, 1992), 88.

fannish photomontages. This chapter also recounts the development of major fan editing communities such as FanEdit.org and OriginalTrilogy.com, and it describes the various means of fan edit production and distribution. Finally, this chapter explores the evolving legal contexts of fan edits and considers how graffiti, as a transgressive art form, offers an alternative model for understanding fan edits.

Chapter 3 elucidates various aesthetic tendencies in contemporary fan edits, beginning with a detailed analysis of the generic classification of fan edits established by the IFDb, followed by a preliminary taxonomy of fan editorial strategies. At each stage of this chapter, examinations of fan edit categories and editorial strategies are supported with comparative case studies on fan edits. At present, the categories of "FanFix," "FanMix," "Extended Edition," "Shorts," "TV-to-Movie," "Special Projects," "Preservation," and "Documentary/Review" form a broad classification system implemented by the IFDb. The majority of entries in the IFDb are designated as either fan fixes or fan mixes, but these terms often superficially describe the nature of fan editorial work. Thus, in order to facilitate scholarly attention to the actual work of fan editors, this chapter proposes an alternative system of classification that describes the practical nature of fan edits with more specificity. In sum, this chapter illustrates the ongoing development of fan editing and its divergence from an aesthetic model represented by *The Phantom Edit*.

Chapter 4 considers recent developments in fan editing that depart from a traditional model that was introduced with *The Phantom Edit*. In particular, the case of *Raising Cain: Re-cut* represents a counterpoint to the creative insurgence embodied in *The Phantom Edit*, and the analysis of this case raises an important question about the murkiness of authorship in

transformative contexts: Can fan edits ever achieve mainstream recognition unless they reaffirm the creative visions and authority of the original filmmakers?

Moreover, Chapter 4 explores how, through its transition to digital media, contemporary cinema may be understood as an expression of software, and it examines how conspicuous film revisionism increasingly resembles the potentially ceaseless process of software development. Accordingly, this chapter explores new implications of software development in fan editing and considers the viability of sharing metadata as an alternative to the mode of distribution that was typified by *The Phantom Edit*. Rather than relying on esoteric technological means to share cumbersome and legally contestable videos in fully rendered formats, open source fan edits like Scott Monaghan's *Star Wars: Fall of the Jedi* (2016) may have the potential to be shared with impunity. This chapter also considers how an open source fan edit enmeshes audiences in the creative process but potentially limits fan edit creativity.

Finally, Chapter 4 serves as the conclusion and provides a summary of the overall design and findings in this study, as well as their significance. The concluding sections discuss limitations that shaped this particular study and offer suggestions for avenues of future research that are grounded in close engagement with fan edits.

Chapter 1: *The Phantom Edit* Revisited

Mike J. Nichols's first recorded statement after he came forth as The Phantom Editor was for a radio segment produced by Michael May on WNYC *Studio 360* in April 2002. In less than four minutes, Nichols explained for listeners that his goals in making *The Phantom Edit* were to clarify the narrative flow of *Episode I*, to minimize the onscreen antics of Jar Jar Binks that distracted from the story, and to reshape the portrayal of the young Anakin Skywalker (Jake Lloyd) to seem more capable and deliberate in his actions, rather than accidentally performing acts of heroism throughout the film. Regarding Lucas's ambivalent response to *The Phantom Edit*, Nichols explained that the director had previously expressed interest in seeing it when he was interviewed at the 2001 MTV Movie Awards, but that Lucasfilm representatives eventually released a press statement that Lucas would never watch it. Nichols responded, "Actually, I do think he should watch it. I just think that those people are making movies with their wallets, and it might need a little kick in the butt from somebody like me who is completely at the other end of the scale, which is similar to the message that's in the Star Wars films, that the underdog—the Luke Skywalker character—you know, overpowers the empire."[11]

It is tempting to describe the figurative showdown between Nichols and Lucas in dramatic terms taken from Star Wars lore, with Nichols characterized as one of the rebels and Lucas as the oppressive Galactic Empire. The diametrically opposite scale of Lucas's filmmaking empire to Nichols was obvious. In 1997, Lucas had reportedly spent more than $10 million to

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[11] Michael May, "The Phantom Edit," WNYC *Studio 360*, April 20, 2002, https://www.wnyc.org/story/162189-the-phantom-edit/.

restore and revise the original Star Wars trilogy for the Special Edition releases.[12] By contrast, as

Nichols once exclaimed, "I am one guy in a one-bedroom apartment with Final Cut Pro, 128

(impossible!) megabytes of ram on a bottom line Macintosh computer resting on an unsteady $40

computer desk, and George Lucas is threatened by me?"[13]

The Phantom Editor vs. The Genius of the System

The story of *The Phantom Edit* can also be understood as a collision of cultural forces

which was considered by some to be akin to a heavyweight title match. In one corner, there was

a film industry icon who transported audiences to another galaxy and built a multi-billion dollar

empire with the classic Star Wars series. His opponent was a film editor and longtime fan of Star

Wars who re-edited *Episode I* to create *The Phantom Edit*. However, it was the press and the

public who sought out *The Phantom Edit* and fueled the fires of its remarkable yet controversial

reception. Moreover, *The Phantom Edit* appeared at the intersection of influential consumer

technologies which took shape in the early 2000s, including the popularization of peer-to-peer

file sharing platforms on the ever expanding Internet, the availability of computer hard disk

drives capable of storing a high-quality digital copy of a feature length film, and powerful video

editing software.

Since the 1980s, George Lucas and subsidiaries of Lucasfilm had become leaders in the

development and implementation of historic digital filmmaking tools. Before there was the

bombastic Jar Jar Binks in *Episode I*, Lucas's visual effects company, Industrial Light and

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[12] Ron Magid, "An Expanded Universe: Digital and Analog Special Effects Collide in the Retooled Version of *Star Wars*," *American Cinematographer* 78, no. 2 (1997): 60.

[13] Nichols, "How Not to Reveal Your Secret Identity," *ThePhantomEditor.com*, August 22, 2001, http://web.archive.org/web/20060103150020/http://www.thephantomeditor.com/episode6.html.

Magic, delivered the first digitally animated character with a menacing knight assembled from shards of a stained glass cathedral window in *Young Sherlock Holmes* (1985). Around that time, the Lucasfilm Computer Division developed the Pixar Image Computer, which revolutionized the field of animated filmmaking. Lucas's researchers also developed the EditDroid system in 1984, which was one of the first nonlinear video editing platforms brought to market. Some of these technologies had been in development since 1979, and over the years Lucas instructed his researchers to explore digital visual effects, 3D computer animation, digital sound editing, and digital nonlinear editing implementations.[14] By the time Lucas produced the Star Wars Special Editions and prequels in the late 1990s and early 2000s, his industrial influence was at an all-time high; he had seemingly mastered the digital domain by revising the classic Star Wars films and reviving the franchise with new films, all using digital tools. In the bleeding edge of digital filmmaking, Lucas was evidently "The Genius of the System."[15]

However, in his quest to achieve digital supremacy over the filmmaking process, Lucas was an unwitting key player in the development of the same technology that would enable someone like Nichols to make *The Phantom Edit*. In a November 22, 2001, article for *PBS Frontline*, Charles C. Mann also noted these technological and authorial contexts:

Lucas was, in a way, a perfect target. The Phantom Editor had apparently used new, cheap computing power to assemble an alternative, professional-quality movie — exactly the same kind of new, cheap computing power that had allowed Lucas to make the

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[14] John Young, "John Lasseter on Pixar's Early Days — and How 'Toy Story' Couldn't Have Happened Without Tim Burton," *Entertainment Weekly*, June 16, 2011, http://ew.com/article/2011/06/16/pixar-john-lasseter-burton/.

[15] Gavin Smith, "The Genius of the System: George Lucas Talks to Gavin Smith about Painting by Numbers, Mind-Numbing Minutiae, and Final Cuts," *Film Comment* 38 (4): 31-32.

original film […] Cheaper and better in every aspect, the new technology, Lucas has long maintained, will empower a new generation of cinematic artists and entertainers. What Lucas seems to have not perceived is that the new technology would also empower the audience — even his own fans.[16]

Originally from Canton, Illinois, Nichols had an enviable relationship with Star Wars long before he recut *Episode I* into *The Phantom Edit*. As a kid in the 1980s, Nichols won a Star Wars fan club "Creativity Contest" with *Wicket's War*, which was a Star Wars-themed computer game he created on a Commodore VIC-20 computer equipped with a paltry 5 kilobytes of system memory. As Nichols recalls, *Wicket's War* was "Super, super simple stuff. You play Wicket the Ewok and you move across a makeshift bridge dropping rocks onto stormtrooper's heads."[17] Nevertheless, as the winner of the competition, he was awarded one of the rare "Revenge of the Jedi" posters that were printed before Lucas changed the title of the film to *Return of the Jedi*. The judge of Nichols's category of the competition was Ben Burtt, who would later work as one of the original editors on *Episode I*.[18]

Many years later, Nichols continued to produce impressive work using what now seems to be modest means. He created *The Phantom Edit* based on a digitized VHS copy of *Episode I*, which he re-edited using Final Cut Pro software on a 400 MHz Power Macintosh G4 with 128

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[16] Charles C. Mann, "Hollywood Goes Digital, Like It or Not," *PBS Frontline*, November 22, 2001, http://www.pbs.org/wgbh/pages/frontline/shows/hollywood/digital/mann.html.

[17] Nichols, *The Edit Doctor*, March 13, 2012, http://theeditdoctor.tumblr.com/post/19223726324/while-i-try-figure-out-what-editing-system-best/.

[18] Ibid. Nichols also recalls that years ago during the fan club contest he actually spoke on the telephone with Burtt, who had contacted him after some technical difficulties prevented him from loading the game data from its cassette tape.

megabytes of memory and a 40 gigabyte hard disk drive. According to Nichols, *The Phantom Edit* was originally planned as a personal editing experiment that was never supposed to meet the eyes of another Star Wars fan. In his words, it was "just for the audience of me," and therefore, "no one knew who I was and it was to always remain that way."[19] However, at some point in the year 2000, Nichols shared VHS copies of *The Phantom Edit* with friends who were curious about his side project. One of those copies was duplicated and shared among people at social gatherings in the Los Angeles area, and soon thereafter a copy of *The Phantom Edit* was digitized and uploaded to online peer-to-peer file sharing platforms.[20] Soon, *The Phantom Edit* would no longer be a novelty on VHS; it would become an viral sensation, an artifact duplicated each time it landed on the hard drives of its consumers and spreading to unforeseen endpoints on the global Internet. The Phantom Editor started to receive hundreds of e-mail messages each day, and Nichols was amazed when he received a message from as far away as New Zealand; he wondered, "How did you see this?"[21] It was only a matter of time until someone would write about it.

   The Phantom Edit entered public discourse on May 17, 2001, in a brief blurb by Erin Lauten on the film postproduction news website *EditorsNet*. Entitled "The Phantom Edit Menaces Hollywood," the article merely stated:

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[19] E-mail interview with the author. Originally quoted in Wille, "Fan Edits and the Legacy of *The Phantom Edit*," 3.19.

[20] Ibid., 1.4.

[21] Michael May, "The Phantom Edit," *WNYC Studio 360*, April 20, 2002, https://www.wnyc.org/story/162189-the-phantom-edit/.

A mysterious video cassette containing a re-edited version of George Lucas' Star Wars Episode I: The Phantom Menace' has started circulating around Hollywood. Called 'Star Wars Episode I.I: The Phantom Edit,' the 'special corrector's edition' challenges the vision of the original film.[22]

Lauten's sensational characterization of *The Phantom Edit* set the tone for much of the ensuing commentary about it, but Nichols has maintained that his intentions for re-editing *Episode I* were never malicious. As someone who credits George Lucas and the Star Wars films as a major influence in his career path as a filmmaker, Nichols claims that he acted as if he had been a Lucasfilm employee who was given the task of polishing the film.[23] Moreover, Nichols explains that he was inspired to recut *Episode I* because Lucas had, in his early years, performed similar unsolicited work on films and shown his modified versions to film directors.[24] Nichols argues that Lucas had lost his way at several points in the making of *Episode I* and his work no longer resembled that of the maverick who had created the original *Star Wars*. Instead, Nichols believes that his re-editing of a *Episode I* represents a form of proactive criticism that could have started dialogue between him and Lucas. He describes his work on *The Phantom Edit* not as an insult to Lucas but as a demonstration of ways in which the film could have been made stronger.[25] As Nichols eventually explained in a September 7, 2001, interview with Daniel Greenberg for the

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[22] Erin Lauten, "The Phantom Edit Menaces Hollywood," *EditorsNet.com*, May 17, 2001. http://web.archive.org/web/20010609040804/http://editorsnet.com/brief/mainv/0,7220,27857,00.html.

[23] Mike J. Nichols, *Star Wars Episode I.II — The Phantom Edit*, DVD audio commentary, 2001.

[24] Philip Hodgetts, *Digital Production Buzz*, audio podcast, June 7, 2007. https://web.archive.org/web/20070619152406/http://www.digitalproductionbuzz.com/Archives/ShowNotes.php?date=2007-06-07.

[25] Nichols, *The Phantom Edit*, DVD audio commentary, 2001.

Washington Post, "I don't think I ruined his story. It's the same story he was trying to tell, just told more effectively—as if I worked for him."[26]

While Lucas's efforts to seek out the creative advice of his peers such as Steven Spielberg and Francis Ford Coppola during his writing of the original *Star Wars* screenplay is well documented in books such as Michael Kaminski's *The Secret History of Star Wars* (2008), Nichols counters that Lucas had become far too insulated by wealth and obsequious employees to hear constructive criticism from anyone by the time he produced *Episode I*. When Nichols created a DVD version of his followup fan edit, *Star Wars Episode II.I - Attack of the Phantom* (2002), he seemed resolute in that opinion. Nichols's full comment on the subject bears repeating here because it illustrates his self-constructed critical position:

> Why I think that me doing this is this proactive criticism is important is because this kind of feedback is not possible from the creative environment that [Lucas] created at Skywalker Ranch. There was an editor back on the Indiana Jones TV series that had made a suggestion to George Lucas during the process of that editing, and George Lucas quietly left the room, and the next day that employee lost his parking space, and therefore lost his job. Kind of passive aggressive. And it's become very well known, even through the hundreds of e-mails of disgruntled employees that currently and previously worked for George Lucas, that he's not a person who takes feedback. He's a control freak, at his own demise. And so the well-intentioned criticism or suggestions made by this editor cost him his job, and therefore the people whose wellbeing and their

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26 Daniel Greenberg, "Thumbs Down? Re-edit the Flick Yourself." *Washington Post*, September 7, 2001. E1.

family's wellbeing and livelihood depend on being paid by George Lucas are always

going to smile, and always going to tell him every idea, everything he does, is great.

Because he's kind of already lost that whole environment where he had real, legitimate

friends. And now he has paid friends. And I think my kind of proactive criticism or

suggestions are definitely needed. Because in the reality, it's never going to come from

these people who are simply paid to agree with him.[27]

In addition to the confusion regarding the basic intentions behind Nichols's work, the

early reception of *The Phantom Edit* was severely complicated by the appearance of *The

Phantom Re-Edit* and other similarly titled copycats. The precise changes enacted by *The

Phantom Edit* and *The Phantom Re-Edit* have been frequently confused and misattributed,

particularly in their treatment of the noisome character Jar Jar Binks. Whereas Nichols sought to

reduce the overall screen presence of Jar Jar Binks in *The Phantom Edit,* the creators of *The

Phantom Re-Edit,* who were never identified, used a computer effect to scramble Jar Jar's

dialogue and created new subtitles in order to make him appear wise and confident. In order to

distinguish these projects based on their presumed geographic origins, Nichols's *The Phantom

Edit* became known as the "West Coast" or "LA" phantom edit, while *The Phantom Re-Edit* was

labeled the "East Coast" or "New York" phantom edit.[28] Around that time, another fan edit

known as *The Phantom's New Hope* emerged and was generally attributed to filmmaker Andrew

Pagana; this third project reflected editorial decisions from both *The Phantom Edit* and *The

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[27] Nichols, *The Phantom Edit*, DVD audio commentary, 2001.

[28] Joshua Griffin, "The Phantom Edit Review," *TheForce.net*, June 18, 2001. http://
www.theforce.net/rouser/reviews/phantomedit.asp.

Phantom Re-Edit.[29] Reportedly, *The Phantom Re-Edit* was the first of these three *Episode I* fan

edits to make its way to the desk of Lucas himself, and thus, amid the confusion caused by these

other fan edits of *Episode I*, Nichols made efforts to have a copy of *The Phantom Edit* delivered

to Skywalker Ranch.[30]

At that time, Lucas at least appeared curious about the mysterious project known as *The*

Phantom Edit; it was reported that he had been asked about about the fan edit while backstage at

the MTV Movie Awards ceremony on June 2, 2001. Lucas was said to have replied, "The

Internet is a new medium, it's all about doing things like that. I haven't seen it. I would like to."[31]

Nichols later claimed to know from inside sources that Lucas eventually watched *The Phantom*

Edit. Reflecting on the controversy and confusion surrounding *The Phantom Edit* and other fan

edits on this early period, Nichols said:

> I always wished that, through all this, I would've had some sort of a conversation with
>
> him. But I think that the way the press changes stories and gossip starts happening […]
>
> those kinds of instances are basically going to ensure that it never, ever happens.[32]

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[29] Rikter, "Star Wars—The Edits and DVDr Releases Thread," *OriginalTrilogy.com*, forum post, June 20, 2004. http://originaltrilogy.com/forum/topic.cfm/Star-Wars-The-Edits-and-DVDr-releases-thread/post/53039/.

[30] Andrew Rodgers, "Lucas Is Mailed 'Phantom Edit,'" *Zap2it*, June 7, 2001. http://web.archive.org/web/20051109152223/http://www.zap2it.com/movies/news/story/0,1259,---6955,00.html.

[31] Rodgers, "'Phantom Edit' Deletes Jar Jar Binks," *Zap2it*, June 4, 2001. http://web.archive.org/web/20071201232751/http://movies.zap2it.com/movies/news/story/0,1259,---6903,00.html.

[32] Mike J. Nichols, *Star War Episode I.II - The Phantom Edit*, DVD audio commentary, 2001.

Ironically, before Nichols would be revealed as The Phantom Editor, there was speculation that

The Phantom Edit had been the work of filmmaker Kevin Smith, someone whose industry clout

in 2001 might have provided him with a modicum of access to converse with Lucas.[33]

The Kevin Smith rumors persisted in the first article on *The Phantom Edit* written by

Andrew Rodgers for the website *Zap2it* on May 31, 2001. Rodgers would eventually pen several

articles for the site covering *The Phantom Edit* saga; notably, his subsequent account on June 4

was the first to reproduce Nichols's manifesto that replaced the opening text crawl of the film:

> Anticipating the arrival of the newest Star Wars film, some fans, like myself, were
>
> extremely disappointed by the finished product. So being someone of the "George Lucas
>
> Generation," I have re-edited a standard VHS version of "The Phantom Menace," into
>
> what I believe is a much stronger film by relieving the viewer [of] as much story
>
> redundancy, pointless Anakin actions and dialogue, and Jar Jar Binks, as possible.[34]

Regrettably, the June 4, 2001, article by Rodgers, which was entitled "'Phantom Edit' Deletes Jar

Jar Binks," is also among the first publications to report inaccurately on the treatment of Jar Jar

Binks in *The Phantom Edit*. However, in spite of this sensational title, Rodgers accurately

reproduces discourse from an online fan forum during that time which plainly states, "There is a

lot less Jar Jar. He, unfortunately, is still in there because he does at times help move along the

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[33] Rodgers, "'Star Wars': A 'Phantom' Edit Rumored to Exist," *Zap2it.com*, May 31, 2001. http://web.archive.org/web/20071201232746rn_2/movies.zap2it.com/movies/news/story/0,1259,---6883,00.html.

[34] Rodgers, "'Phantom Edit' Deletes Jar Jar Binks."

plot."[35] Nonetheless, this article likely marks the origin of a falsehood that Jar Jar Binks was

erased in *The Phantom Edit*, a myth which has haunted its reputation to this day.

Rodgers continued his coverage of *The Phantom Edit* story over the next several days,

speculating in a June 5, 2001, article that the fan edit may represent a violation of copyright.

However, Rodgers asserted, Lucas might want to overlook this particular instance because it

could foster animosity among Star Wars fans.[36] On June 6, 2001, Rodgers published the first

public interview with The Phantom Editor, with whom he had communicated via e-mail, and

pressed on these questions about the fan editor's identity and intentions. Concealing his real

name and location at that time, Nichols's words in the interview gave the impression of a

disgruntled aspiring filmmaker: "I'll say this; I am in a town where many potential projects gone

wrong will lose millions of studio dollars while my demo and resume sit neatly unopened on the

desk of someone making lunch plans."[37] Nichols described the process of making *The Phantom*

Edit by working backwards from the final mastered film on VHS, boasting that if he had access

to the original filmed elements he could have produced a better cut. In response to hundreds of e-

mails that he claimed The Phantom Editor had received each day since news broke about *The*

Phantom Edit, Nichols seemed pleased that the spread of his work had evidently ignited interest

in the art of film editing: "The industry doesn't paint an important portrait of editing or editors

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[35] Ibid.

[36] Rodgers, "New 'Star Wars' Re-edit Skirts Law," *Zap2it,* June 5, 2001, http://web.archive.org/
web/20071201232758/http://movies.zap2it.com/movies/news/story/0,1259,---6917,00.html.

[37] Rodgers, "Exclusive Chat with 'Star Wars' Revisionist Phantom Editor," *Zap2it*, June 6, 2001,
http://web.archive.org/web/20080210085028/http://movies.zap2it.com/movies/news/story/
0,1259,---6923,00.html.

[…] Editing isn't on the tip of anyone's tongue at Hollywood parties. At least it wasn't until now."[38]

Between June 10 and June 14, 2001, Rodgers published accounts that a grassroots organization, the Phantom Edit Fan Network, was handing out VHS copies of *The Phantom Edit* to movie fans along Hollywood Boulevard in Los Angeles. Rodgers also reported that the Phantom Edit Fan Network had begun to ship copies of the fan edit to other states and internationally.[39] News of this distribution scheme did not sit well with Lucasfilm, whose corporate representative Jeanne Cole had initially shown tacit approval for *The Phantom Edit* as a fan project. Ten days earlier, on June 4, 2001, Rodgers had reported that Cole said "as long as nobody crosses that line—either in bad taste or in profiting from the use of our chracters […] At the end of the day this is about everybody just having fun with Star Wars. Go be creative."[40] However, on June 14, 2001, Rodgers shared a different response from Cole:

> I think what we've come to realize is that when we first heard about the [re-edits of *Episode I*], we realized that these were fans that were having some fun with Star Wars, which we've never had a problem with. But over the last 10 days, this thing has grown and it's taken on a life of its own—as things do sometimes when associated with Star Wars. And, when we started hearing about massive duplication and distribution, we

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[38] Ibid.

[39] Rodgers, "'Phantom Edit' Hits the Streets," *Zap2it*, June 10, 2001, http://web.archive.org/web/20060215215807/http://www.zap2it.com/movies/news/story/0,1259,---6985,00.html; "Fans Claim 'Star Wars' as Their Own," *Zap2it*, June 11, 2001, http://web.archive.org/web/20051104104237/http://www.zap2it.com/movies/news/story/0,1259,---6996,00.html; "Lucas Unhappy about 'Phantom Edit' Distribution," *Zap2it*, June 14, 2001, http://web.archive.org/web/20070804061419/http://movies.zap2it.com/movies/news/story/0,1259,---7033,00.html.

[40] Rodgers, "'Phantom Edit Deletes Jar Jar Binks."

realized then that we had to be very clear that duplication and distribution of our

materials is an infringement. The whole bottom line is, Star Wars exists because of its

fans. We don't want to anger them. We want them to have fun with it. But then we have

to be really clear, too, about how far you can have fun with it.[41]

Cole's revised comments on *The Phantom Edit* seems to anticipate an oft-quoted response to fan

culture from Jim Ward, vice president of marketing at Lucasfilm:

"We've been very clear all along on where we draw the line … We love our fans. We

want them to have fun. But if in fact somebody is using our characters to create a story

unto itself, that's not in the spirit of what we think fandom is about. Fandom is about

celebrating the story the way it is."[42]

Around the same time that Lucasfilm started to issue gentle warnings to Star Wars fans

about distributing fan edits, various contributors to the popular Star Wars fan website

TheForce.net began to publish a series of generally derisive editorials on *The Phantom Edit*. First

came Joshua Griffin's June 11, 2001, review of *The Phantom Re-Edit*, in which he compared fan

edits to the participation inherent to reading Choose Your Own Adventure youth novels and

recognized that "fan versions of [Lucas's] films are breaking new ground, sending a message to

the Lucasfilm world what many fans have been saying all along."[43]

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[41] Rodgers, "Lucas Unhappy about 'Phantom Edit' Distribution.

[42] Amy Harmon, "'Star Wars' Fan Films Come Tumbling Back to Earth," *New York Times*, April 28, 2002.

[43] Joshua Griffin, "The Phantom Re-edit: Episode 1.1 Review," *TheForce.net*, June 11, 2001, http://www.theforce.net/rouser/reviews/phantomre-edit.asp.

Notably, TheForce.net was founded in 1997, the same year of that Lucas released his first

iteration of the Star Wars Special Editions on VHS. Over the years, the Jedi Council Forums on

TheForce.net would play host to several spirited discussions on the changes Lucas made to the

Star Wars films as well as debates about fan edits. For example, in 2013, when a forum member

announced he had recently watched *The Phantom Edit*, it launched a dispute between open-

minded fans and resentful advocates for Lucas's creative whims that is typical in online

discourse about fan edits. In this particular exchange, one fan colorfully gibed, "I prefer the

director's version any day. Egotistical fan editors can blow it out their thermal exhaust ports." By

contrast, another participant replied, "I like [*The Phantom Edit*], just because I know that it will

send some of you guys into a frothing rage […] I applaud people who put in the effort to make

an idealized version of something they like. They do more to achieve their dreams than we do

sitting around complaining about other people messing with George's vision."[44]

Comparing the praise for *The Phantom Edit* and the responses to Lucas's modifications to

the Star Wars original trilogy, a second review on TheForce.net from June 12, 2001, entitled

"'The Phantom Edit—An Edit Too Far" contended that it was "alarming to see how when a big

studio re-cuts a movie to pieces to fulfil [*sic*] his expectations, fanboys shout [at Lucas] in

disgust. But when a fanboy does the same thing, he is applauded and cheered, because he's

'sticking it to the man' […] I think all the Phantom Editor wants is to please himself and the

average fanboy." The same reviewer championed Lucas's original version of *Episode I*,

admonishing any support for *The Phantom Edit* and "the mutilation of Lucas' vision." In

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[44] jimslendorn, "STAR WARS 1.1 THE PHANTOM EDIT," *Jedi Council Forums*, January 14, 2013, http://boards.theforce.net/threads/star-wars-1-1-the-phantom-edit.50008455/.

characteristic Star Wars terminology, the reviewer added, "How quickly have you turned to the

Empire, my friends."[45]

Supporting a perspective that Star Wars fandom should be an essentially passive activity,

on June 13, 2001, Sean Gates argued in "The Phantom Edit—Disrespecting Art" that "Star Wars

is made to be enjoyed, not dissected like a dead frog in a pan […] Why has it become such a

complex issue to enjoy a movie?"[46] This critical position became more rhetorically intense in

Chris Knight's hyperbolic essay on June 14, 2001, entitled "The Phantom Edit—Artistic Rape."

Knight, who confessed that he had not actually watched *The Phantom Edit*, feverishly argued

that the essential purpose of art is to "convey the thoughts of the artist, not what *other* people

want the thoughts of the artist to be […] Film shouldn't be treated like a 'choose your own

adventure' artform, unless that's somehow the filmmaker's explicit design […] In the meantime,

any re-editing of Episode I is tantamount to hijacking another's vision, if not outright artistic

rape."[47]

By the time that Joshua Griffin published a review of Nichols's *The Phantom Edit* on

June 18, 2001, it would seem that his colleagues at TheForce.net had worn down some of his

optimism about the emerging practice of fan editing. Although Griffin praised the technical work

in *The Phantom Edit*, he took care to avoid conveying that Nichols's version reflected anything

comparable to Lucas's filmmaking intentions. Instead, he wrote, "This is by no means Lucas's

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[45] Alexander DeLarge, "'The Phantom Edit—An Edit Too Far," *TheForce.net*, June 12, 2001, http://theforce.net/rouser/essays/edittoofar.asp.

[46] Sean Gates, "The Phantom Edit—Disrespecting Art," *TheForce.net*, June 13, 2001, http://theforce.net/rouser/essays/disrespectart.asp.

[47] Chris Knight, "The Phantom Edit—Artistic Rape," *TheForce.net*, June 14, 2001, http://www.theforce.net/rouser/essays/artisticrape.asp. Emphasis in original.

definitive vision. We saw that in the theater in May of 1999."[48] Such remarks would prove rather

ironic when, upon the DVD release of *Episode I* on October 16, 2001, many fans would discover

that Lucas had enacted several changes to the film.[49] *Episode I* would be further revised by

Lucas for its subsequent Blu-ray disc release on September 16, 2011.[50]

Back in the summer of 2001, the groundswell behind *The Phantom Edit* quickly caught

the attention of mainstream film critics. In a June 18, 2001, review in the *Chicago Tribune*,

Michael Wilmington argued that *The Phantom Edit* was not necessarily better than the original

version of *Episode I*, but he was impressed by the work itself. Wilmington conceded that Lucas

may have delivered a film that was too fixated on stately images than a compelling narrative.

Thus, at the conclusion of his review, Wilmington offered, "we need good editors. And even

occasionally Phantom ones."[51]

Meanwhile, J. Hoberman's editorial in the *New York Times Magazine* on July 15, 2001,

took on mythic proportions. A fan of Joseph Cornell's *Rose Hobart*, Hoberman noticed an

immediate connection between Cornell's experimental film and *The Phantom Edit*. Moreover,

Hoberman characterized *The Phantom Edit* as a blow to the monolithic reputation of filmmakers

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[48] Joshua Griffin, "The Phantom Edit Review," *TheForce.net*, June 18, 2001, http://www.theforce.net/rouser/reviews/phantomedit.asp.

[49] Alan Smithee, "Star Wars: Episode I - The Phantom Menace," *Movie-Censorship.com*, June 21, 2008, http://www.movie-censorship.com/report.php?ID=563.

[50] Bob, "Star Wars - Episode I: The Phantom Menace," *Movie-Censorship.com*, September 22, 2011, http://www.movie-censorship.com/report.php?ID=563.

[51] Michael Wilmington, "'Star Wars' Phantom Edit: Good, Not Better Than the Original," *Chicago Tribune*, June 18, 2001, http://articles.chicagotribune.com/2001-06-18/features/0106180230_1_star-wars-luke-skywalker-jar-jar-binks.

like George Lucas. He wrote, "Prometheus-like, 'The Phantom Edit' strikes back against the tyranny of the artist who has successfully colonized the imagination of millions."[52]

Perhaps Hoberman's reference to the myth of Prometheus was more prescient than he realized; those familiar with the ancient tale will remember that for stealing fire from the gods and bestowing it upon humankind, Prometheus was severely punished. In an August 22, 2001, blog entry entitled, "How Not to Reveal Your Secret Identity," Nichols revealed that he was interviewed on June 26, 2001, by the television show *Access Hollywood* for a segment about *The Phantom Edit*. Although he was not yet publicly known as The Phantom Editor during that time, Nichols explains that he sat for the interview on the advice of his lawyer, who encouraged him to use the opportunity to identify himself, "name and image, as the guy behind *The Phantom Edit*."[53] Nichols was convinced that "Lucasfilm would have less interest in making my life hell [...] if I was a public figure."[54] For a while, he remained optimistic about the interview experience:

> So many people felt that my life was going to change after this interview. When the world finds out who I am, new doors would begin to open. People said that I had so many amazing stories that seemed so beyond reality for a guy from a small town in Illinois. "The most famous unknown person" my friend Elizabeth had always said. A very well-known talent agency in Hollywood was contacting me through email expressing interest

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[52] J. Hoberman, "I Oughta Be in Pictures," *New York Times Magazine*, July 15, 2001, http://www.nytimes.com/2001/07/15/magazine/the-way-we-live-now-7-15-01-i-oughta-be-in-pictures.html.

[53] Nichols, "How Not to Reveal Your Secret Identity."

[54] Ibid.

in a sit down meeting to discuss my future plans. They had been following the story in

the media and seemed really into the increased amount of exposure I was getting. I was

receiving hundreds of emails from people all over the world in addition to interview

requests from newspapers and magazines. There seemed to be a lot riding on this day and

I should have felt a crapload of pressure. But, I really didnt. I felt a great sense of relief.

This whole ordeal had consumed so much of energy that I was ready to put it to bed.

Good or bad. I realized that Access Hollywood could easily edit this story to portray me

as a heartless bad guy for Lucasfilms benefit. Ahhhhthe art of editing. Isnt that what got

me in this mess in the first place?[55]

Nichols explains that although *Access Hollywood* broadcast promotional material

promising an exclusive interview with elusive The Phantom Editor up to two hours before it was

scheduled to air on June 27, the segment itself never aired. To Nichols's surprise, his grand

opportunity to speak about his sensational project was suddenly replaced by some previously

unreleased behind-the-scenes footage from the impending Star Wars prequel, *Star Wars Episode

II: Attack of the Clones* (2002). Sensing something amiss, Nichols noted that his interview had

taken place in a cramped and poorly-lit editing room at the *Access Hollywood* facility, that he

was not provided any makeup prior to the taping, and that the cameras were ready roll in

remarkable time after he sat down to talk. He recalled that the *Access Hollywood* interviewer was

fixated on whether he had profited from bootleg sales of *The Phantom Edit* in the previous

months; as ever, Nichols denied that he was involved in any sales of his project. After taping his

interview, the *Access Hollywood* producers had not asked him to sign a standard release form to

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[55] Ibid. Format as in original.

grant their use of his footage on television. Thus, Nichols surmised that he had been used as a pawn by *Access Hollywood* to obtain exclusive material from the forthcoming Star Wars film: "It appeared they were never going to run it [the interview]. In retrospect, I imagine they knew that the day I came in to tape it. No release form, reject room, etc. I was used like a last minute prom date. A bartering chip with Lucasfilm."[56] Worse yet, Nichols feared that he would be ostracized in the entertainment industry and wondered whether Lucas and his representatives would be responsible for it. Two days after the interview was supposed to have aired, the talent agency informed him they were no longer interested in meeting with him.

On June 28, 2001, Nichols distributed a press release to outlets such as *Zap2it* and *Film Threat* as an open letter from The Phantom Editor, in which he insisted he had not been part of any illicit sales of *The Phantom Edit* and urged others to stop their profiteering. He punctuated this apology letter by writing, "I can now understand first hand the issues that Hollywood and the music industry face in trying to maintain control over the distribution of their content. I sincerely apologize to George Lucas, Lucasfilm Ltd. and the loyal Star Wars fans around the world for my well-intentioned editing demonstration that escalated out of my control."[57] On the same day, Rodgers reported that Lucasfilm's Jeanne Cole responded in an e-mail to *Zap2it*, "We appreciate his request that others stop the illegal duplication and distribution of the movie."[58]

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[56] Ibid.

[57] Rodgers, "Phantom Editor Apologizes," *Zap2it.com*, June 28, 2001, http://web.archive.org/web/20051030080759/http://www.zap2it.com/movies/news/story/0,1259,---7311,00.html; Film Threat, "Phantom Editor Issues Apology," *Film Threat*, June 28, 2001, http://web.archive.org/web/20050911040050/http://www.filmthreat.com:80/News.asp?Id=561.

[58] Rodgers, "Phantom Editor Apologizes."

A few months later, on September 7, 2001, Daniel Greenberg reported in the *Washington Post* that Nichols had come forward as The Phantom Editor.[59] With The Phantom Editor finally unmasked, and Lucasfilm reportedly in contact with online auction websites like eBay to block listings of *The Phantom Edit*, Greenberg wrote that "The bigger question [Nichols's] edit raises is a viewer's right to alter an artist's finished work. Should anybody but the film's creator get to make the final cut?"[60] Greenberg included comments from Joshua Griffin of TheForce.net, who observed that although chefs and filmmakers are both regarded as artists, the public traditionally treats a film as sacrosanct. Griffin added, "In cinema you can't send the steak back."

In his November 5, 2001, article for *Salon*, Daniel Kraus focused on how *The Phantom Edit* had renewed public attention to the work of film editors. Kraus argued that "more than anything, 'The Phantom Edit' magnifies problems [in *Episode I*] that *can't* be fixed with clever editing."[61] He added that "until the 'Phantom Edit' controversy, the role of the editor has rarely been appreciated by the public. And in a way, 'The Phantom Edit' illustrates that editors are not automatons serving a dictatorial director, but artists in their own right, contributing as much to a finished film as a writer or cinematographer."[62] By comparing Nichols's transformative work to what George Lucas had achieved by going back into the editing room, Kraus wrote, "the only difference between 'The Phantom Edit' and what Lucas did with his rereleased 'Special Editions'

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[59] Greenberg, "Thumbs Down? Re-edit the Flick Yourself."

[60] Ibid.

[61] Daniel Kraus, "The Phantom Edit: How One 'Star Wars' Fan Nearly Fixed the 'Episode I' Diaster, and Why George Lucas is Indirectly Stoking Another Kind of Digital Revolution," *Salon*, November 5, 2001, http://www.salon.com/2001/11/05/phantom_edit/. Emphasis in original.

[62] Ibid.

is permission […] whereas digital technology equals 'boundless imagination' for Lucas, it equals 'cheap accessibility' for everyone else."[63] Further, Kraus recognized the critical potential for more fan edits:

> The shifting of power from the filmmakers to the fans is both disturbing and exciting. It is disturbing because there will no longer be any sort of quality control, aside from the natural assumption that the best "fan edits" will be the ones that get passed around the most […] In the coming years we will be privileged to witness, essentially, critics making movies, which we haven't seen in abundance since French New Wavers like Godard and Truffaut decided that the best response to a film was making another film.[64]

On May 16, 2002, Nichols blogged about going to see *Episode II* on its opening day at a cinema in Burbank, California. He criticized many of the same faults he had found in *Episode I* and seemed to tease the idea of making a followup to *The Phantom Edit*. "I really thought I was in line for a Star Wars movie, and not Starship Troopers part 2 […] Lucas again forgets how to tell a story with images and relies on an abundance of exposition through unnecessary and poorly scripted dialogue to move the story forward."[65] At that time, Nichols still maintained The Phantom Editor's blog and signed his posts using his pseudonym. Using playful language, he compared the Star Wars prequel trilogy to a sporting match and seemed to have somewhat resigned himself to play the part of Lucas's opponent. He wrote, "I saw Episode II Attack of the

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[63] Ibid.

[64] Ibid.

[65] Nichols, "'Episode II.I?' Or Is This One Really the Salvation of Star Wars?" *ThePhantomEditor.com*, May 16, 2001, http://web.archive.org/web/20051214002004/http://www.thephantomeditor.com:80/aotc.html.

Clones last night and as guilty as it makes me feel I didn't really like it. Second period is over,

and for me, I feel we're down 2 to nothing. Pull the goalie and bring in [Gary] Kurtz or

[Lawrence] Kasdan off the bench. I'd love to go in, but I know the coach has it in for me."[66]

Two weeks later, in a June 1, 2002, article for the *Los Angeles Times*, Richard Fausset

shed more light on the once mysterious fan editor:

This messy Burbank living room, with its cheap computer and jury-rigged video station,

may be the most notorious rebel outpost in the "Star Wars" universe this side of the ice

planet Hoth. It is the lair of the Phantom Editor, a struggling filmmaker who boldly

remade a copy of the first "Star Wars" prequel into a movie that die-hard fans liked better

than George Lucas' original—and became a cult hero in the process […] The

thirtysomething film editor (he declines to give his age) knows he sounds as brash as the

teenage Anakin Skywalker when he says, "I have the storytelling sense that George Lucas

once had and lost."[67]

Fausset also included comments from David Madden, an executive vice president at Fox

Television Studios who had watched a copy of *The Phantom Edit*. Unamused by what he saw in

Nichols's fan edit, he said, "I don't mean to sound too 20th century, but I come from this

tradition where an artist works really hard to create a vision. I'm a little scared, because [fan

edits] somehow take away the primitive power of me telling you a story, and you having to

follow the story."[68] Perhaps having read Kraus's article and his reference to critics of the French

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[66] Ibid.

[67] Richard Fausset, "A Phantom Menace?"

[68] Ibid.

New Wave, Nichols described his transformative work as "proactive criticism" and countered, "now, big-time directors know that if they do a [bad] job, somebody may redo it and make them look like idiots."[69] However, despite recognizing a new paradigm in film reception and grassroots criticism, as well as seeming to align himself with subsequent fan editors in that critical mode, "Nichols became as testy as any auteur when talk turned to copycat phantom edits that have traded on his reputation. 'Yeah,' he snorts, 'Attack of the clones.'"[70]

In the July/August 2002 issue of *Film Comment*, Gavin Smith interviewed Lucas on digital filmmaking during the production of *Episode II*, and Smith abruptly shifted the conversation to talk *The Phantom Edit*. Lucas denied having watched it, and when asked for his general opinion about the fan edit, he replied:

> Well, everybody wants to be a filmmaker. Part of what I was hoping for with making movies in the first place was to inspire people to be creative. *The Phantom Edit* was fine as long as they didn't start selling it. Once they started selling it, it became a piracy issue. I'm on the Artist Rights Foundation board, and the issue of non-creators of a movie going in and changing things and then selling it as something else is wrong.[71]

In what could have been taken by other fan editors to be a nod of approval from Lucas to go forth and explore their creativity by re-editing the Star Wars films, Nichols resented the latter half of statement. Lucas had referred to *The Phantom Edit* in the same context as "the issue of non-creators of a movie going in and changing things and then selling it," and Nichols argued

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[69] Ibid.

[70] Ibid.

[71] Gavin Smith, "The Genius of the System," 32.

that "either through intent or genuine ignorance, Lucas and Film Comment's lack of clarification (creative or otherwise) implies to the reader that this piracy selling was done by the creator of The Phantom Edit."[72] Vehemently, Nichols stated, "I have made great efforts (some repressed or passed over in print and media) to make this highly known, that I have NEVER sold or profited from the illegal sale of The Phantom Edit AND Lucasfilm IS aware of this many times over."[73] He cited a handful of articles in major publications that had covered *The Phantom Edit* saga and acknowledged his efforts to discourage sales of his project. "Our stand on 'The Phantom Edit' … was: He was just an enthusiastic fan having fun," Lucasfilm's Jeanne Cole said in Fausset's June 1, 2002, article for the *Los Angeles Times*, "There was no intention to commit any copyright infringement, and we appreciate that."[74] Amid claims of a conspiracy against him, in that final post on The Phantom Editor's blog, Nichols concluded:

> It was never my intention to have an all out pissing contest with one of my heroes and I think its widely known that the Lucasfilm Empire has a powerful reign on the mainstream media who feel justly afraid […] I feel George Lucas was irresponsible with his inaccurate comment/accusation, but Ill leave it up to his character as a human being to decide if he chooses to apologize. As every screenwriting course will tell you, choices define character, even when the choice is to ignore…[75]

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[72] Nichols, "A Message from The Phantom Editor," *ThePhantomEditor.com*, August 13, 2002, http://web.archive.org/web/20041022134047/http://www.thephantomeditor.com:80/legal.html. Format as in original.

[73] Ibid. Format as in original.

[74] Fausset, "A Phantom Menace?"

[75] Nichols, "A Message from The Phantom Editor." Format as in original.

However, that would not be the last Lucas, and Star Wars fandom, would see from The

Phantom Editor. He struck once more in late 2002 with the release of *Star Wars Episode II.I:*

Attack of the Phantom, a fan edit based on *Episode II*. Although *Attack of the Phantom* did not

garner the same amount of critical attention from the mainstream press, it has been described as a

more accomplished project.[76] Nichols produced DVD editions of both *The Phantom Edit* and

Attack of the Phantom, for which he provided audio commentary on each disc to explain his

editorial strategies. In the midst of his comments about recutting the pod race sequence *Episode*

I, Nichols claimed to know that Lucas had in fact seen *The Phantom Edit*, despite public

statements from Lucasfilm that he would never watch it. Speaking candidly about his experience

as The Phantom Editor, Nichols reflected on his unconventional relationship with Lucas and his

films:

> Not to say that, you know, everything I did was exactly what he wanted to do and didn't;
>
> I'm sure that's not the case […] I never had any idea that it would get to be that large of a
>
> deal basically all over the world, and have such an audience, because of being bootlegged
>
> on the Internet […] I always wished that, through all this, I would've been able to have
>
> some sort of a conversation with him. But I think that the way the press changes stories
>
> and gossip starts happening—different things like that—he has a perception of who I am,
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> and I have a perception of who I am, which probably, basically, really isn't the truth. And

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[76] Michael Duff, "Listen Up, Movie Lovers: Favorites Are Being Improved by Fan Editors,"
Lubbock Avalanche-Journal, July 13, 2007, http://lubbockonline.com/stories/071307/
lif_071307043.shtml; Darthmojo, "The Best Star Wars Movie You've Never Seen," *Darth Mojo*,
May 26, 2008, http://darthmojo.wordpress.com/2008/05/26/attackofthephantom/.

we're probably more alike than either of us know. And those kinds of instances are basically going to ensure that it never, ever happens.[77]

In May 2005, Lucas premiered *Star Wars Episode III: Revenge of the Sith*, but The Phantom Editor was not seen again. Nichols provided no explanation for not releasing an *Episode III* fan edit, and sources from the fan editing community offer conflicting reports. According to Boon23, a fan editor and founder of FanEdit.org, Nichols was eventually invited to dinner at Skywalker Ranch and his meeting with Lucas convinced him to not re-edit *Episode III*.[78] Alternatively, the fan editor L8wrtr claims to have been told by Nichols that he attempted to make an edit of *Episode III*, but he was simply unsatisfied with the result.[79]

The Phantom Editor may not have overthrown a Galactic Empire as Nichols once implied, but he had accomplished something significant; *The Phantom Edit* was the first widely publicized, critically reviewed, and globally disseminated fan edit in the early 2000s. For Star Wars fans who were disappointed with *Episode I*, it represented an alternative perspective and a tangible example of how digital cinema could be harnessed with powerful tools that were finally within their grasp. *The Phantom Edit* inspired numerous permutations of *Episode I* as well as a host of diverse creative work from people who now call themselves fan editors.

However, the notoriety of *The Phantom Edit* has overshadowed much of that progress in scholarship. As the following section illustrates, scholarly digressions about fan editing have

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[77] Mike J. Nichols, *Star War Episode I.II — The Phantom Edit*, DVD audio commentary, 2001.

[78] Boon23, "In the Spotlight: Dawn of the Fanedits," *FanEdit.org*, September 2, 2009, https://web.archive.org/web/20111011062049/http://www.fanedit.org/forums/content.php?181-In-the-Spotlight-The-Dawn-of-Fanedits.

[79] L8wrtr, discussion forum comment, "Phantom Editors Revenge of the Sith?" *FanEdit.org*, March 15, 2010, https://forums.fanedit.org/showthread.php?tid=2638&pid=70672#pid70672.

neglected several years of fan edits in favor of cursory and often inaccurate historical references to a single work: *The Phantom Edit*. Many scholars who are familiar with fan culture will acknowledge some awareness of *The Phantom Edit*, but most have not likely watched it for themselves. Consequently, *The Phantom Edit* endures as an indelible yet misunderstood touchstone in nearly all scholarly writing on fan edits.

A Critical History of Fan Edit Studies

This section examines the boundaries of scholarship about fan edits in greater detail than the introductory literature review. It considers how scholarship has engaged with the subject of fan edits, as well as key texts that contribute in various ways to the development of fan edit studies. To reiterate, remarkably little scholarship offers sustained direct attention to the subject of fan edits; fan editing briefly appears in the context of broader examinations of law, policy, authorship, and media fandom. Crucially, the following texts almost exclusively reference *The Phantom Edit* and discussions about other fan edits emerge late within this heterogenous body of work. To provide a frame for digesting this literature, I have observed four related historical strands of writing:

The first collection of literature, which I have termed "Pre-texts of Fan Edit Studies," includes a limited selection of influential journalistic writing about *The Phantom Edit*. These texts, which generally portray an adversarial relationship between the producers of media and fans, are the most cited sources about *The Phantom Edit* and thereby underpin much of the extant scholarship related to fan edits.

The second collection, "Participatory Culture and Policy," includes scholarship that is generally concerned with issues of consumer agency and conflicts between creativity and

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copyright that have emerged since the popularization of digital media. In addition to providing some of the first scholarly attention toward *The Phantom Edit* and the societal implications of fan editing, these texts frequently interpret the legal case surrounding CleanFlicks, a company which previously sold unauthorized alternative versions of popular Hollywood films that were censored for instances of sex, violence, and coarse language. Many of the texts in this group are concerned with assessing the impact of works like *The Phantom Edit*, intellectual property policy, and the rights of citizens in the twenty-first century.

The third collection of texts, "Questioning Authors and Authenticity," developed somewhat concurrently with the secondary group. It comprises scholarship on the relationship of media fans and producers, as well as how emergent fan practices interact with authorship and perceptions of authenticity in film. With regard to fan editing, this scholarship almost exclusively references *The Phantom Edit*.

However, the fourth and most contemporary selection of scholarship, "Beyond *The Phantom Edit*," demonstrates an expansion of the scope of inquiry about fan edits. This group includes more diverse examinations of fan edits in discussions of film genres and specific films, as well as scholarship which focuses more directly on fan editing as a practice. I have located my previous research in this latter group because I have attempted to steer fan edit studies away from a concentration on *The Phantom Edit* to examine new developments in fan editing culture.

Pre-texts of Fan Edit Studies

Following the initial public reception of *The Phantom Edit*, a particular sample of film critical writing that appeared in prominent news publications between 2001 and 2002 provided the basis for much of the prevailing interpretations of *The Phantom Edit*. These most influential

pre-texts include J. Hoberman's July 15, 2001, editorial in the *New York Times Magazine*, "I Oughta Be In Pictures"; Daniel Kraus's November 5, 2001, article for *Salon*, "The Phantom Edit"; Daniel Zalewski's January 6, 2002, review of the book *The Future of Ideas* by Lawrence Lessig in the *New York Times* entitled "Thinking These Thoughts Is Prohibited"; Amy Harmon's April 28, 2002, article in the *New York Times*, "'Star Wars' Fan Films Come Tumbling Back to Earth"; Richard Fausset's June 1, 2002, article in the *Los Angeles Times*, "A Phantom Menace?" and Peter Rojas's October 8, 2002, editorial in the *Village Voice*, "The Blessed Version."

Most of the writing from this initial collection touches upon the controversial reception of Jar Jar Binks in *Episode I* and reports that his presence was reduced in *The Phantom Edit*. As I have shown in the preceding section of this chapter, some of the earliest reportage about *The Phantom Edit* inaccurately claimed that Mike J. Nichols had completely removed the obnoxious Jar Jar Binks character from *Episode I*, a falsehood which has been repeated in a remarkable amount of subsequent scholarship. In truth, Nichols merely reduced the screen time of Jar Jar Binks to the extent that he felt the narrative could remain coherent.[80] The fact that many scholarly articles discussed in the next passages repeat an untruth about what is depicted in *The Phantom Edit* suggests that they have based their commentary on unconfirmed secondary sources rather than viewing the work itself. Such inaccuracies in early scholarly writing about fan edits reaffirm the need for more conscientious research that confronts the subject with firsthand experience.

Revisiting these journalistic pre-texts, it is evident that Hoberman does not claim Jar Jar Binks was completely erased in *The Phantom Edit*; instead, his reference to a hypothetical "de-

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[80] Nichols, *The Phantom Edit*, DVD audio commentary.

Binked" cut of *Episode I* seems to have been misunderstood by some of his readers. Here are

Hoberman's original comments on the editing work in *The Phantom Edit*:

> Elisions range from single reaction shots to an entire action sequence, but most involve
>
> the film's major digital character, Jar Jar Binks. Indeed, "The Phantom Edit" is
>
> predicated largely on hatred of Jar Jar, a rabbit-eared ambulatory lizard whose pidgin
>
> English oscillates between crypto-Caribbean patois and Teletubby gurgle. A cursory
>
> Internet search reveals that "Star Wars" fans were already discussing the possibility of
>
> producing improved, which is to say de-Binked, versions of "The Phantom Menace" the
>
> week the movie opened.[81]

Accordingly, Zalewski explains that *The Phantom Edit* represents a "virtual elimination of the

irksome Jar Jar Binks,"[82] while Harmon notes that the fan edit "removed most scenes featuring

the much-reviled character,"[83] and Fausset chimes in that "the alien Jar Jar Binks, whose Barney-

like antics launched countless 'Kill Jar Jar' Web sites, is reduced to near-silence."[84] From this

sample, only Rojas inaccurately reports that *The Phantom Edit* is "a Jar Jar Binks-less cut of *The*

Phantom Menace."[85]

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[81] Hoberman, "I Oughta Be In Pictures."

[82] Daniel Zalewski, "Thinking These Thoughts Is Prohibited," *New York Times*, January 6, 2002, http://www.nytimes.com/2002/01/06/books/thinking-these-thoughts-is-prohibited.html.

[83] Amy Harmon, "'Star Wars' Fan Films Come Tumbling Back to Earth," *New York Times*, April 28, 2002, http://www.nytimes.com/2002/04/28/movies/film-star-wars-fan-films-come-tumbling-back-to-earth.html

[84] Fausset, "A Phantom Menace?"

[85] Peter Rojas,"The Blessed Version," *Village Voice*, April 8, 2002, http://www.villagevoice.com/news/the-blessed-version-6412304.

Like most of the authors in this initial group, Hoberman introduces the practice of fan editing through the novelty of *The Phantom Edit*, but he observes that fan editing has existed for quite some time prior to the digital age. As I have previously mentioned, Hoberman points to the case of *Rose Hobart*. Moreover, Hoberman argues in favor of fan editing as act of creative and technological freedom, thereby anticipating the social relevance of fan edits:

No thought police oblige you to listen to every cut on a CD. TiVo is eager to provide personalized, commercial-free television. Programmable DVD's make it possible to reshuffle movies at home. But cinema is a notably authoritarian medium as well as a highly social one […] Resentment was displaced onto the soulless Jar Jar. Eliminate him and change history. Hadn't Lucas done the same thing when he rereleased "Star Wars" in 1997 with a digitally added Jabba the Hutt and a morally improved Han Solo […] Prometheus-like, "The Phantom Edit" strikes back against the tyranny of the artist who has successfully colonized the imagination of millions […] As the "special corrector's edition" continues to circulate via the Internet, there is the possibility that it will be further revised—perhaps even individualized […] The movie experience is, after all, as subjective as it is public. Rather than a religious cult, let "Star Wars" be a language that all can speak […] Tell the fans to get a life, and maybe they will.[86]

Likewise, in response to the revisionist tendencies that George Lucas demonstrated with his controversial digital modifications the Star Wars original trilogy, Kraus observes that "the very technology that Lucas embraces has turned against him."[87] Kraus points to the various

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[86] Hoberman, "I Oughta Be In Pictures."

[87] Kraus, "The Phantom Edit."

instances in which fans of *The Phantom Edit* had banded together to facilitate distribution of the

project, including "A group calling itself 'The Phantom Edit Fan Network' [that] began

organizing mass distribution of the tapes, handing them out in front of theaters and sending them

to people in as many different states and countries as they could."[88]

Both Kraus and Zalewski touch upon an often repeated snag in the reported spread of *The*

Phantom Edit involving speculations of legal reprisals from Lucasfilm. In particular, Kraus notes

that "the responses from Lucasfilm spokespeople began turning from amiable to

intimidating…"[89] while Zalewski claims that

> This nascent genre might not be around for long, however … "The Phantom Edit" has
>
> met a more predictable fate—it's been squashed by lawyers. George Lucas's production
>
> company, Lucasfilm Ltd., has threatened to sue the pants off anyone who dares to set up a
>
> Web page permitting downloads or trades videotaped versions on eBay. Why? "We can't
>
> allow them to duplicate and distribute our films for profit," a press officer has
>
> explained.[90]

To this point, however, Zalewski wonders:

> After all, can a zillion-dollar company like Lucasfilm truly be worried that a puckish
>
> effort like 'The Phantom Edit' will torpedo its own DVD sales? And how can such a silly
>
> fear justify the silencing of Nichols's artistic expression? […] Why, Lessig asks, does
>
> American law increasingly protect the interests of the old guard over those of the

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[88] Ibid.

[89] Ibid.

[90] Zalewski, "Thinking These Thoughts Is Prohibited."

vanguard? After all, new art always borrows from old. Shakespeare's "Hamlet" was a remake; Picasso created collages from torn-up newspapers; rappers rhyme over bass lines lifted from funk songs. If that's the way culture works, why does the law so often stand in the way?[91]

Harmon covers much ground in her account of the ambivalent relationship between Lucas and Star Wars fans. Most telling is Harmon's quote from Jim Ward, then vice president of marketing at Lucasfilm, who said, "We've been very clear all along on where we draw the line … We love our fans. We want them to have fun. But if in fact somebody is using our characters to create a story unto itself, that's not in the spirit of what we think fandom is about. Fandom is about celebrating the story the way it is."[92] As much as it is an illuminating glimpse into Lucasfilm's corporate perspective on fan filmmakers at that particular time, Ward's quote reappears in several subsequent pieces of fan studies scholarship, including many texts that address fan editing.

Harmon notably includes a comment by Henry Jenkins about the tensions between media producers and fandom. Jenkins explains, "It's not just about 'Star Wars' […] It's what's going to be the relationship between media consumers and producers in this new interactive age." To that point, Harmon recalls:

New creative works have always been built on top of old ones, from Homer's repackaging of twice-told tales in "The Illiad" to Mr. Lucas's own openly acknowledged pilfering of Joseph Campbell's writings on mythic archetypes for his original "Star Wars"

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[91] Ibid.

[92] Harmon, "'Star Wars' Fan Films Come Tumbling Back to Earth."

trilogy [...] What's different now is that digital tools make it easier for fans to produce more sophisticated works and to distribute them to a worldwide audience. This has heightened anxiety among copyright holders, who fear they will lost control of their creative vision.[93]

Fausset reflects on these anxieties of control among copyright holders and fans during his previously noted profile on The Phantom Editor himself:

> This messy Burbank living room, with its cheap computer and jury-rigged video station, may be the most notorious rebel outpost in the "Star Wars" universe this side of the ice planet Hoth [...] It is the lair of the Phantom Editor, a struggling filmmaker who boldly remade a copy of the first "Star Wars" prequel into a movie that die-hard fans liked better than George Lucas' original—and became a cult hero in the process.[94]

More significantly, however, Fausset's article dispels persistent rumors that Lucasfilm pursued Nichols regarding the publication of *The Phantom Edit*. Fausset quotes Lucasfilm spokesperson, Jeanne Cole, who said, "Our stand on 'The Phantom Edit' …was: He was just an enthusiastic fan having fun [...] There was no intention to commit any copyright infringement, and we appreciate that." Fausset adds that Nichols was never contacted by Lucasfilm's attorneys, but this detail is often overlooked in subsequent scholarship.

Rojas contextualizes *The Phantom Edit* controversy and the CleanFlicks dispute, which represents conflicts between consumers and producers framed by technological innovation. Rojas references comparable controversies such as "the Sony Betamax case that established the

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[93] Ibid.

[94] Fausset, "A Phantom Menace?"

right of VCR owners to tape television shows and watch them at a later date; Gilbert

O'Sullivan's suit against Biz Markie in 1991 that ended sampling without at license" and argues

that "Every advance in technology that has put a little more power into the hands of consumers

engenders a negative reaction from an industry scared to death about not being able to control

how, when, where, and what consumers watch or listen to."[95]

Participatory Culture and Policy Scholarship

Henry Jenkins's *Textual Poachers: Television Fans and Participatory Culture* (1992) was

published eight years prior to the emergence of *The Phantom Edit*, and as such, the book does

not specifically address fan edits. However, Jenkins sets forth a significant precedent for fan edit

research in his ethnographic study of fandom, which covers a range of subcultural practices,

including fan fiction writing and fan video making. Drawing upon works by Michel de Certeau,

especially *The Practice of Everyday Life* (1984), Jenkins theorizes various creative activities in

media fandom as a type of "textual poaching" in which fans appropriate existing texts for their

own purposes, namely to make alternative texts and develop social identities.[96] As a seminal

work of fan studies research, *Textual Poachers* rebuts a stereotypical perspective of fans as

socially backward people and advocates for the study of fans as dynamic participants in

alternative media during a time when fandom was less prevalent and commodified in popular

culture. In that regard, *Textual Poachers* has been considered an exemplary work from what

Jonathan Gray, Cornel Sandvoss, and C. Lee Harrington have since characterized as the

formative "Fandom is Beautiful" generation of fan studies:

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[95] Rojas, "The Blessed Version."

[96] Henry Jenkins, *Textual Poachers: Television Fans and Participatory Culture* (New York: Routledge, 1992), 2.

As such, early fan studies (and much of the work it inspired) often turned to the very

activities and practices—convention attendance, fan fiction writing, fanzine editing and

collection, letter-writing campaigns—that had been coded as pathological, and attempted

to redeem them as creative, thoughtful, and productive. Rhetorically, this work aimed to

render normative the very end point of caricature that popular and academic accounts of

fandom often presented.[97]

To describe the creative work of fans as textual poaching inherently places media fan

culture in an oppositional role with the institutions of mainstream, commercial culture, such as

television producers and Hollywood filmmakers. As Jenkins observes, "De Certeau's term,

'poaching,' forcefully reminds us of the potentially conflicting interests of producers and

consumers, writers and readers. It recognizes the power differential between the 'landowners'

and the 'poachers.'"[98] However, Jenkins emphasizes that de Certeau's concept of poaching is a

theory on appropriation rather than the idea of "misreading," because the latter "…implies that

there are proper strategies of reading" which favor "the traditional hierarchy bestowing

privileged status to authorial meanings over reader's meanings."[99] Further, Jenkins is careful to

note that de Certeau's concept of "poaching" differs from Stuart Hall's dominant, negotiated, and

oppositional readings from his "Encoding and Decoding" (1980). Jenkins explains that

popular meanings are fixed and classifiable, while de Certeau's 'poaching' model

emphasizes the process of making meaning and the fluidity of popular interpretation. To

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[97] Jonathan Gray, Cornel Sandvoss, and C. Lee Harrington, *Fandom: Identities and Communities in a Mediated World* (New York: New York University Press, 2007), 3.

[98] Jenkins, *Textual Poachers*, 33.

[99] Ibid.

say that fans promote their own meanings over those of producers is not to suggest that

the meanings fans produce are always oppositional ones or that those meanings are made

in isolation from other social factors.[100]

In fan edits, alternative meaning and interpretations of story and character are made

through the transformation of filmic text, but not all fan edits disrupt existing narratives and

characterizations. Many fan edits, including *The Phantom Edit* and *Raising Cain: Re-cut*, are

essentially supportive of the original meaning and story inherent to their source films.

A substantial portion of *Textual Poachers* is devoted to examining various creative and

transformative works by many fans, in which they assert their own perspectives on popular

media, including types of fan video that borrow existing media and recombine them to create

what amounts to audiovisual remixes. Key to understanding Jenkins's approach to legitimacy of

these activities is his reference to Mikhail Bakhtin's work on "heteroglossia" in *The Dialogic

Imagination* (1981). Heteroglossia supposes that multiple voices exist within creative work and

that authors build upon each other. Jenkins explains that Bahktin "rejects notions of original

authorship in favor of a conception of the writer as always already confronting a history of

previous authorship […] writers, just as readers, are poachers, since their words come not from a

dictionary but out of 'other people's mouths.'"[101] This observation anticipates influential work in

later years that would attempt to normalize the seemingly alien concept of the remixing, such as

Lessig's *Remix: Making Art and Commerce Thrive in the Hybrid Economy* and a web

documentary series by filmmaker Kirby Ferguson, *Everything Is A Remix* (2010-2015). For

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[100] Ibid., 34.

[101] Ibid., 229.

Jenkins, early fan vids, otherwise known as fan music videos composed of recombined audiovisual elements, "vividly illustrate the aesthetic regulation of hetroglossia [*sic*]. Using home videotape recorders and inexpensive copy-cords, fan artists appropriate 'found footage' from broadcast television and re-edit it to express their particular slant on the program, linking series images to music similarly appropriated from commercial culture."[102] Contemporary cinematic fan editing could be described in similar terms, and thus, Jenkins's attention to the creativity of media fans could be likewise extended to new research on fan edits.

Moreover, Jenkins focuses on the medium of video to revisit Roland Barthes's critical perspective on rereading and its relationship to the agency afforded to audiences with technology such as the VCR. Jenkins recalls that Barthes argued that rereading texts transgresses the "commercial and ideological habits of our society," which favors first readings "so that we can then move on to another story, buy another book."[103] Nevertheless, as Jenkins supports through several case studies on fan participation that grow out of close rereading of books, television, and films, rereading is fundamental to the creative appropriation by fans. In particular, Jenkins points to Barthes's argument that "Rereading draws the text out of its internal chronology" and becomes "no longer consumption but play."[104] Jenkins adds that "Rereading is central to the fan's aesthetic pleasure. Much of fan culture facilitates encounters with favored texts" and cites the development of affordable home videocassette recorders as a means for fans to revisit their

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[102] Ibid., 230.

[103] Roland Barthes, *S/Z* (New York: Hill and Wang, 1975), 15-16.

[104] Ibid., 16.

favorite television series, such as *Star Trek*.[105] The creative significance of rereading television

texts, especially *Star Trek*, would eventually be expanded in Francesca Coppa's seminal

historical essay on fan vids, "Women, *Star Trek*, and the Early Development of Fannish Vidding"

(2008). Likewise, fan editors base the entire nature of their work on repeated viewings of films

and television programs. The task of editing and re-editing, as well as viewing fan edits, is

similarly founded on repeated viewing of portions and reconfigurations of a cinematic text.

    Textual Poachers is an ethnographic examination of fan culture, and Jenkins notably

identifies as both an academic and a fan. This is an important distinction, Jenkins claims, because

previous "scholars with little direct knowledge or emotional investment within the fan

community" misrepresented fan communities and failed to study them in their complexity.[106]

Jenkins observes that fandom is a complex system and fan texts are not created ex nihilo; they

"are shaped through the social norms, aesthetic conventions, interpretive protocols, technological

resources, and technical competence of the larger fan community."[107] This extends to the

development of fan editing as much as the various types of fan texts described specifically by

Jenkins, including fan fiction, arts, songs, and vidding. As a researcher and participant in the fan

editing community, I share Jenkins's concerns for seeking closeness with the subject of his study

and correcting misrepresentations of fan editing that may have been written by outsiders. As an

insider with practical experience as a fan editor, I agree with Jenkins that participation with a

research subject "facilitates certain understandings and forms of access impossible through other

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[105] Jenkins, *Textual Poachers*, 70.

[106] Ibid., 6.

[107] Ibid., 50.

positionings"[108] and that "Writing as a fan means as well that I feel a high degree of responsibility and accountability to the groups being discussed here."[109]

As a researcher and a participant in his study on television fans, Jenkins observes that "fandom does not preserve a radical separation between readers and writers. Fans do not simply consume preproduced stories" but form "a participatory culture which transforms the experience of media consumption into the production of new texts, indeed of a new culture and a new community."[110] He reveals how fandom as a participatory culture diversifies the field of media culture and disrupts traditional roles of producers and audiences. Reflecting on these effects of participatory culture upon the larger field of media, as well as its inherent political context, Jenkins reminds us in a subsequent book, *Convergence Culture: Where Old and New Media Collide* (2006):

> The power of the grassroots media is that it diversifies; the power of broadcast media is that it amplifies […] the power of participation comes not from destroying commercial culture but from writing over it, modding it, amending it, expanding it, adding greater diversity of perspective, and then recirculating, feeding it back into the mainstream media. Read in those terms, participation becomes an important political right. In the American context, one could argue that First Amendment protections of the right to

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[108] Ibid., 6.

[109] Ibid., 7.

[110] Ibid., 46.

speech, press, belief, and assembly represent a more abstract right to participate in a democratic culture.[111]

As Jenkins writes in the concluding chapter of Gray, Sandvoss, and Harrington's *Fandom: Identities and Communities in a Mediated World* (2007), much has changed since the publication of *Textual Poachers*, most significantly the massive deployment of the World Wide Web. Jenkins's *Convergence Culture* is designed as a reappraisal of participatory culture from its folk roots through the dawn of digital media, and the book also addresses the appropriations of fandom by popular culture. In passages that would be partially repeated in Lessig's writing on the folk roots of cultural production in *Remix*, Jenkins succinctly traces an essential commercial colonization of folk since the nineteenth century:

> [T]he story of American arts in the nineteenth century might be told in terms of the mixing, matching, and merging of folk traditions taken from various indigenous and immigrant populations […] There was no pure boundary between the emergent commercial culture and the residual folk culture: the commercial culture raided folk culture and folk culture raided commercial culture […] The story of American arts in the twentieth century might be told in terms of displacement of folk culture by mass media […] Folk culture practices were pushed underground.[112]

Jenkins explains that fan communities developed in response to the mass media, and he examines economic and legal tensions between the folk-like participatory cultures of fandom and the media industries, pointing to fan fiction and fan filmmaking in the Star Wars franchise as

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[111] Henry Jenkins, *Convergence Culture: Where Old and New Media Collide* (New York: New York University Press, 2006), 257.

[112] Ibid., 135.

examples of significant ambivalence. Recognizing major changes stemming from the development of an increasingly networked society, Jenkins explains that the World Wide Web is

> …a site of consumer participation that includes many unauthorized and unanticipated ways of relating to media content. Though this new participatory culture has its roots in practices that have occurred just below the radar of the media industry throughout the twentieth century, the Web has pushed that hidden layer of cultural activity into the foreground, forcing the media industries to confront its implications for their commercial interests.[113]

Thus, Jenkins argues that "fandom is the future," and explains that the term "poachers" is inappropriate to describe the majority of contemporary fans whose once marginalized activities are increasingly accepted and commodified in the mainstream of the digital age. He adds that fan culture "is no longer the 'weekend-only world' I described in *Textual Poachers* […] this kind of fandom is everywhere and all the time, a central part of the everyday lives of consumers operating within a networked society."[114] Jenkins subsequently argues that although "We should certainly avoid celebrating a process that commodifies fan cultural production and sells it back to us with a considerable markup," he understands that it is through this very process that we can observe "a democratization of culture—which is to read a social, cultural, and economic shift in overly political terms."[115]

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[113] Ibid., 133.

[114] Henry Jenkins, "Afterword: The Future of Fandom," in *Fandom: Identities and Communities in a Mediated World*, eds. Jonathan Gray, Cornel Sandvoss, and C. Lee Harrington (New York: New York University Press, 2007), 361.

[115] Ibid., 362.

Mainstreaming the once marginal participatory culture of fandom, Jenkins concludes,

may pave a way for a more democratic composition of popular culture, but

> as fandom becomes such an elastic category, one starts to wonder—who isn't a fan? What
>
> doesn't constitute fan culture? Where does grassroots culture end and commercial culture
>
> begin? Where does niche media start to blend over into the mainstream? […] might we
>
> have to face the reality that in an age where difference proliferate, where old gatekeepers
>
> wither, there may no longer be a 'normal' way of consuming media […] Maybe, in that
>
> sense, fandom has *no* future.[116]

His assessment offers something of a pyrrhic victory for fandom at large in popular culture, but it

also reflects what could be said to have transpired in the mainstreaming of specific grassroots

transformative media, namely the song remix, video game mods, and perhaps fan edits in the

coming years. This is especially relevant given the subsequent case of *Raising Cain: Re-cut*, a

freely available fan edit that was elevated to the status of a director's cut and marketed to Brian

De Palma fans.

Yochai Benkler shares much of Jenkins's concern for the political and economic effects

of emergent online participatory culture and transformative works. Benkler's published lecture,

"Freedom in the Commons: Towards a Political Economy of Information" (2003), offers one of

the first scholarly perspectives on fan editing. By repeating Fausset's earlier characterization of

The Phantom Edit as a new "samizdat" for Star Wars, Benkler describes fan editing as a

culturally revolutionary practice that defies Hollywood authority.[117] Thus, he argues:

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[116] Ibid., 364. Emphasis in original.

[117] Benkler, Yochai. "Freedom in the Commons: Towards a Political Economy of Information." *Duke Law Journal* 52, no. 6 (2003), 1245.

The Phantom Edit epitomizes both the challenge and the promise of what has variously

been called "the new economy," "the information economy," or, more closely tied to the

recent technological perturbation, "the Internet economy." It tells us of a hugely

successful company threatened by one creative individual—a fan, not an enemy. It tells

us of the tremendous potential of the Internet to liberate individual creativity and enrich

social discourse by thoroughly democratizing the way we produce information and

culture. And it tells us of how power proprietors can weigh in to discipline this unruly

creativity; to silence the many voices it makes possible.[118]

Benkler's lecture is essentially an address on how technology and economy collide in

contemporary culture, resulting in new avenues for creative expression in networked democratic

societies. Thus, he names *The Phantom Edit* as key to understanding social aspects of a

networked information economy, which is characterized by a flow of information, knowledge,

and culture over "a ubiquitous, decentralized network" commonly termed the Internet.[119] Benkler

concentrates on *The Phantom Edit* as an example of a noncommercial production that can thrive

within the networked information economy and parallel to traditional models of commercial

production. Like Jenkins, Benkler observes that grassroots media promotes diversity in an

expansive field of media, and he argues that "This diversity of ways of organizing production

and consumption, in turn, opens a range of new opportunities for pursuing core political values

of liberal societies—democracy, individual freedom, and social justice."[120] In effect, Benkler

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[118] Ibid., 1245-1246.

[119] Ibid., 1246.

[120] Ibid., 1247.

appropriates the concept of fan editing to illustrate how new modes of collaborative production and decentralized distribution of online media and software open pathways for people to participate in a democratic culture.

Like Jenkins, Benkler recounts how communication technologies introduced in the past 150 years extended the spread of information and contributed to the development of mass media, which favored the flow of information and opinion from commercial and professional producers to passive consumers. Benkler argues that the emerging networked information economy and decline in dependence on physical media promotes a type of nonproprietary and nonmarket productive activity he terms "peer production," which, like free software development, "describes a process by which many individuals, whose actions are coordinated neither by managers nor by price signals in the market, contribute to a joint effort that effectively produces a unit of information or culture."[121] This activity supports the concept of cultural commons, within which collaboration with peers alleviates the "systematic dampening effects on democracy, autonomy, and social justice" that are imposed by the proprietary, industrial mode of mass media.[122] Anticipating some of the political distinctions of a passive and captive audience of twentieth century consumers in a "read-only" / "RO" analog media culture versus a participatory "read-write" / "RW" digital media culture described by Lessig in *Remix*, Benkler observes that commons-based peer production such as *The Phantom Edit* "can fundamentally alter the producer/consumer relationship with regard to culture, entertainment, and

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[121] Ibid., 1256.

[122] Ibid., 1261-1262.

information."[123] Whereas Lessig draws from computer terminology with read-only culture and read-write culture as different models to describe the contested ability of people to remix media, Benkler similarly recalls contemporary software terminology in his argument that peer production increasingly defines individuals less distinctly as consumers or producers, but more autonomous and ambiguous "users."[124] Benkler explains that "Users are sometimes consumers, sometimes producers, and who are substantially more engaged participants, both in defining the terms of the productive activity and in defining what they consume and how they consumer it."[125]

As an extension of Benkler's specific attention to fan editing and commons-based peer production, Prodromos Tsiavos and Edgar Whitley's paper, "Uncommon Commons: The Unlikely Tales of Programmers, Educators, Pirates, and Lawyers in the Land of the Commons," applies Benkler's model to a series of case studies of online participation, including the prominent fan editing community of FanEdit.org.[126] With consideration for commons-based peer production as a generic model for studying the organizational structure of collaborative networked communities, Tsiavos and Whitley analyze the interactions of participants at FanEdit.org in order to describe the creative "ecology" of the site.[127] Tsiavos and Whitley note

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[123] Ibid., 1268.

[124] Ibid.

[125] Ibid.

[126] Prodromos Tsiavos and Edgar Whitley, "Uncommon Commons: The Unlikely Tales of Programmers, Educators, Pirates, and Lawyers in the Land of the Commons," Harvard Law School Free Culture Research Workshop, October 23, 2009, https://cyber.harvard.edu/fcrw/sites/fcrw/images/Uncommon_Commons_20_10_09.pdf.

[127] Ibid., 1-2.

that the FanEdit.org community reflects commons-based peer production both in terms of making alternative versions of films and in commenting and rating of its projects.[128] Based on Benkler's model, commons-based peer production associated with FanEdit.org, Wikipedia, and Free/Libre Open Source Software (FLOSS) development does not simply generate fixed artifacts or products, but modular and granular projects with specific characteristics:

> Projects have to be "modular" and the resulting granularity allows many contributions to operate in a more decentralized fashion. The modularity and granularity also determine the level of effort required for a minimal contribution. The lower this barrier, the more likely that individuals will join the project. A distinct set of diverse modules opens up the possibility of contributions from individuals with varying backgrounds and skills. Finally, the project should be open-ended and potentially always unfinished: this provides space for continuous development and operates as an attractor for contributors.[129]

Indeed, I find that these criteria describe underlying principles in fan editing communities. For example, when freed from the structural constraints of physical media using disc-ripping software, source films effectively become interchangeable modules for fan editors to reconfigure and interchange at will. Fan editors use video editing software to exploit a scalable granularity of shots, frames, and associated audio elements that formally constitute a film in a digital state. Although fan editors do not share source copies of films for each other's projects, affordable software commonly used by fan editors lowers the barrier for participation and represents an essential toolset for ripping and remixing the interchangeable modules of digital cinema.

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[128] Ibid., 6.

[129] Ibid., 5.

Moreover, fan editing communities reflect a diversity of video editing skills, as well as an understanding that films—and their own labors—are "never-finished" texts.[130] There are fan edits that build upon the creative work of other fan editors; some retrace the steps of early projects, either to reproduce sections of a modified narrative or to remaster the project in higher audiovisual quality, while others even reuse segments wholesale and therefore represent fan edits of fan edits. Similar to the original principles of the public domain, which was established to facilitate innovation, the co-opting of earlier fan edits lowers the minimal contribution required for one to produce a new transformative work. Chapter 3 of this study provides a more detailed examination of practical approaches in fan edits, including "curated" projects that build on the work of previous fan edits.

Tsiavos and Whitley also observe that peer production under Benkler's terms flourishes when there is "excess capacity" associated with the object of production to facilitate continuous contributions from participants. They find that for communities of transformative practice centered around digital media like FanEdit.org, excess capacity likely arises because "the object of production is information and hence is non-rivalrous (e.g. software or content)."[131] Like most creative social networks, excess capacity also reflects "the ability of the peers to make a contribution, either in terms of time or knowledge."[132] On a site like FanEdit.org, this means that forum members are able to contribute constructive ideas and criticism to projects without the

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[130] Derek Johnson, "*Star Wars* Fans, DVD, and Cultural Ownership: An Interview with Will Brooker," *The Velvet Light Trap* no. 56 (2005), 38.

[131] Tsiavos and Whitley, "Uncommon Commons," 5.

[132] Ibid.

expectation of actual labor; fan editors and project discussants may be implicated in the production of a fan edit.

From Benkler's model, Tsiavos and Whitley also point to the means of commons-based peer production communities to organize and integrate participant contributions, which may include legal rules, social norms, technical systems, or hierarchy.[133] For FanEdit.org, which Tsiavos and Whitley describe as a "deviant" network because its activities may violate copyright laws,[134] there are organizational mandates designed to avoid legal reprisals. Fan edits are intended for noncommercial use and "supposedly are intended to be used only by those who own the source material (usually commercial DVDs)."[135] Recalling past legal troubles that resulted in a temporary suspension of the site's operations, Tsiavos and Whitley note that FanEdit.org does not actually host copies of fan edits or hyperlinks to the projects, nor are members permitted to request them in the public discussion forums.[136] Indeed, the forums are intended for critical discussion, as well as the basis for a review and rating system for the projects. There are also social designations for various types of roles within the community, such as the site administrators and forum moderators, fan editors, project art designers, and donors to the site.

Tsiavos and Whitley illustrate how Benkler's commons-based peer production provides a useful model for examining the organization creative communities like FanEdit.org, which may be termed "deviant" at present because it reflects unresolved tensions between the expressions of

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[133] Ibid.

[134] Ibid., 2.

[135] Ibid., 8.

[136] Ibid.

grassroots new media and traditional media industries. Chapter 2 of this study details the development of fan editing communities like FanEdit.org and OriginalTrilogy.com, as well as the ways fan editors have navigated technological and legal contexts of their practice.

Jack Balkin explores the political and free speech context of participatory culture in the essay "Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society" (2004). Balkin argues that by reducing the costs of copying and spreading information across cultural and geographical borders, "digital technologies change the social conditions in which people speak, and by changing the social conditions of speech, they bring to light features of freedom of speech that have always existed in the background but now become foregrounded."[137] Balkin explains that freedom of speech is both interactive, "because speech is about speakers and listeners, who in turn become speakers themselves," and appropriative, "because it draws on existing cultural resources; it builds on cultural materials that lay to hand."[138] In concert with Jenkins's view of participatory culture and Benkler's characteristics of commons-based peer production, Balkin explains that freedom of speech is appropriative because:

> Dissenters draw on what they dislike in order to criticize it; artists borrow from previous examples and build on artistic conventions; even casual conversation draws on common topics and expressions. People participate in culture through building on what they find in culture and innovating with it, modifying it, and turning it to their purposes […] In a democratic culture people are free to appropriate elements of culture that lay to hand,

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[137] Jack Balkin, "Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society," *New York University Law Review* 79, no. 1 (2004), 2; 7.

[138] Ibid., 4.

criticize them, build upon them, and create something new that is added to the mix of

culture and its resources.[139]

Moreover, Balkin argues that the purpose of freedom of speech is to advance toward a

democratic culture.[140] Democratic culture, as he explains,

is more than representative institutions of democracy, and it is more than deliberation

about public issues. Rather, a democratic culture is a culture in which individuals have a

fair opportunity to participate in the forms of meaning making that constitute them as

individuals. Democratic culture is about individual liberty as well as collective self-

governance; it is about each individual's ability to participate in the production and

distribution of culture […] A democratic culture is democratic in the sense that everyone

—not just political, economic, or cultural elites—has a fair chance to participate in the

production of culture, and in the development of the ideas and meanings that constitute

them and the communities and subcommunities to which they belong."[141]

Thus, Balkin contends that the emerging technological infrastructure of the digital age "greatly

expands the possibilities for the realization of a truly democratic culture."[142] He writes that in the

digital age, consumers "are not simply empowered to copy digital content; they are also

empowered to alter it, annotate it, combine it, and mix it with other content and produce

something new. Software allows people to innovate with and comment on other digital media

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[139] Ibid., 4-5.

[140] Ibid., 3.

[141] Ibid., 3-4.

[142] Ibid., 6.

products, including not only text, but also sounds, photographs and movies."[143] Like Benkler,

Balkin centers on *The Phantom Edit* as his chief example of this agency:

> *The Phantom Edit* exemplifies what the digital age makes possible. It is not simply
>
> piracy; it is also innovation, although certainly not the sort of innovation that LucasFilms
>
> [*sic*] was interested in promoting. This innovation goes hand in hand with the possibility
>
> of digital piracy; both are forms of appropriation made possible by digital technologies
>
> and digital communications networks. Lowering the costs of both distribution and
>
> appropriation are central features of the digital age. Digital media, in short, invite not
>
> only simply copying but also annotation, innovation, and collage.[144]

Balkin explains that the mass media are characterized by asymmetry and

unidirectionality, in which "the ability to broadcast widely is held in relatively few hands; what is

broadcast is sent out to a large number of people with very little opportunity for people to talk

back […] Mass media create a technological bottleneck, and the people who control mass media

are gatekeepers controlling its use."[145] Against idealistic predictions that the Internet would

supplant the mass media and dethrone "traditional gatekeepers of content and quality" associated

with the media industries, Balkin shares some of Jenkins's observation that participatory cultures

of the Internet actually diversify the field of media. As Balkin explains, "the Internet has

provided an additional layer of communication that rests atop the mass media, draws from it, and

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[143] Ibid., 8.

[144] Ibid., 8-9.

[145] Ibid., 10.

in turn influences it."[146] As extensions of the appropriative quality of the freedom of speech

principle, Balkin denotes two key communication strategies that people use to talk back with

mass media in the Internet age. The first is "routing around," which means to leverage Internet

infrastructures and platforms, such as a personal web site, to sidestep traditional gatekeepers and

reach audiences directly. Second, "glomming on," involves "appropriating things from mass

media, commenting on them, criticizing them, and above all, producing and constructing things

with them: using them as building block or raw materials for innovation and commentary."[147]

Balkin points out that "appropriation" sometimes implies an exclusive use of another's

property, "But the glomming on characteristic of the digital age is precisely the opposite—it is

nonexclusive appropriation. One appropriates something for one's own use, but others are free to

appropriate it as well."[148] Balkin is careful to note that glomming on is not entirely new, but it is

a new variation on "a standard form of cultural transmission and evolution," that has become "a

standard technique of speech in the digital world. Glomming on is cultural bricolage using cultral

materials that lay to hand."[149] Moreover, Balkin observes that glomming on is especially

prevalent in information goods, which are commodities whose value is determined by the

information they contain. For example, DVDs and Blu-ray discs are information goods that

typically contain software that emulates a film text. Balkin explains that information goods are

non-rivalrous, meaning that their consumption by one consumer does not prevent another's

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[146] Ibid.

[147] Ibid., 10-11.

[148] Ibid., 11. Emphasis in original.

[149] Ibid., 12.

simultaneous consumption. The role of non-rivalrous information goods also factored

significantly into Tsiavos and Whitley's examination of commons-based peer production in

creative online communities such as FanEdit.org. Indeed, Balkin reminds us that *The Phantom*

Edit is a sterling example of glomming on, arguing that the fan edit "uses a traditional mass

media product as an artistic platform for innovation."[150] Based on *The Phantom Edit* and his

other examples, which include activities like blogging and fan fiction writing, Balkin argues that

"routing around and glomming on are not merely specific responses to mass media; they are

basic characteristics of Internet speech generally."[151]

　　For Balkin, these creative activities constitute acts of speech that are implicated in an

ongoing struggle between the freedom of speech principle and gatekeepers of mass media.

Balkin observes that the digital age contributes to the democratization of digital content, which

benefits ordinary individuals as new creative voices, yet he finds irony in that "The very same

features of the digital age that empower ordinary individuals—low costs of distribution and ease

of copying and transformation […] also lead businesses continually to expand markets for

intellectual property and digital content. Yet as businesses do so, they must deal with features of

the digital age that empower consumers and give them new abilities to copy, distribute, and

manipulate content."[152] Balkin considers interactive and appropriative activities like *The*

Phantom Edit to be like acts of speech in the digital age, and thus he argues for vigilant action to

protect freedom of speech from the encroaching bondage of expansive intellectual property

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[150] Ibid.

[151] Ibid., 13.

[152] Ibid., 13-14.

legislation and technological restrictions on the use of digital media, such as Digital Rights Management (DRM).

Subsequent scholarship in this group includes brief references to *The Phantom Edit* as an example of practices that challenge traditional mass media control and policy. With concern for the relationship between new transformative works like fan edits and the fair use doctrine, a legal defense that protects some types of unauthorized use of copyrighted material, *The Phantom Edit* makes appearances in legal meditations on fair use and the Digital Millennium Copyright Act (DMCA), such as Rebecca Tushnet's "Copy This Essay: How Fair Use Doctrine Harms Free Speech and How Copying Serves It" (2004) and Mark S. Nadel's "How Current Copyright Law Discourages Creative Output: The Overlooked Impact of Marketing" (2004).

Similarly, *The Phantom Edit* appears in scholarship that largely focuses on the implications of the CleanFlicks case, including Nikki D. Pope's "Snipping Private Ryan: The Clean Flicks Fight to Sanitize Movies" (2004) and Sharon Weinberg Nokes's "E-Rated Movies: Coming Soon to a Home Theater Near You?" (2004). Citing Rojas's article, Pope incorrectly claims that *The Phantom Edit* removed Jar Jar Binks from the film. Nevertheless, Pope observes that *The Phantom Edit* is a prime example of how "Digital technology scares the entertainment industry, and rightly so. Not only are they losing control over the distribution of their products, they are also losing control over the actual product […] The entertainment industry is grappling with how to reclaim control over its products and protect its intellectual property against future infringements."[153]

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[153] Nikki D. Pope, "Snipping Private Ryan: The Clean Flicks Fight to Sanitize Movies," *Santa Clara Computer and High Technology Law Journal* 20 (2004), 1046.

Prior to his examination of CleanFlicks in *The Anarchist in the Library: How the Clash Between Freedom and Control Is Hacking the Real World and Crashing the System* (2004), Siva Viadhyanathan discusses *The Phantom Edit*, noting the irony that "The same technology that allowed [George] Lucas remarkable control over his characters gave his fans the opportunity to undermine his control of them."[154] Although Nichols was publicly identified as The Phantom Editor as early as a September 7, 2001, article by Daniel Greenberg in *The Washington Post*, Vaidhyanathan inaccurately reports that The Phantom Editor "remains incognito." However, Vaidhyanathan's interpretation of the public interest in Nichols's work makes an insightful observation about the critical potential of fan editing. He writes that "the demand for the file [of *The Phantom Edit*] was not about getting *The Phantom Menace* for free. It was about seeing a better version and celebrating the anarchistic revolution that allowed a lone film critic to take control of the content and connect with thousands of others who shared his appreciation of the Star Wars saga."[155]

Darcy Williams in "Sanitizing the Obscene: Fighting for the Right to Edit Objectionable Film Content" (2005) also relies on Rojas's spurious description of *The Phantom Edit*. In reference to various forms of contemporary film revisionism that is made possible by contemporary technology, Williams inaccurately claims that "In 'The Phantom Edit,' the editors deleted the Jar Jar Binks character from every scene."[156] However, in spite their use of Rojas's

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[154] Siva Vaidhyanathan, *The Anarchist in the Library: How the Clash Between Freedom and Control Is Hacking the Real World and Crashing the System* (New York: Basic Books, 2004), 77.

[155] Ibid., 78.

[156] Darcy Williams, "Sanitizing the Obscene: Fighting for the Right to Edit Objectionable Film Content," *Villanova Sports and Entertainment Law Journal* 12 (2005), 163, footnote 24.

article as their same source of information about *The Phantom Edit*, Pope and Williams make

antithetical claims about its availability. Pope argues that "It is virtually impossible to find this

version as all websites that previously posted it have either removed it or have been shut

down,"[157] yet Williams frankly states that "Film edits like 'The Phantom Edit' and 'A.I.: The

Kubrick Edit' can easily be found on internet file sharing networks such as Kazaa or

Gnutella."[158] *A.I: The Kubrick Edit* is fan edit based on *A.I. Artificial Intelligence* (2001) that,

along with *The Phantom Edit*, Rojas specifically mentions "can be found on peer-to-peer file-

sharing networks like Kazaa and Gnutella."[159] Thus, Williams's reference to Kazaa and Gnutella,

like Vaidhyanathan's similar statement that *The Phantom Edit* was available "via peer-to-peer

networks like Gnutella,"[160] seem to be based on Rojas's earlier choice of words. Moreover,

Vaidhyanathan's claim that digital copies of *The Phantom Edit* constituted a "seven-hundred-

megabyte DivX file [that] took many hours to download even with the fastest connection

available" is evidently sourced from Kraus's reference to an early fan website dedicated to

discussions about *The Phantom Edit*, which reportedly traded copies of the fan edit in "700MB

DivX encoded video."[161] In either case, the ability of Pope, Williams, and Vaidhyanathan to

interpret the significance of *The Phantom Edit* is limited by an apparent lack of firsthand

experience with the work itself and a reliance on partially inaccurate secondary research

resources. Without viewing a fan edit firsthand to compare the work with its associated

[157] Pope, "Snipping Private Ryan," 1046 (footnote).

[158] Williams, "Sanitizing the Obscene," 163 (footnote 24).

[159] Rojas, "The Blessed Version."

[160] Vaidhyanathan, *The Anarchist in the Library*, 78.

[161] Fausset, "A Phantom Menace?"

discourse, scholars may be capable of broadly comparing something like *The Phantom Edit* with movements in technology and participatory culture, but their examinations are relatively superficial.

Confusion of various texts is another problem posed by a lack of access to fan edits. For example, in spite of Yvonne Sarah Morris's contextualization of fan editing within various remix traditions, the CleanFlicks case, and experimental collage cinema in "The Legal Implications Surrounding the Practice of Video Sampling in the Digital Age" (2006), she inaccurately claims that in *The Phantom Edit*, "many of the aliens' voices and dialogue were also changed to remove what many fans felt were ethnically stereotypical accents."[162] The project that Morris confuses with *The Phantom Edit* is most likely *The Phantom Re-Edit* or "East Coast" phantom edit, for which its unidentified creators "digitally scrambled Jar Jar Binks's voice and wrote new subtitled dialogue in an attempt to represent him as a wise native of the planet Naboo."[163]

Like Morris, James G. H. Griffin in "The Rise of the Digital Technology 'Meritocracy': Legal Rules and Their Impact" (2006) ponders the rights of people to create transformative art using the technology at hand. Although he mistakenly claims that *The Phantom Edit* removes Jar Jar Binks, Griffin recognizes that fan editing represents something other than film piracy. Along the lines of Fausset and Benkler's descriptions of *The Phantom Edit* as a cinematic samizdat, as well as Vaidhyanathan's view on the "anarchistic revolution that allowed a lone film critic to take

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[162] Yvonne Sarah Morris, "The Legal Implications Surrounding the Practice of Video Sampling in the Digital Age," in *Readings in Law and Popular Culture*, eds. Steve Greenfield and Guy Osborn (New York: Routledge): 303, footnote 65.

[163] Wille, "Fan Edits and the Legacy of *The Phantom Edit*," 3.2.

control of the content,"[164] Griffin argues that "What is happening is that individuals are holding a discourse, as it were, within the work directly. No longer is there a need to hold a discourse in a separate physical space—now it can be done inside the work."[165] Pointing to the culture of software mods in the computer games industry as an example of mutual transformative participation and thriving commerce, Griffin examines the imbalance of power imposed by DRM technology. Additionally, drawing from Lessig's *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity* (2004), Griffin argues for the establishment of a "right to tinker" with regard to digital media:

> Essentially, this permits individuals to perform their social dialogue within works, as part of those works. The 'right to tinker' is important because it preserves the space that recipients of content have held in the pre-digital era. Recall that the printing press, for instance, led to the separation of the acts of writing, distribution and receiving content. The computer, by contrast, combines all of these elements into one single machine. What the 'right to tinker' would permit is to enable the individual to take advantage of the interlinking of these elements, but without being disadvantaged by the ability of publishers and authors to closely control them at whim.[166]

Like some other scholars whose evaluations of *The Phantom Edit* is based solely on somewhat fallacious secondary sources, Derek E. Bambauer in "Faulty Math: The Economics of Legalizing *The Grey Album*" (2008) erroneously claims that *The Phantom Edit* "removed

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[164] Vaidhyanathan, *The Anarchist in the Library*, 78.

[165] James G. H. Griffin, "The Rise of the Digital Technology 'Meritocracy': Legal Rules and Their Impact," *Information and Communications Technology Law* 15, no. 3 (2006), 216.

[166] Ibid., 218.

frivolous material such as Jar Jar Binks from the official version of *The Phantom Menace*."[167]

Without the firsthand experience with *The Phantom Edit* to appreciate its numerous editorial

changes, Bambauer makes a cursory evaluation of the fan edit as a "relatively minor

adaptation."[168] As he continues, Bambauer considers various strategies for resolving perceived

economic conflicts between transformative works and their source texts. Bambauer speculates

that "even highly transformative derivatives could displace sales of the initial work," and that

"Substitution from derivatives risks undermining creators' incentives to produce expression."[169]

Thus, he argues that "Congress should change the statutory definition of 'derivative work' to

move abridgments, condensations, editorial revisions, and translations under the reproduction

right, which initial authors would retain, instead."[170] According to Bambauer, derivative works

represent "parasitic translations" that should be under greater control by the initial author of a

text; thus, "This new system would allocate a fraction of revenues from that form of derivative to

the initial author. The percentage shared would correspond to the degree of substitution."[171] He

suggests that under this plan, the initial author of a work would retain exclusive protection

"against transformative works of the same form" for a limited but unspecified period after

publication.[172]

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[167] Derek E. Bambauer, "Faulty Math: The Economics of Legalizing *The Grey Album*," *Alabama Law Review* 59, no. 2 (2008), 394.

[168] Ibid.

[169] Ibid., 394-395.

[170] Ibid., 396.

[171] Ibid.

[172] Ibid., 397.

Bambauer's plan presumes that derivative works could be regulated and that their capability to substitute their source texts could be measured. Although his concept may be remotely possible for commercial media products, as several of the preceding authors have shown, unauthorized transformative works such as *The Phantom Edit* represent compelling evidence that the opposite is true: regulation of grassroots media is increasingly difficult to contain and control. Moreover, Rebecca Tushnet warns against granting further control to initial authors in "Copy This Essay: How Fair Use Doctrine Harms Free Speech and How Copying Serves It" (2004). Tushnet recalls that "the 1909 Copyright Act granted authors rights over translations and dramatizations of their works, and in the 1976 Act this right was generalized into the derivative works right, which protects translations; dramatizations; movie versions; fictionalizations; abridgements," as well as any other transformative or adapted form.[173] Tushnet notes that the procedure of copyright over the last several decades has increasingly served the interests of copyright owners rather than the public. For example, copyright is no longer "an opt-in system" in which "Noncompliance dedicated a work to the public domain," and copyright terms have expanded from fourteen years after publication to seventy years past the author's death.[174] Contrary to Bambauer's idea to reallocate the domain of derivative works to the reproductive right of initial authors, Tushnet observes that copyright owners' rights have already expanded to an impractical degree in the digital era:

> For example, although anyone can borrow a physical copy of a book from a library
> without the copyright owner's permission, borrowing an electronic version of the same

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[173] Rebecca Tushnet, "Copy This Essay: How Fair Use Doctrine Harms Free Speech and How Copying Serves It," *The Yale Law Journal* 114: 541-542.

[174] Ibid., 543.

book from the same library implicates the copyright owner's reproduction and display rights. As a result of these changes, absent an applicable exception or defense, both playing the radio in a public place and e-mailing a copy of a news article to a friend violate the copyright owner's rights.[175]

It is worth mentioning that within Bambauer's proposal, his stipulation that "Copyright law should also add rights of attribution and disclaimer," and that the law should "require a derivative work to acknowledge its artistic debt to the expression it transforms,"[176] are relevant to a study of the noncommercial economy of fan editors, who often incorporate such a disclaimer at the start of their work. In fact, as it has been widely reported, Nichols's *The Phantom Edit* begins with an unmistakable disclaimer in place of the conventional scrolling text that opens with every Star Wars film. This detail would certainly not have been missed by Bambauer if he had viewed a copy of *The Phantom Edit*.

However, Nichols's disclaimer was not missed in *The Pirate's Dilemma: How Youth Culture Is Reinventing Capitalism* (2008) by Matt Mason, who reproduced "The infamous yellow text" in verbatim.[177] Mason's sources for his particular passage about *The Phantom Edit* include Rojas's April 8, 2002, article, which does not refer to Nichols's disclaimer but falsely names the project "a Jar Jar Binks-less cut of The Phantom Menace;"[178] as well as Kraus's November 5, 2001, article and Andrew Rodgers's June 5, 2001, report on *Zap2it*, "New 'Star

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[175] Ibid., 542-543.

[176] Ibid., 398.

[177] Matt Mason, *The Pirate's Dilemma: How Youth Culture Is Reinventing Capitalism* (New York: Free Press, 2008), 86.

[178] Rojas, "The Blessed Version."

Wars' Re-Edit Skirt Law," both which do not purport to an erasure of Jar Jar Binks and reproduce only portions Nichols's disclaimer. Thus, Mason has either copied Nichols's complete disclaimer from an uncredited source, or he has retyped the text based on a viewing of *The Phantom Edit*. It seems unlikely Mason has viewed a copy of *The Phantom Edit* because he also announces that the work left "elements that had bugged many fans—namely the character Jar Jar Binks […] on the cutting-room floor."[179]

Nevertheless, Mason provides useful commentary on the authorial significance of *The Phantom Edit*, in which he argues Nichols "put the audience on a level playing field with the filmmaker. And with that, the games began. The next few years saw myriad movies get makeovers from disgruntled fans."[180] Mason draws attention to other fan edits, including *A.I.: The Kubrick Edit* (DJ Hupp, 2002); *The Matrix: DeZionized* (CBB, 2005), which notably excised all scenes of the underground city of Zion from *The Matrix: Reloaded* (2003) and *The Matrix: Revolutions* (2003); and *Star Trek: Kirkless Generations* (CBB 2006), which erased the character of Capt. James T. Kirk from *Star Trek: Generations* (1994). Mason also mentions a version of the Lord of the Rings trilogy "remixed by purists to be more in line with Tolkien's original vision,"[181] which is likely a reference to *The Two Towers: The Purist Edit* (2003), an unattributed fan edit that was among the first crop of projects to follow *The Phantom Edit*.[182] Drawing partly from Lessig's *Free Culture*, Mason also argues that "Film remixing officially gained some

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[179] Mason, *The Pirate's Dilemma*, 86.

[180] Ibid., 86-87.

[181] Mason, *The Pirate's Dilemma*, 87.

[182] Joshua Wille, "Reforging the Rings: Fan Edits and the Cinematic Middle-earth," in *Fan Phenomena: The Lord of the Rings*, ed. Lorna Piatti-Farnell (Bristol: Intellect Ltd., 2015), 28.

acceptance from Hollywood" around 2003 to 2004 when film production company DreamWorks

reportedly signed comedian Mike Myers "to become a new kind of celebrity VJ, sampling and

remixing old films into new creations. 'Rap artists have been doing this for years with music,'

Myers told Reuters, 'now we are able to take that same concept and apply it to film.'"[183] As

Lessig explains in more detail, DreamWorks in 2003 publicly announced that

> Myers and DreamWorks would work together to form a "unique filmmaking pact." Under
>
> the agreement, DreamWorks "will acquire the rights to existing motion picture hits and
>
> classics, write new storylines and—with the use of state-of-the-art digital technology—
>
> insert Myers and other actors into the film, thereby creating an entirely new piece of
>
> entertainment. The announcement called this "film sampling."[184]

Mason reiterates portions of Lessig's keen observation that the seemingly progressive

arrangement belies the fact that "As the vast majority of our film heritage remains under

copyright, the real meaning of the DreamWorks announcement is just this: It is Mike Myers and

only Mike Myers who is free to sample. Any general freedom to build upon the film archive of

our culture, a freedom in other contexts presumed for us all, is now a privilege reserved for the

funny and famous—and presumably rich."[185] Lessig argues that the such use of copyrighted

material remains essentially a privilege of elites because most people are deterred by the high

costs of negotiating legal rights to reuse content, and because the parameters of fair use are

largely misunderstood. Thus, as Lessig argues, "You either pay a lawyer to defend your fair use

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[183] Mason, *The Pirate's Dilemma*, 87.

[184] Lawrence Lessig, *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*, New York: The Penguin Press (2004): 106-107.

[185] Lessig, *Free Culture*, 107.

rights or pay a lawyer to track down permissions so you don't have to rely upon fair use rights.

Either way, the creative process is a process of paying lawyers—again a privilege, or perhaps a

curse, reserved for the few."[186] As a recourse, Mason argues, rebellious and creative people—

those which he broadly and affectionately describes as "pirates"—"will continue pushing the

copyright envelope until these laws are changed."[187]

Moreover, on the capability of digital technology and the emergence of fan edits to

change the economic and social dimensions of filmmaking, Matthew Sag in "Copyright and

Copy-Reliant Technology" (2009) argues:

> The type of video editing software used to create the *Phantom Edit*—a fan edited version
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> of *Star Wars Episode I* without the much reviled Jar Jar Binks character—used to be
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> reserved for Hollywood studios alone; it is now widely available for less than the cost of
>
> a new television. These new possibilities have done more than simply lower costs for
>
> existing producers; they have introduced new participants and in some cases
>
> dramatically changed the medium.[188]

Apart from his mistaken comment on the omission of Jar Jar Binks in *The Phantom Edit*, Sag

implicates fan edits in a discussion about the significance of the Internet era on copyright and the

fair use doctrine. Sag argues that "by enabling more people to produce a greater range of

copyrighted material, the Internet has fundamentally changed the nature of copyright

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[186] Ibid.

[187] Mason, *The Pirate's Dilemma*, 87.

[188] Matthew Sag, "Copyright and Copy-Reliant Technology," *Northwestern University Law Review* 104, no. 4 (2009), 1611-1612.

markets,"[189] and "The primary way in which copyright law adjusts to potential market malfunctions is through the evolution of the mercurial doctrine of fair use."[190] With regard to the "flexible standard of limits" that tenuously define fair use, Sag outlines some activities that courts have found to be fair use, such as "quoting a significant portion of a work for the purpose of criticism, illustration, comment, or clarification; parodying a work; and copying part of a work in the course of classroom activities."[191] Further, he reminds readers that, in some cases, fair use "plays a mediating role in situations where the copyright owner withholds permission for reasons that society finds unacceptable," such as parody or criticism.[192] Accordingly, and as some subsequent scholars have observed, the fan edit community typically argues that its activities should be justified because fan edits reflect critical perspectives. This defense extends at least as far back as *The Phantom Edit*, which Nichols considers "proactive criticism."[193] Chapter 2 of this study examines fan edits and fair use defense in greater detail.

Questioning Authors and Authenticity

The title of Simone Murray's "'Celebrating the Story the Way It Is': Cultural Studies, Corporate Media and the Contested Utility of Fandom" (2004) borrows from the infamous statement by Lucasfilm executive Jim Ward, on the company's content restrictions in a Star Wars fan filmmaking competition that was judged personally by George Lucas. To reiterate, Ward said: "We've been very clear all along on where we draw the line [...] We love our fans. We want

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[189] Ibid., 1613.

[190] Ibid., 1615.

[191] Ibid.

[192] Ibid., 1616.

[193] Fausset, "A Phantom Menace?"

them to have fun. But if in fact somebody is using our characters to create a story unto itself, that's not in the spirit of what we think fandom is about. Fandom is about celebrating the story the way it is."[194] For Murray, this rhetoric is emblematic of industrial constraints placed on intrepid media fandom, including a "burgeoning subset of fan/producer negotiation [that] revolves around corporations' attempts to cultivate or at a minimum cautiously to engage audience activities through strategic support for a delimited realm of fan creativity."[195] Although Murray explains that various attempts by the media industries to court participation from fans "problematize the tendency in fan research of the early to mid-1990s to celebrate fans' semiotic resistance to corporate intellectual property ownership through appropriation and creative refashioning of media texts,"[196] which includes Jenkins's *Textual Poachers*, she observes that "Emerging models of fan/producer relationships around premium media content might best be characterized as an uneasy dance in which conglomerates' desire for maximum circulation of content chafes uncomfortably against fans' resourcefulness in eluding the prescribed legal and economic frameworks for the circulation of that content."[197]

Against the economic concerns posed by unauthorized transformative works evident in Bambauer's writing, Murray notes that "The majority of publicized fan/producer intellectual property disputes […] involve fans provoking the ire of intellectual property holders by utilizing

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[194] Harmon, "'Star Wars' Fan Films Come Tumbling Back to Earth."

[195] Simone Murray, "'Celebrating the Story the Way It Is': Cultural Studies, Corporate Media and the Contested Utility of Fandom," *Continuum: Journal of Media and Cultural Studies* 18, no. 1 (2004), 11.

[196] Ibid., 8.

[197] Ibid., 9.

copyright or trademarked works for non-commercial purposes."[198] One of her examples of this phenomenon is the case of *The Phantom Edit*, during which she claims "Lucasfilm in 1999 took action to suppress the 'de-Binked' version of The Phantom Menace."[199] Murray's sources for this information include Hoberman's July 15, 2001, article, whose reference to fans discussing a hypothetical "de-Binked" cut of *Episode I* was evidently mistaken by Murray to mean Nichols's *The Phantom Edit*; and Harmon's April 28, 2002, article, whose vague assertion that "The company took steps to stop the distribution of the fan's cut and said that Mr. Lucas would not look at it," was apparently interpreted by Murray to mean that the film company "took action to suppress" *The Phantom Edit*. On the contrary, as Nichols reveals in Fausset's June 1, 2002, profile article, he was not approached by Lucasfilm's legal staff. Instead, Nichols "decided to post an apology to the company and asked fans to stop selling or trading his version."[200] Furthermore, as Kraus reports in his November 5, 2001, article, Lucasfilm was initially supportive of *The Phantom Edit* until rumors spread of illicit sales of the project:

> Meanwhile, the responses from Lucasfilm spokespeople began turning from amiable to intimidating. Back in mid-June, Lucas spokeswoman Jeanne Cole told Zap2it.com, "When we first heard about the [reedits], we realized that these were fans having some fun with 'Star Wars,' which we've never had a problem with. But over the last 10 days, this thing has grown and taken on a life of its own—as things sometimes do when associated with 'Star Wars.' … And, when we started hearing about massive duplication

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[198] Ibid., 10.

[199] Ibid.

[200] Fausset, "A Phantom Menace?"

and distribution, we realized then that we had to be very clear that duplication and

distribution of our materials is an infringement. And so we just kind of want to put

everybody on notice that that is indeed the case.

In the same article, Kraus characterizes the comment by Jeanne Cole as a "veiled threat" and

reproduces Nichols's apologetic statement that was referenced by Fausset. Whether the

diplomatic language used by Cole should be considered threatening is questionable, but the

corpus of texts that are associated with the incident reveal that Lucasfilm's official response to

The Phantom Edit was not as simple as Murray presents it. Nevertheless, before Murray

reproduces Jim Ward's draconian view that "Fandom is about celebrating the story the way it is,"

she effectively points out that "constraints on fans' usage of narratives and imagery which have

become all-pervasive in popular culture betray the uneasiness of corporations impossibly

compromised. One one hand, corporations are reliant upon devoted fan bases for market

research, for development of highly trafficked review sites, and as identifiable niche markets.

But, on the other hand, these same conglomerates perceive a need for vigilant scrutiny of IP

[intellectual property] to protect key corporate assets."[201]

Theorizing some of the perceived need for vigilance on the part of media conglomerates,

Frederick Mark Gedicks and Roger Hendrix in "Religious Experience in the Age of Digital

Reproduction" (2005) argue that digital technology "permits limitless manipulation of the work

of art, permitting one to display it in multiple contexts, seamless improving or otherwise altering

its appearance, or combining it with other works. As a consequence, digital technology has

obliterated the authority and control of a work that once naturally followed from mere physical

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[201] Murray, "'Celebrating the Story the Way It Is,'" 11.

possession of the original. (Hence the fixation with intellectual property rights in the digitized world.)."[202]

Drawing from Walter Benjamin's meditations on the plight of the "aura" in his seminal essay "The Work of Art in the Age of Mechanical Reproduction," Gedicks and Hendrix discuss the assembly of separately recorded elements that constitute a contemporary film and explain that "The original work of film has no authority even in the analog world, because there is no original work; the film originates as a copy. And if this copy is digitized, it is indistinguishable from any other copy. There exists no original against which the authenticity of these copies can be measured."[203] Recalling Benjamin's theory that authentic works bear signs of historical wear and are implicated in a tradition that determines their significance, Gedicks and Hendrix argue that in the filmmaking process, "The result is a plethora of copies lacking any characteristic that would mark any one of them as the authentic original work."[204] For Gedicks and Hendrix, the vagaries of film broached in Benjamin's concerns about mechanical reproduction of art intensify in the digital age. They argue that "Digital reproduction promises to carry the effects of mechanical reproduction so far that nothing of the original aura will remain. The very idea of the original is already meaningless in digitized media."[205] Although Gedicks and Hendrix do not specifically address fan edits, in the course of their discussion about the reproducibility and malleability of digital media they reference Balkin, who argued that "*The Phantom Edit*

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[202] Frederick Mark Gedicks and Roger Hendrix, "Religious Experience in the Age of Digital Reproduction," *St. John's Law Review* 79, no. 127 (2005), 137-138.

[203] Ibid., 139.

[204] Ibid., 140.

[205] Ibid., 143.

exemplifies what the digital age makes possible."[206] Considering Gedicks and Hendrix's

perspective on the effects of digitization on the already tenuous concept of authenticity in a film,

The Phantom Edit represents a rare case in which a fan edit that was initially published in analog

form—the first VHS copy finished by Nichols—was arguably imbued with a semblance of an

aura from its unique textual recombination. Once it was copied, digitized, and spread throughout

the Internet, *The Phantom Edit* was irreversibly out of Nichols's hands. Rampant digital

reproduction and dissemination may have caused a figurative diminishment of the aura of its

original VHS version, but this process was instrumental in the development of fan editing as a

practice.

Revision and authenticity in film is explored in Derek Johnson's "*Star Wars* Fans, DVD,

and Cultural Ownership: An Interview with Will Brooker" (2005). Throughout their

conversation, Johnson and Brooker discuss various grievances shared by Star Wars fans

following a 2004 Special Edition DVDs of the Star Wars original trilogy, which reflected further

alterations overseen by George Lucas. Reflecting some of the same formal concerns as Gedicks

and Hendrix regarding the authenticity of contemporary digital film, Johnson considers Lucas's

continuous revisionism and asks, "After all, how original is the original trilogy any longer?"[207]

Later, Brooker characterizes fans' resistance to Lucas's revisions of the Star Wars films as a

"disquieting feeling that you cannot trust Lucas with this mythos that means so much to you—

which is troubling, as clearly you owe him a debt of gratitude," adding that it is "the feeling that

the undermining of the author, a strange feeling that you, the fan, and the fan community in

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[206] Balkin, "Digital Speech and Democratic Culture," 8.

[207] Derek Johnson, "*Star Wars* Fans, DVD, and Cultural Ownership: An Interview with Will
Brooker," *The Velvet Light Trap* 56 (2005), 36.

general would actually make a better curator of the myth and probably a better creator of new

Star Wars texts than Lucas would now. What's at stake is that Lucas's tinkering is now called the

'official' text."[208] *The Phantom Edit* enters their conversation as just one example of "bootleg"

early editions of the Star Wars films traded among fans which, as Johnson suggests, represent a

form of curation and rescuing of film history and the Star Wars canon. Brooker considers that

"we must accept that now there are several different ideas of *Star Wars* canon. Some fans will

accept anything George Lucas says as canon and revise their own idea accordingly […] To be

fair to George Lucas, they are only rescuing *their own idea* of canon."[209]

When Johnson and Brooker's conversation shifts toward the cultural hierarchy of film

versions, Brooker argues that "the idea of fans distributing their own canon would not be enough

to satisfy me even if it was legal, because as we all know, as fans, that the 'official' version,

sanctioned by George Lucas, has more cultural status. What would satisfy me is an HD-DVD

ultimate edition of all three existing versions of *A New Hope* on it, all of them sharing equal

status."[210] Later, Johnson asks whether Lucas's "true vision" could ever be brought to the screen,

and Brooker replies that "Lucas's 'true vision' is, I believe, going to mean a new version every

five years or so."[211] Further, Brooker suggests that "perhaps George Lucas's true vision of *Star*

Wars is a never-finished text." In contrast to Lucas's ability to continually market the next

inchoate version of Star Wars, Brooker argues that "A fan-editor is in a different position because

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[208] Ibid., 40.

[209] Ibid., 41. Emphasis in original.

[210] Ibid., 42.

[211] Ibid.

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their reworked *Star Wars* text is always going to be just one of many, without a lofty cultural

status, so it exists as one variant in a democracy of interpretations."[212]

Apart from the tendency to characterize the field of participatory culture and

transformative works as an adversarial relationship between media industry elites and a

consumer underclass, other scholars have observed the potential for digital technology and fan

edits to enrich media and develop relationships between consumers and producers. For example,

Alina Ng notes in "Authors and Readers: Conceptualizing Authorship in Copyright Law" (2008):

> Digital technologies have also provided readers with an opportunity to participate in the
>
> authorship process that was never before possible, but which now facilitates a greater
>
> connection between the author and his readers. Movie edits by fans and audiences
>
> through digital technologies indicates a desire on the part of the public to connect with
>
> their authors. Previously the only way an author obtained an idea of what his readers
>
> wanted was through the sales of his works in the market. Fan edits of the Phantom
>
> Menace of the new Star Wars movies and the Purist Edit of the Two Towers of the Lord
>
> of the Rings movie trilogy have, however, communicated audience preferences to movie
>
> producers George Lucas and Peter Jackson in a manner that is only possible because of
>
> digital technologies in the market.[213]

In fact, fan edits have not only facilitated communication between audiences to producers but

they have also changed the way some producers think about the creative role of their audience.

For example, in an audio commentary on *The Lord of the Rings: The Two Towers* extended

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[212] Ibid.

[213] Alina Ng, "Authors and Readers: Conceptualizing Authorship in Copyright Law," *Hastings Communication and Law Journal* 30 (2008), 406.

edition DVD, filmmakers Peter Jackson, Fran Walsh, and Phillipa Boyens discuss the idea of making a chronological re-edit of the Lord of the Rings film trilogy. As I have recounted elsewhere, "During this exchange, Jackson admits, 'I mean, well, people could do that with their —I shouldn't suggest this—you could do this with the sort of editing software on home computers these days. It's something that any fan could do,' to which Boyens suggests, 'Maybe they could do it for us and then we wouldn't need to do it ourselves.'"[214]

In a subsequent article, "When Users are Authors: Authorship in the Age of Digital Media" (2010), Ng joins other legal scholars such as Benkler and Balkin by naming *The Phantom Edit* as a key example of the creative agency of contemporary audiences who are the vanguard of consumer technology. Ng observes that

> authorship in the digital world is characterized by a new culture that is eager to explore what they can do with the technology available to them, and to create new works, share them as well as remix original works of authorship that come to them […] Fan edits of popular motion pictures, such as Mike J. Nichols's edit of George Lucas's *Star Wars Episode I: The Phantom Menace* that came to be known as the "Phantom Edit," is just one example of how technology has enabled users to alter and manipulate the content of original works of authorship.[215]

Ng's perspective on the character of contemporary authorship connects with some of Brooker's views on the collective efforts by fans to curate and contribute to an unauthorized Star Wars canon. For example, Ng writes that "In the digital age, authorship is generally communal, in that

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[214] Wille, "Reforging the Rings: Fan Edits and the Cinematic Middle-earth," 32.

[215] Alina Ng, "When Users are Authors: Authorship in the Digital Age," *Vanderbilt Journal of Entertainment and Technology Law* 12, no. 4 (2010), 864.

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an author usually creates a work as part of a creative community with sometimes-unidentifiable contributors and supporters. Authors readily share their works with each other and incorporate other works into their own as part of a remix culture."[216]

Paul Booth, in "Mashup as Temporal Amalgam" (2012) points to Lev Manovich's argument that the current era is a "remix culture" in which "Originality stems less from the ability to create than it does the ability to use. Call it what you will, Manovich says—sampling, appropriation, quoting, or remixing—it all amounts to the same thing: new aesthetics, based on remixing existing content, engender a new appreciation for older texts."[217] Booth argues for approaching remix videos and mashups as more than simply composites of existing material, but as "a combination of specific and deliberate activities"[218] that potentially "create a new reading" of a text.[219] Thus, he cites *The Phantom Edit* as a example of an "externalization of tactical reading":

> Remixing the Star Wars movie allowed Nichols not only the creative input to change the film, but also the ability to create a new film entirely. Nichols's *Phantom Edit* sits in the middle of Manovich's remix culture, putting the creation of cultural products in the hands of amateurs, of users, of audience members, and of fans.[220]

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[216] Ibid., 864-865.

[217] Paul Booth, "Mashup as Temporal Amalgam," *Transformative Works and Cultures*, no. 9 (2012), 1.1.

[218] Ibid., 4.3

[219] Ibid., 4.5.

[220] Ibid., 4.6.

Further, Booth argues that "Remix doesn't stop at the object, but rather becomes a cultural activity, performed at all stages of cultural investigation."[221]

Booth also points to the political currency of video remixes and mashups, which is in line with Catherine Coker's concerns in "The Angry!Textual!Poacher! Is Angry! Fan Works as Political Statements" (2012). Building off of Jenkins's appropriation of de Certeau's work to examine textual poaching in fan texts, Coker recalls that "When fans create new works, they are poaching the intellectual property from its rightful owners to buy, sell, or trade in another market, bypassing the hierarchical model and creating a new, democratic model of textual trade."[222] However, in concert with some of the collective philosophy of creativity touched upon by Brooker and Johnson, as well by Ng, Coker notes that "to many fans, a source text is not solely a property, inanimate and lifeless, but a living thing all its own. As such, to create derivative works from a source text is not even to poach it—as this too would imply an ownership model—but to expand upon it. To engage with the text, to transform it, is in some instances to liberate and rescue a text by providing alternate and variant readings and thus forming new texts."[223] Coker suggests that more critical attention should be paid to the authorial intentions of fans and "the way in which these tests engage with and sometimes challenge, rather than merely derive from, original works."[224] Coker essentially compares remixing to a political act of liberating a text

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[221] Ibid., 5.3.

[222] Catherine Coker, "The Angry!Textual!Poacher! Is Angry!: Fan Works as Political Statements," in *Fan Culture: Theory/Practice,* eds. Katherine Larsen and Lynn Zubernis (Newcastle upon Tyne: Cambridge Scholars Publishing, 2012), 84.

[223] Ibid.

[224] Ibid.

from its original authorial intent, and "When fans repurpose or rewrite texts, they open up new bodies of meaning for discussion and critique of the original work."[225]

In one of her case studies on the political statements evident in fan works, Coker looks at *The Phantom Edit*. Coker's version of the story behind Nichols's fan edit includes many familiar details, including an inaccurate claim that *The Phantom Edit* removes "the pod-racing scene with young Anakin Skywalker and the thickly accented, foolish character Jar Jar Binks."[226] Drawing information primarily from Kraus's November 5, 2001, article, Coker implies that George Lucas and Lucasfilm were responsible for a swift removal of the fan edit from the Internet because "the popular and fan praise for *The Phantom Edit* became a little too loud, or perhaps too close for comfort."[227] Although this interpretation of the events would support Coker's argument that fan texts challenge the original author, it contradicts statements from Lucasfilm's Jeanne Cole that appear in Kraus's article. Cole explains that Lucasfilm tolerated *The Phantom Edit* until there were rumors of "massive duplication and distribution" of it, a statement that Lucas corroborated in a 2002 interview in which he said that "*The Phantom Edit* was fine as long as they didn't start selling it. Once they started selling it, it became a piracy issue."[228] Nevertheless, as Coker observes, case of *The Phantom Edit* raises significant questions about authorship and cultural ownership:

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[225] Ibid., 86.

[226] Ibid., 91.

[227] Ibid.

[228] Smith, "The Genius of the System," 32.

Though *The Phantom Edit* is not a political work itself, but the responses it provoked, in many ways, are. At the most basic level, the dialogue between creator-authors and fan-authors is primarily a discussion of control—a control of characters, a control of worlds, a control of money. And in the perceptions of others, who is really the one in control? Legally speaking, it will always be the one who holds the copyright (and the lawyers and their bank accounts) but in the eyes of the viewer, for instance, who is the "real" Jar Jar Binks? The annoying, racist comic-relief Jar Jar, or the subtitled koan-quoting Jar Jar? Some fans might prefer, to borrow from *The Mythbusters* [*sic*], to reject your reality and substitute their own.[229]

John C. Lyden addresses these concerns about authorship and fan works in "Whose Film Is It, Anyway? Canonicity and Authority in *Star Wars* Fandom" (2012). After recounting the efforts of some fans to petition Lucasfilm to commercially release restored editions of the original versions of the Star Wars original trilogy, Lyden examines the implications of transformative works such as *The Phantom Edit* and other fan edits. Much like Gedicks and Hendrix's arguments about the mutability of digital works, Lyden concludes that "Technology now allows fans to revise what Lucas has done, in the same way that Lucas returns to his own canon to revise it; the irony is that neither is being exactly 'true' to the 'original,' largely because there is no 'text' that can be called 'the original' and agreed upon by all parties. In the age of the

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[229] Coker, "The Angry!Textual!Poacher! Is Angry!" 91. Coker's description of "the subtitled koan-quoting Jar Jar" is likely reference to a different fan edit, *The Phantom Re-Edit*, which "digitally scrambled Jar Jar Binks's voice and wrote new subtitled dialogue in an attempt to represent him as a wise native of the planet Naboo" (Wille, "Fan Edits and the Legacy of *The Phantom Edit*," 3.2).

internet, texts are shifting realities, negotiated by multiple parties who interact with the medium, contributing their own interpretation and evaluation of the text as part of its revision."[230]

Similarly, Chuck Tryon's "Fan Films, Adaptations, and Media Literacy" (2012) most insightful passages on *The Phantom Edit* address the ability of a fan editor to transform criticism and expand adaptation of a film. Tryon writes that "The power of the editor to create new meaning is crucial to the work of vidders and other remix artists, but in the case of *The Phantom Edit*, eliminating selected scenes also served to express the contested meanings of the *Star Wars* story world, turning it into one of the more creative modes of adaptation deployed by digital filmmakers."[231] Also, Tryon notably avoids the folly of conflating various fan edits of *Episode I*, instead noting that "a number of fans sought to rewrite, or even remake, *The Phantom Menace* in order to make it more consistent with what they regarded as the true spirit of the *Star Wars* universe. To express their frustration, fans produced films with titles such as *The Phantom Edit*, which sought to revise the original, whether through carefully editing out Jar Jar Binks or through redubbing his voice, transforming him from a naive, childlike character into a sage."[232]

Unlike Lyden's perspective that fan edits are essentially sites of creative renegotiation between producers and audiences, or James G. H. Griffin's implication that such work represents social tinkering within a text, Forrest Phillips in "The Star Wars Franchise, Fan Edits, and Lucasfilm" (2012) attempts a more narrow definition of fan edits as a reactive practice. Phillips

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[230] John C. Lyden, "Whose Film Is It, Anyway? Canonicity and Authority in *Star Wars* Fandom." *Journal of the American Academy of Religion* 80, no. 3 (2012), 780.

[231] Chuck Tryon, "Fan Films, Adaptations, and Media Literacy," in *Science Fiction Film, Television, and Adaptation*, eds. J. P. Telotte and Gerard Duchovnay (New York: Routledge, 2012), 182.

[232] Ibid., 181.

argues that "Fan edits assert that fan authority is on par with that of a work's original creator,"[233] adding that "The assertion of parity comes from the fact that fan editors perceive their texts as 'director's cuts,' but made by fans."[234] Thus, he surmises that the intent of fan editors is to "reclaim" films from original filmmakers.[235] On the contrary, I have found that "Instead of treating their works as definitive versions, as the term 'director's cut' implies, fan editors embrace the diversity of their efforts. They build on the revisionist works of others and often cite other fan edits as inspirations."[236] Phillips also attempts to neatly situate the theory and practice of fan editing between two other types of transformative works, fan vidding and fan filmmaking, but I find this approach unconvincing because it is predicated on cursory descriptions of these practices. His reasoning that "Vids focus on character's internal lives and are typically gendered as a feminine form of fan production," but, "Fan films affirm the existing narrative and are typically gendered as masculine," therefore, "Fan edits are gendered as neutral in that they recontextualize a source by editing it but typically reaffirm the broad strokes of the foundational narrative,"[237] simply overlooks diverse work in each of these practices.

Notably, Phillips addresses the ambiguous legal status and controversial reputation of fan edits. He also points to the fact that many fan editors insist that their works must not be purchased or sold by any members, and in order to download a fan edit, one is expected own an

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[233] Forrest Phillips, "The Star Wars Franchise, Fan Edits, and Lucasfilm," *Transformative Works and Cultures* 9 (2012), 1.2.

[234] Ibid., 2.1

[235] Ibid.

[236] Wille, "Fan Edits and the Legacy of *The Phantom Edit*," 2.6.

[237] Phillips, "The Star Wars Franchise, Fan Edits, and Lucasfilm," 2.4.

official copy of the source film. These provisions, as Phillips observes, are unenforceable but they nonetheless represent an attempt by fan editors to avoid legal troubles.[238] Phillips also speculates about changes in fan edit reception, observing that "Fan edits are often met with an unease and hostility that arise from a belief that only the auteur and auteur-authorized sources have the right to create recuts, as exemplified by *The Phantom Edit*. It remains to be seen whether this hostility will persist or whether fan edits are part of a surge in fan production that will reshape the mass media landscape."[239]

Other scholars have considered the lasting effect of a fan edit like *The Phantom Edit*. John L. Sullivan writes in *Media Audiences: Effects, Uses, Institutions, and Power* (2013), "The advent of powerful home computing and the digitalization of media have allowed fans to become full-fledged media producers in their own right, sometimes challenging the primacy of the original text."[240] Sullivan's interlude about *The Phantom Edit* notably wraps with the unverified claim that "Lucasfilm responded by threatening lawsuits against websites that hosted the edited film," but he correctly observes that the project went underground.[241] John Alberti touches on this detail in his textbook, *Screen Ages: A Survey of American Cinema* (2015). Glimpsing the changing landscape of film reception, he recounts a story from the year 2001 when two high schoolers watched *The Phantom Edit* on an unauthorized videocassette that "came from a friend

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[238] Ibid., 4.1.

[239] Ibid., 5.1.

[240] John L. Sullivan, *Media Audiences: Effects, Uses, Institutions, and Power* (London: Sage, 2013), 223.

[241] Ibid.

of a friend of a friend."[242] Later, Alberti observes that the digital age has "empowered a truly indie movement of do-it-yourself filmmaking, from fanedits like *The Phantom Edit* to websites such as YouTube, Vimeo, and others that have democratized the process of creating screen experiences in unprecedented ways."[243]

Going Beyond *The Phantom Edit*

Unfortunately, the veracity of recent scholarly references to *The Phantom Edit* remains inconsistent. For example, Jason Scott in "*Star Wars* as a Character-Oriented Franchise" (2013) provides no evidence to support his charge about "fan productions such as the bootleg DVD *The Phantom Edit* that removed the character [Jar Jar Binks] from the film."[244] Alternatively, a more resourceful treatment on recent Star Wars related fan editing is Michael Fuchs and Michael Phillips's "Part of Our Cultural History: Fan-Creator Relationships, Restoration, and Appropriation" chapter in Peter W. Lee's *A Galaxy Here and Now: Historical and Cultural Readings of Star Wars* (2016). Fuchs and Phillips discuss prominent fan restoration projects like Team Negative1's *The Empire Strikes Back: Silver Screen Edition*, which was sourced from a vintage 35mm release print of that film, and Harmy's *Star Wars Trilogy: Despecialized Edition*, which is a reconstruction of the original trilogy films using multiple audiovisual sources. Additionally, Fuchs and Phillips shine a critical light on L8wrtr's celebrated fan edits of the Star Wars prequel trilogy. However, they overlook *The Phantom Edit*, the original project by Nichols, and describe another "phantom edit" altogether: a 2015 project by Andrew Kwan that combines

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[242] John Alberti, *Screen Ages: A Survey of American Cinema* (New York: Routledge, 2015), 239.

[243] Ibid., 248.

[244] Jason Scott, "*Star Wars* as a Character-Oriented Franchise," *Fan Phenomena: Star Wars* (Bristol: Intellect, Ltd., 2013), 17.

all three Star Wars prequels into a single 123 minute film entitled *Star Wars I-III: A Phantom Edit*.[245] Given their attention to diverse works of Star Wars fan editing, as well as their use of references such as Harmon's April 28, 2002, article that covered *The Phantom Edit*, it seems unusual that Fuchs and Phillips confuse Kwan's and Nichols's projects. Further, by not acknowledging that various projects bear titles similar to "phantom edit," Fuchs and Phillips could be said to inadvertently misrepresent these fan edits.

Over the years, general information about fan editing has gradually crept into more diverse literature, such as Paul McFredie's *Word Spy: The World Lover's Guide to Modern Culture* (2004), Kevin Bazzana's *Wondrous Strange: The Life and Art of Glenn Gould* (2004), and Richard W. Kroon's *A/V A to Z: An Encyclopedic Dictionary of Media, Entertainment, and Other Audiovisual Terms* (2010), as well as Alberti's (2015) aforementioned textbook. These appearances suggest that the once esoteric concept of fan editing has begun to be assimilated into popular culture.

Accordingly, the scope of scholarly attention to fan edits has begun to widen in recent years to include more diverse examples of fan edits in studies of specific film genres, franchises, and texts. For example, Mark Bould includes a brief discussion of the fan edit *Solaris Station* (Brumous, 2011) in a footnote to his 2014 BFI Film Classics book on the film *Solaris* (1972; 2002),[246] while Pawel Frelik in "Digital Film and Audiences" (2014) provides a more detailed look at science fiction film revisionism and fan edits. In particular, Frelik argues that fan edits

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[245] Michael Fuchs and Michael Phillips, "Part of Our Cultural History: Fan-Creator Relationships, Restoration, and Appropriation," in *A Galaxy Here and Now: Historical and Cultural Readings of Star Wars*, edited by Peter W. Lee (Jefferson, NC: McFarland & Company, 2016), 223.

[246] Mark Bould, *Solaris* (London: Palgrave Macmillan, 2014).

"are not limited to science fiction, but given the cohesion—and occasionally, obsession—of fantastic fandoms, science fiction films most fully showcase their possibilities. Quite expectedly, classic filmic texts, such as *Star Wars*, *Blade Runner*, or *2001: A Space Odyssey*, are the most likely candidates for such reworkings, but hundreds of other titles have also been creatively manipulated."[247] At the time of his writing, Frelik observes that science fiction films account for almost one third of all titles listed in the Internet Fanedit Database,[248] noting that "The *Star Wars* series may be the record-holder, but other science fiction films are also well represented. There are seven *Blade Runner*, six *Dune*, and nineteen *Alien* fan edits."[249]

While surveying the cultural legacy of the Alien series, Martin Barker, Kate Egan, Tom Phillips, and Sarah Ralph in *Alien Audiences: Remember and Evaluating a Classic Movie* (2016) encounter one *Alien* fan who boasts, "I also have a rare copy of Alien: Redux which is a fan edit that uses test footage wherever possible to give a different view of the move. There are many shots and whole sequences in there that were completely dropped from the film. I feel these have given me a much deeper knowledge about the movie."[250] The researchers note that the fan's

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[247] Pawel Frelik, "Digital Film and Audiences," *The Liverpool Companion to World Science Fiction*, ed. Sonja Fritzche (Liverpool: Liverpool University Press), 255-256.

[248] Ibid., 258.

[249] Ibid., 257. Frelik likely refers to several fan edits based on the films of the Alien franchise rather than the original *Alien* film.

[250] Martin Barker, Kate Egan, Tom Phillips, and Sarah Ralph, *Alien Audiences: Remember and Evaluating a Classic Movie* (New York: Palgrave Macmillan, 2016), 42.

possession of a rare artifact such as a fan edit invokes fan cultural capital, producing 'social privilege and distinction' by his having access to materials that other *Alien* fans do not."[251]

Regarding the horror film genre, Laura Hubner in "Archiving Gore: Who Owns *Zombie Flesh Eaters*?" (2015) considers the historically unstable identity and various permutations of *Zombie Flesh Eaters* (a.k.a. *Zombi 2*, 1979). Although Barker et. al (2016) implicitly accept Phillips's interpretation of fan editing as an act of reclamation from original filmmmakers,[252] Hubner finds Phillips's views on fan editing theory to be simplistic.[253] Hubner examines the work in *Zombie Rezombified*, "a radical transformation" of *Zombie Flesh Eaters* and learns from its creators that, like many fan edits, it is not meant to outclass its source material but provide "an alternate, or experimental take on that same material', so rather to be seen as a 'companion piece.'"[254]

In my 2014 essay, "Fan Edits and the Legacy of *The Phantom Edit*," I wrote the first scholarly history of *The Phantom Edit* and examination of its influence on fan edit practice and research. I argued that fan edits connect with sanctioned film revisions, extended cuts, and revised versions in communicating the inherent malleability of digital cinema to wider audiences.[255] Further, I attempted to dispel an incorrect perception of fan edits as merely

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[251] Ibid. Barker et al. quote John Fiske, "The Cultural Economy of Fandom," *The Adoring Audience: Fan Culture and Popular Media*, ed. Lisa A. Lewis, London and New York: Routledge (1992): 32.

[252] Ibid.

[253] Laura Hubner, "Archiving Gore: Who Owns *Zombie Flesh Eaters*?" *The Zombie Renaissance in Popular Culture*, eds. Laura Hubner, Marcus Leaning, and Paul Manning (New York: Palgrave Macmillan, 2015), 51.

[254] Ibid.

[255] Wille, "Fan Edits and the Legacy of *The Phantom Edit*," 5.1.

the reactive work of disgruntled fans; I found that fan editors approach their work with varying attitudes and intentions, and while some edits try to improve on an existing film, a great many others are experimental works and independent film preservation projects.[256] As I argue throughout that essay, to simply label these revisionist filmmakers as disgruntled fans is a failure to appropriately engage with their creative culture. By the conclusion of "Fan Edits and the Legacy of *The Phantom Edit*," I had argued for new research on fan edits beyond *The Phantom Edit* and the Star Wars films. That particular essay was the basis for a more expanded history of *The Phantom Edit* at the beginning of this chapter, as well as the impetus for my subsequent research goals.

In 2015, I contributed chapters on fan edits in two books that concentrated on specific media fandoms, the Lord of the Rings and James Bond. "Reforging the Rings: Fan Edits in the Cinematic Middle-earth," which is part of Lorna Piatti-Farnell's *Fan Phenomena: The Lord of the Rings*, and "James Bond Fan Edits and the Licence to Cut," which appears in Claire Hines's *Fan Phenomena: James Bond*, represent the first sustained scholarly analyses of fan editing theory and practice beyond *The Phantom Edit* and the Star Wars film franchise. In both chapters, I describe how fan editors use film editing techniques and technology to explore alternative narratives and manifest their personal interpretations of the digital source material. These examinations serve as further evidence of an increasingly plural redefinition of cinema in the minds of consumers, in which film is recognizable as more than just a singular artifact, but is constituted by a dynamic range of permutations to which fan editors now freely contribute.

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[256] Ibid.

Chapter 2: A Remix by Any Other Name

Fan editing has prospered in the wake of *The Phantom Edit*. Since 2002, thousands of unsolicited transformative works of film and television have appeared at sites across the Internet. Strategic communities focused on fan editing practice have developed organizing principles and systems of discourse, and fan editors have increasingly connected with new audiences and participants. Despite these developments, "fan edit" is a relatively new term in film and media studies, and varying uses of "fan edit" in contemporary popular culture understandably contribute to uncertain connotations. This chapter examines the fan edit in relation to other art forms and explores its major social organizations, its means of production and distribution, and its developing role as a transformative and transgressive art.

Since the initial reception of *The Phantom Edit*, increasing swathes of online film fandom blogs and professional news websites have applied the term "fan edit" in order to describe diverse forms of amateur transformative media. However, many areas of fan culture assign their own, more specific terms with embedded histories that reach farther back in time than most journalists are perhaps willing to investigate. For example, some variations of fannish transformative video commonly represented in contemporary online media include, but are not limited to, "mashups," in which a creator combines two or more distinct audiovisual sources; "fandubs" and "fansubs" of film and television content, for which fans replace audio and subtitles, respectively; software "mods," which generally describe programming modifications made by a fan to change the form and content of a video game; and "remixes," which commonly describe alternative versions of songs, but could be arguably describe most forms of transformative media.

When used to describe fannish and transformative media, blanket use of terms such as "remix" and "fan edit," as well as the application of more practically specific terms like "mashups" and "mods," do not describe mutually exclusive activities. Instead, conscientious observation of such works reveals that transformative media frequently involve a combination of creative approaches and practices. Thus, these conventional terms sometimes fail to precisely describe the practical breadth of a particular transformative work. For example, every fan edit is inherently a type of textual *remix*, which may involve a *mashup* of audiovisual sources, for which the creator may modify digital content similar to the conversions capable in *mods*; such modifications may include replacing portions of audio similar to a *fandub*, and a fan editor may even rewrite subtitles along the lines of a *fansub*. Thus, "remix," like "fan edit," is a broadly applicable term that can justifiably describe many types of fannish transformative media.

The most broadly recognized use of "fan edit," particularly since the reception of *The Phantom Edit*, is to reference an alternative version of a film or television work that is created by a media fan. However, within the scope of transformative media, there are various creations that have been labeled as "fan edits" both by people active within fandoms and by relative outsiders, such as journalists. For example, there are mock film trailers produced by fans which parody, satirize, or emulate Hollywood genre conventions which have been described as fan edits. Moreover, within the creative communities on the Tumblr blogging platform, and in various online discussion forums centered on film, television, anime, and music fandoms, a "fan edit" may often refer anything from a digitally modified version of a photograph or piece of visual art, to a fully reorganized or recombined playlist of a music album. In their respective contexts, they are functional applications of a fundamentally nonspecific term like "fan edit."

A "fan" commonly refers to a person with intense interest in a particular artifact, a commercial product, a sports team, or a public figure. In particular, media fans have a long tradition of transformative activities, from making their own band t-shirts and movie posters, to constructing costumes in order to perform as fictional characters, to even writing their own stories based on characters from literature, film, television, and video games. That particular practice is broadly known as "fan fiction," although the term can arguably describe many diverse forms of fictional fannish media, including re-edited versions of existing films as well as originally scripted and produced films based on existing characters or narrative worlds, which are also known as "fan films."

"Fan" precedes these types of transformative media and typically distinguishes them as nonprofessional and noncommercial works; rather than buying or selling fan works, these creations are typically spread by fans through various exchange and sharing practices that constitute a gift economy. People who make cinematic fan edits are often fans of a particular film or the franchise to which it may belong, or they may be simply fans of the filmmaking process. And, in a more reflexive sense, they can even be fans of fan editing in and of itself.

The term "fan edit" distinguishes the practice itself from the work of professional cinematic editing, which is traditionally characterized by the assemblage of newly recorded film or video content in order to complete an original production. On the contrary, fan editing amounts to reverse engineering an alternative version of a film or combination of films by reactivating an existing arrangement of shots and fully mixed audio tracks contained on a commercial home video format.

People who make fan edits are known as "fan editors," but apart from their identification as fans, they are effectively hobbyist film and television editors whose work reflects a transformative, noncommercial, and unauthorized mode. Moreover, fan editors emerge from different areas of society and bring various skills and experience to bear in their progressive work. Although *The Phantom Edit* was initially created from a digitized VHS copy of *Episode I*, Nichols eventually recreated the project based on a higher quality DVD source, and subsequent fan edits represent increasingly sophisticated audiovisual standards that keep pace their commercial home video counterparts. For example, through a peer review process and online forums designed around constructive criticism, the members of FanEdit.org curate their creative community and encourage participants to aim for excellence in their work. Moreover, as evident from the respective creators of *The Phantom Edit* and *Raising Cain: Re-cut*, some fan editors actually work as professional filmmakers in their everyday jobs.

An "edit" can also be understood as a shortened form of the noun "edition," to connote a distinct version of a given text. It is possible that the various subcultural applications of "fan edit" have emerged because "edit" and "edition" are not exclusively filmmaking terms. Alternatively, the word "cut" functions as a noun and a verb, and it is also used in context with music, film, and television work. Therefore, the less common term "fan cut" may be used interchangeably with "fan edit."

The artistic form that is perhaps the most similar to a cinematic fan edit is the remix of a song. Created by recombining portions of a primary source song as well as additional recorded audio samples, a remix is an alternative version of a song. For what began in the 1970s as an underground practice by DJs at nightclubs and house parties by juxtaposing the playback of vinyl

records on two turntables, music remixing is now a widely recognized transformative practice that is well represented in both amateur and professional media. Today, studio music production and remixing are both characterized by the use of the nonlinear assembly of audio samples using computer software, which is similar in principle to the software used in film and television postproduction as well as in fan edits.

The gradual social acceptance of the song remix can be attributed in no small part to its appropriation by the music industry as an economically viable practice that extends, complements, and diversifies the cultural exposure of a particular song rather than replacing it. Moreover, song remixing is no longer confined to clandestine house parties or on mixtapes shared among friends; it has also become a means for the contemporary music industry to extend the value of their products by marketing textual variation to fans, collectors, and wider audiences. By capitalizing on the remix rather than shunning it, the music industry has enriched its markets and thereby eased listening audiences toward a progressive appreciation of music which includes multiple versions instead of sacrosanct individual renditions. Music has become irrevocably shaped by the practice of remixing, and now it is not unusual to suggest that a song is more than just one recording or one version; a song today is better understood as a collective term for an expansive galaxy of associated iterations, versions, mixes, and remixes.

Again, parallels can be drawn to cinema; the growing market for multiple authorized versions of a film, as well as the introduction of fan edits on the grassroots level, demonstrate to contemporary audiences that a film can no longer be considered a singular artifact but a layered artistic construct. Each version of a film, from its first assembly in the editing suite at a production office to its extended, censored, and revisited cuts, as well as unsanctioned fan edits,

collectively form the textual continuum of a particular film. Moreover, the practice of fan editing involves not just implicitly accepting this plural understanding of cinema, but also participating in the ongoing expansion of a textual continuum.

In that regard, fan editing provides a means for a dialectical exchange of creativity that was suggested by Nichols through his seminal fan edits. Like the remix of a song and other forms of transformative digital media, Balkin observed that *The Phantom Edit* introduced for the area of cinema

> another way of talking back, if you will, to a form of mass media that was, from its very earliest days, asymmetrical and unidirectional. It is not the passive consumption of a media product by a consumer. Rather, it involves a viewer actively producing something new through digital technologies. It exemplifies what the new digital technologies make possible: ordinary people using these technologies to comment on, annotate, and appropriate mass media products for their own purposes and uses.[257]

For fan edits, such commentary, annotations, and appropriations of mass media illustrate for their audience that each permutation of a film, whether sanctioned or unsanctioned, constitutes creative dialogue between producers and consumers of media whose *lingua franca* is cinema. Although an actual meeting between Mike J. Nichols and George Lucas has not been confirmed, fan editing made Nichols conversant with Lucas in a figurative sense. Today, there are new participants who continue their discussion by making more fan edits.

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[257] Balkin, "How Rights Change: Freedom of Speech in the Digital Era," *Sydney Law Review* 26, no. 5 (2004): 9-10.

Fan Editing Communities

The oldest and most influential fan editing discussion forums are OriginalTrilogy.com and FanEdit.org. These discussion forums established many of the production and distribution traditions in contemporary fan editing, and they continue to generate the majority of its practical discourse. However, OriginalTrilogy.com and FanEdit.org are not the only spaces where fan editors congregate; fan editors often participate in more than one creative forum. As we will see, the development of fan editing communities is reflected in the history of the practice itself, which initially focused on Star Wars media and grew more diverse over time.

OriginalTrilogy.com

Jason "Jay" Sylvester created OriginalTrilogy.com in 2003 initially to host an online petition for Lucasfilm to release DVD editions the theatrical versions of all three classic Star Wars films, which in Star Wars fandom is known as "George's Original Unaltered Trilogy," or "G.O.U.T." Although the first DVD editions of the Star Wars films that were released in September 2004 contained only modified Special Edition versions, the OriginalTrilogy.com petition soldiered on and collected over 74,000 signatures between 2003 and 2006.[258] The petition ceased in 2006, when Lucasfilm published Special Edition DVDs of Star Wars films bundled with unmodified versions of the films as supplemental content. However, these copies were unrestored and evidently sourced from inferior 1993 laserdisc editions, which were

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[258] OriginalTrilogy.com, "The Original Trilogy On DVD Campaign," *OriginalTrilogy.com*, https://web.archive.org/web/20060501165403/http://www.originaltrilogy.com:80/signatures.cfm.

letterboxed and not optimized to fill modern widescreen home theater displays.[259] To mark the

occasion, Lucasfilm publicity representative Lynne Hale explained:

> So many fans have requested the original movies, we wanted to find a way to bring them
>
> to you. But since these movies do not represent George's artistic vision, we could not put
>
> the extraordinary time and resources into this project as we did with the Special Editions.
>
> The 1993 Laserdisc masters represented the best source for providing versions as DVD
>
> bonus material. Although these are non-anamorphic versions, they do preserve the
>
> original widescreen composition of the movies. We want you to be aware that we have
>
> no plans—now or in the future—to restore the earlier versions.[260]

Despite the technical shortcomings of the DVD sets, Jay Sylvester declared victory on behalf of

the many Star Wars fans who had clamored for G.O.U.T. on DVD.[261] With the DVD petition

behind them, Sylvester noted that "The focus of our forum's activities, which was to secure a

DVD release of the original trilogy, has slowly given way to the fan edits and film preservation

projects that grew out of a desire to bring the original Star Wars trilogy to the DVD format using

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[259] OriginalTrilogy.com, "Request to Restore the Theatrical Cuts of the Original Star Wars Trilogy for Blu-ray," *OriginalTrilogy.com*, http://web.archive.org/web/20151007061320/http://originaltrilogy.com:80/petition/.

[260] OriginalTrilogy.com, "Lucasfilm's PR Response Regarding the 2006 DVD Box Set," *OriginalTrilogy.com*, http://web.archive.org/web/20151006052935/http://originaltrilogy.com/Lucasfilm_PR_response.cfm.

[261] Jay Sylvester, Untitled, *OriginalTrilogy.com*, May 8, 2006, http://web.archive.org/web/20170210171731/http://originaltrilogy.com/.

the existing laserdiscs as source material."[262] Moreover, he observed that the initial scope of OriginalTrilogy.com had already "gone beyond Star Wars."[263]

In anticipation of the Star Wars films on Blu-ray, OriginalTrilogy.com launched a second petition in 2009 to request the inclusion of G.O.U.T. in high-definition quality, and the forum collected nearly 8,000 signatures.[264] Unfortunately, Lucasfilm did not provide any unmodified copies of the original film trilogy when the Blu-rays were released in September 2011. Thus, several fan editors have worked diligently on homegrown high-definition preservations of G.O.U.T.; notably Harmy's *Star Wars: Despecialized Edition*, which represents a hybrid of various consumer video sources to approximate the original films in high-definition, and Team Negative1's *Star Wars: Silver Screen Edition*, which is based on a much higher resolution digital scan of a vintage 35mm film print. Although OriginalTrilogy.com was the first major online forum for fan editors, and today there are many message threads that chronicle the development of transformative projects based on other films, Star Wars discourse still dominates the site.[265]

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[262] Ibid.

[263] Ibid.

[264] OriginalTrilogy.com, "7,905 Petition Signatures for the Restored Original Star Wars Trilogy On Blu-ray," *OriginalTrilogy.com*, http://web.archive.org/web/20150914200445/http://originaltrilogy.com/petition/signatures.cfm.

[265] Wille, "Fan Edits and the Legacy of *The Phantom Edit*," 4.1.

FanEdit.org

In 2006, OriginalTrilogy.com member Boon23 founded FanEdit.org in order to support

more diverse fan editing subjects.[266] The creation of FanEdit.org reportedly led to a schism with

OriginalTrilogy.com, but fan editors from both forums eventually commiserated on the lack of

high-quality preservations of G.O.U.T. on Blu-ray in 2011, and the occasion was considered by

some to be a good reason to make amends. Thus, when the Star Wars Blu-ray editions were

released to market on September 16, FanEdit.org member Reave proposed "International

FE<3OT Day," with the heart-shaped "<3" to connote mutual respect and participation between

the websites.[267]

In addition to its thriving discussion forums, FanEdit.org is the home of the Internet

Fanedit Database (IFDb), an extensive catalogue of fan editing projects which is similar in

concept of the popular Internet Movie Database with vital statistics and the ability for viewers to

rate and review each work. Newcomers to FanEdit.org must have their first project approved by

an established member of the community before it can be added to the IFDb, and so some

FanEdit.org members volunteer as part of the "FE Academy" to field new submissions and offer

constructive criticism.[268] As another means of fostering a critical community, FanEdit.org hosts

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[266] The Man Behind The Mask, "FANEDIT.ORG - Created by Boon," *FanEdit.org*, May 15, 2010, http://web.archive.org/web/20141207105022/http://www.fanedit.org/forums/content.php?175-In-the-Spotlight-Boon23. Boon23 also recalls that FanEdit.org was started in 2006 in: Enigmax, "MPAA 'Castrates' World's Biggest FanEdit Movie Site," *TorrentFreak*, November 28, 2008, https://torrentfreak.com/mpaa-castrates-worlds-biggest-fanedit-movie-site-081123/.

[267] Reave, "FE<3OT," *FanEdit.org*, September 16, 2011, http://web.archive.org/web/20120512042139/http://www.fanedit.org/forums/content.php?437-FE-3OT.

[268] L8wrtr, "FE Academy, New and Improved!" *OriginalTrilogy.com*, June 8, 2012, https://forums.fanedit.org/showthread.php?tid=6095.

regular online polls to determine the most popular new works. Various members of FanEdit.org have also periodically collaborated on anthology projects that are comprised of short fan edits based around specific themes, such as zombies, time travel, love, and the Batman and Marvel film franchises.

Other Fan Editors

OriginalTrilogy.com and FanEdit.org are not the only sites to observe and participate in fan editing. Online discussion forums dedicated to particular media fandoms, such as The Lord of the Rings, Godzilla, Robocop, and Ghostbusters, also grow fan edits within their own communities. In recent years, media fans on popular streaming video platforms like YouTube and Vimeo have sprouted fan edits. In fact, the divisive public response to The Hobbit film trilogy (2012-2014) and contemporary DC Comics superhero films like *Batman v Superman: Dawn of Justice* (2016) and *Suicide Squad* (2016) inspired many fan edits that appeared on sites other than OriginalTrilogy.com and FanEdit.org. Accordingly, not all fan editors are members of a particular fan editing community, nor are they all aware of them or the Internet Fanedit Database. These developments signal continuous expansion of the fan editing field.

<div align="center">

The Tools and the Trade

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To create *The Phantom Edit*, Nichols's basic procedure involved digitizing a commercial copy of *Episode I* and manipulating the filmic content using nonlinear video editing software. His stake in the rapid spread of *The Phantom Edit* across the globe reportedly ended when he shared VHS copies of his weekend project among his friends. Additional copies were likely made from those preliminary videotapes, which were passed around at parties and gradually gained enough momentum to be mentioned in Lauten's aforementioned report on *EditorsNet* in

May, 2001. The unidentified person who eventually digitized *The Phantom Edit* and uploaded it to an online peer-to-peer file sharing platform is an unsung hero of fan editing history. Were it not for that person's initiative, *The Phantom Edit* may not have found its audience and inspired so many.

Fan Edit Production

Since the public reception of *The Phantom Edit*, the means of fan edit production have evolved with the advance of technology. Fan editors typically extract digital video content from commercial home video formats, including DVD and, more recently, Blu-ray disc. Nichols's source for the first version of *The Phantom Edit* was a VHS tape, but he eventually reconstructed *The Phantom Edit* based on the DVD edition of *Episode I*. In 2013, Agent 9 released what is likely the first 3D Blu-ray fan edit, *Prometheus: Special Edition*. More recently, some fan editors have begun to source their projects not from physical media, but commercially downloadable video services such as Apple's iTunes platform. Regardless of the source format, most commercial home video products include some implementation of copy protection technology, which fan editors must overcome in order to gather content for use in their work. For fan editors, ideal video sources include those with discretely mixed audio channels; by isolating a particular audio channel, a fan editor may perform more precise adjustments to existing dialogue and music, as well as silence various selections. On the contrary, source video in which intermixed dialogue and music share an audio channel is more difficult or practically impossible to manipulate without sacrificing portions of audio. In such cases, fan editors must rebuild selections of the sound tracks with additional audio samples and music. Given the range of potential sources of audiovisual content, fan editors exploit home video sources as well as film

soundtrack albums, audio sample libraries, and even other films that may contain desirable material.

Nichols created *The Phantom Edit* on an Apple Macintosh G4 computer running the nonlinear video editing software Final Cut Pro, but the popularization of fan editing has led to a variety of hardware and software applications in use. Although the Macintosh platform is strongly represented in professional media industries such as film and television editing, the technical discussion forums at FanEdit.org are largely Microsoft Windows oriented. Typical nonlinear video editing software employed by fan editors within that community include Adobe Premiere Pro and Sony Vegas. Many earlier DVD-sourced projects developed by members of FanEdit.org were created using Womble, which notably permitted natively editing MPEG encoded video ripped directly from a DVD.

Fan editors exploit the capabilities of a range of specialized software for audio editing and visual effects work. In addition to popular visual effects programs like Adobe After Effects, fan editors also utilize free software like AviSynth, which can be scripted to perform editing instructions; DaVinci Resolve, which is predominantly a color grading application with a secondary video editing mode; or Blender, which is a 3D visual effects application that can also edit video clips.

Despite an apparent majority of Windows users in a community like FanEdit.org, there are also fan editors who are Apple Macintosh or Linux operating system users. Macintosh users typically gravitate to popular software like Final Cut Pro or Adobe Premiere Pro, while Linux based fan editors may select from open source video editing applications such as Kdenlive and Flowblade.

Release formats of fan edits have also increased in technological sophistication. Some of the first downloadable video files of *The Phantom Edit* in the early days of peer-to-peer file sharing were highly compressed by unidentified people in order to save network bandwidth. Many people who downloaded *The Phantom Edit* complained of audio synchronization problems or a complete lack of audio during playback, and many complained directly to The Phantom Editor, who had printed his email address at the bottom of his custom text crawl that opens the film. Frustrated by a host of technical questions about online bootlegs of *The Phantom Edit* which he himself held no apparent responsibility, Nichols eventually answered them in a blog entry that included a brief lesson on file compression, video encoding, and variance in frame rates between film and video formats. In particular, he criticized the DivX video encoding format that had caused many of the complaints and encouraged his audience to seek out a superior Quicktime formatted copy if they insist on watching *The Phantom Edit*. In the blog entry, Nichols concluded:

> I imagine it's frustrating for some of you to download it and find out that it's messed up in some way, but remember that I didn't make these errors. Hell, I'd love to invite people over to watch it in my apartment rather than on some scratchy little Internet movie. It's just as frustrating for me to know that what I did is being passed around out there and it's presentation is marred with sound sync issues that some of you think I flubbed up. The Phantom Edit was completely in sync and if I haven't mentioned this, I made every effort to be as INVISIBLE as possible with an already married together sound and picture master. The "Art of Editing" is something that I am very passionate about. Despite whatever you're [*sic*] opinions are on The Phantom Edit, remember, all I really

wanted is the same thing that everybody including George Lucas wanted, a good film.

Now, I'm not advocating that you go out and rip your own downloadable format of, The

Phantom Edit. I obviously can't do anything to stop you. I just hope that by explaining

what I have above, if you're going to do it, DO IT CORRECTLY. For my sake and for

the people who will give up hours to download it from you. That is all I ask.[269]

Later, when communities like FanEdit.org emerged, it became customary for fan editors

to release their projects in a DVD formatted image that could be recorded onto a blank disc and

played at home on a set top DVD player. This tradition provided fan editors with several

opportunities to add cultural value to their projects by implementing customized DVD menus,

recording audio commentary tracks like Nichols had done with *The Phantom Edit* and *Attack of

the Phantom*, documenting the progress of their work with behind-the-scenes videos and

collections of deleted material, as well as promoting their projects with trailer videos and

designing new DVD box art, disc labels, and posters. Indeed, some members of FanEdit.org who

excel with photo editing software like Adobe Photoshop volunteer their talents to create poster

and disc artwork for other fan editors. These supplements continue into the Blu-ray era and raise

the aesthetic profile of a fan edit above a "scratchy little Internet movie," as Nichols had called

the early bootlegs of *The Phantom Edit*, to something worthy of placing on a shelf next to

official film versions.

However, preparing a fan edit for distribution over the Internet often involves careful

consideration of file sizes. Fan edits that are transmitted as recordable disc images must be

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[269] Nichols, "'I Downloaded The Phantom Edit But…': Sound and Sync Issues Explained in Detail," *ThePhantomEdit.com*, 2001, http://web.archive.org/web/20051214005504/http://www.thephantomeditor.com:80/12.html. Format as in original.

constrained by the storage limits of physical media; for DVDs, that includes 4.7 gigabytes and 8.5 gigabytes as standards, whereas Blu-ray discs are available in 25 gigabytes and 50 gigabytes capacities. Thus, in addition to their creative activities, fan editors often experiment with video file compression in order to preserve the most audiovisual quality of their projects in portable formats.

In recent years, the tradition of preparing customized DVD and Blu-ray editions of fan edits has waned. Fan editors increasingly release their projects as standalone MP4 (MPEG-4 Part 14) or MKV (Matroska Multimedia Container) file formats which are generally unconstrained by the file size limits of physical media and playable on home theater software such as Plex and Kodi, by which they can be cataloged beside multiple sanctioned or unsanctioned versions of a film. Accordingly, fan edit collectors and software developers like tomfin46 and newt have released plugins for Plex and Kodi that can scrape the cover art, runtimes, and other metadata from directories like the Internet Fanedit Database in order to provide a nearly seamless integration of fan edits and original films in a home digital library. Striving for accessibility and added value, fan editors occasionally embed MP4 and MKV releases with multiple audio streams for alternative languages or a fan editor's commentary track. Some fan editors release their projects simultaneously as DVDs, Blu-rays, and standalone video files of various sizes to accommodate the preferences of their viewers.

Fan Edit Distribution

Since the initial spread of *The Phantom Edit* on controversial peer-to-peer file sharing networks in 2001, online distribution channels used for new fan edits have expanded but proven no less precarious. With the progress of consumer media toward higher quality video formats,

larger capacity computer hard disk drives, and accelerated broadband Internet access speeds, the file sizes of distributed feature length fan edits have grown by orders of magnitude. Whereas the early DivX encoded copies of *The Phantom Edit* amounted to a few hundred megabytes, contemporary fan edits are measured in gigabytes.[270] As a subsequent section of this chapter will describe, fan edits are routinely purged from YouTube and other popular video content delivery services. Thus, the trend toward larger files and the threat of takedowns on mainstream video platforms have made the most viable means of distributing fan edits the same as those typically used by pirated media.[271]

File lockers, also known as cloud based storage and file hosting services, are one of the most popular means of sharing fan edits. These sites provide users with a means of uploading data to remote servers as well as the ability to generate download links to retrieve copies of the data at a later time. Although they were essentially designed for personal and business data backups, file lockers are also used by people to freely share copies of films, television episodes, music content, and video games. One of the most popular file lockers was Megaupload.com until its operating equipment was seized by the United States Department of Justice in January 2012 on charges that the company had facilitated copyright infringement. The raid on Megaupload's servers to obtain proof of pirated media resulted in the effective loss of many volumes of legitimate user backup data.[272] Moreover, hundreds of fan edits that had been stored on

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[270] A gigabyte is equal to approximately 1,000 megabytes.

[271] Wille, "Dead Links, Vaporcuts, and Creativity in Fan Edit Replication," 1.4.

[272] Electronic Frontier Foundation, "Megaupload User Asks Court to Return His Video Files," *Electronic Frontier Foundation*, March 30, 2012, https://www.eff.org/press/releases/megaupload-user-asks-court-return-his-video-files.

Megaupload were among the collateral damage. In recent years, fan editors have sought out

alternative file lockers and some have even exploited more mainstream cloud storage services

such as Google Drive and Dropbox.

Another perennial distribution method for fan edits is BitTorrent, a peer-to-peer file

transfer protocol created by Bram Cohen in July 2001.[273] In basic terms, when computer users

transmit data over the BitTorrent protocol, also known as "torrenting," they utilize a BitTorrent

client application to simultaneously download and upload various fragments of data from other

connected clients. Torrents are listed by indexer websites, while torrenting peers connect through

various means of implementing the BitTorrent protocol, such as centralized tracker servers and

other decentralized systems. Although there are many legitimate uses of the BitTorrent protocol,

the unregulated nature of torrenting has also made it an exceedingly popular means for people to

freely share pirated copies of films, television episodes, music content, and video games.

Since its founding in 2003, The Pirate Bay has been one of the most popular torrent

indexes and a site of intense legal controversy. In December 2014, Swedish law enforcement

raided the server room of a data center near Stockholm that provided service for The Pirate Bay

and confiscated its associated computer equipment, causing The Pirate Bay to go offline. The

police raid was the result of a criminal complaint filed by The Rights Alliance, a Swedish anti-

piracy organization.[274] It was also speculated that the raid was carried out in response to The

Pirate Bay listing torrents for several commercially unreleased films produced by Sony Pictures

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[273] Bram Cohen, "BitTorrent — a new P2P app," *Yahoo eGroups*, July 2, 2001, https://groups.yahoo.com/neo/groups/decentralization/conversations/topics/3160.

[274] Todd Spangler, "The Pirate Bay Knocked Offline After Swedish Police Raid," *Variety*, December 10, 2014, http://variety.com/2014/digital/news/the-pirate-bay-knocked-offline-after-police-raid-1201375818/.

Entertainment, which had been the subject of a massive data heist the previous month.[275] The

Pirate Bay reportedly resumed operations in January 2015.[276] However, many of the older fan

edits previously indexed by The Pirate Bay were not reinstated following the raid. New fan edits

occasionally appear on public torrent indexes like The Pirate Bay, but some fan editors have

opted to share their projects on private torrent sites which typically require referrals from

existing members to gain access.

An older and increasingly unpopular distribution channel for fan edits is Usenet, which is

a decentralized online discussion system hosted on several networked newsgroup servers. In

theory, Usenet is a more resilient file sharing option for fan editors because a set of data

uploaded to a newsgroup server is duplicated across networked providers and therefore difficult

to be systemically removed. However, most Usenet providers require a paid subscription in order

to download large amounts of data, which can deter some file sharers. At present, file lockers and

torrents are still the favored means of distributing fan edits.

YouTube, Vimeo, and other streaming Web video platforms are problematic alternative

methods of distribution for fan edits. Whereas file lockers, torrents, and Usenet often require

specialized software and technical knowledge, streaming video platforms represent remarkable

ease of access. By lowering the technological bar for potential viewers and providing valuable

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[275] Kim Zetter, "Pirate Bay Has Been Raided and Taken Down: Here's What We Know," *Wired*, December 9, 2014, https://www.wired.com/2014/12/pirate-bay-raided-taken-down/. See also: Jeff Stone, "Leaked 'Fury,' 'Annie' Movie Torrents Are On Pirate Bay. Did North Korean hackers Put Them There?" *International Business Times*, December 1, 2014, http://www.ibtimes.com/leaked-fury-annie-movie-torrents-are-pirate-bay-did-north-korean-hackers-put-them-1731513.

[276] Ernesto, "The Pirate Bay Is Back Online!" *TorrentFreak*, January 15, 2015, https://torrentfreak.com/pirate-bay-back-online-150131/.

search and discussion functions, YouTube and Vimeo are seemingly ideal platforms to release and discover new fan edits, but these higher profile services routinely purge transformative videos on the grounds of copyright infringement.[277] Given the large library of film and television titles owned by media companies, it is practically impossible to regularly search popular video streaming sites for illegal uses of their content. Thus, YouTube operates an automatic content analysis program known as Content ID, which scans every uploaded video and checks it against a database of files continually submitted to YouTube by copyright holders. When Content ID determines that a video matches a file in the database, YouTube notifies the copyright holder, who may block the video from being viewed on YouTube or permit the video to appear on YouTube and monetize it by attaching advertisements to its playback, as well as track viewership of the video.[278] Fan edits are easy targets for YouTube's Content ID system.

YouTube and Vimeo staff also respond directly to copyright infringement notifications submitted to them by copyright holders who discover unwarranted uses of their content through other means. On Vimeo, which does not presently operate a system like Content ID, feature length fan edits tend to survive longer. However, increasing media attention has spelled doom for many fan edits hosted on Vimeo; in recent years, there have been several cases in which viral online publicity about fan edits available on YouTube and Vimeo consequently alerted copyright holders of the original films, who ordered swift takedowns of the fan edits.

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[277] Rebecca Fraimow, "Preserving Transformative Video Works," *Transformative Works and Cultures* 17 (2014), 2.6.

[278] YouTube, "How Content ID Works," *YouTube Help,* https://support.google.com/youtube/answer/2797370.

Perhaps the most significant example of this ruinous pattern is the case of nuxwarboy's

Mad Max: Black & Chrome, which is an approximation of a black and white, silent film version

of *Mad Max: Fury Road* (2015) that director George Miller touted as his preferred way to watch

the film. As Miller reportedly said while promoting the release of *Fury Road*, he was inspired by

the rawness of high contrast black and white "slash dupe" film prints, which lacked audible

dialogue and sound effects and were used as visual references during the recording of music

scores.[279] Miller also pointed to the essential nature of silent cinema as a source of his

inspiration:

> I used to live near a drive-in that was on top of a hill. Often going home I wouldn't drive
>
> in, I'd park outside and watch the movies silent. And then I became obsessed with silent
>
> movies and realized that the basic syntax of film… Kevin Brownlow basically said that
>
> all film language is defined by the silent movies.[280]

The director claimed that his alternative version would be packaged with the Blu-ray

edition of *Fury Road*.[281] However, the first editions of the film on home video lacked Miller's

prized black and white, silent film version. On September 22, 2015, journalists reported

feverishly on nuxwarboy's fan edit of *Fury Road* and embedded the video, which was hosted on

Vimeo, directly in their online articles. The fan edit was purged from Vimeo the next day,

evidently a casualty of its own publicity. The irony was not lost on journalists like Timothy

Geigner, who said that he predicted the demise of nuxwarboy's project "immediately after I

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[279] Russ Fischer, "'Mad Max: Fury Road' - Eight Awesome Facts About the Making of the Film," *SlashFilm*, May 22, 2015, http://www.slashfilm.com/fury-road-trivia/3/.

[280] Ibid.

[281] Ibid.

shared the fan project…"[282] Following the removal of *Mad Max: Black & Chrome* from Vimeo,

nuxwarboy published links to the numerous news articles about his work on his blog, hoping that

the remarkable attention his project garnered would illustrate the public's interest in an official

release of Miller's alternative cut.[283]

Between October and December 2016, Warner Bros. re-released *Fury Road* on Blu-ray

bundled with a black and white version that also received a limited theatrical run. Although the

alternative version released by Warner Bros. provides striking black and white visuals, it retains

the full audio mix of the film, including dialogue and sound effects. On the contrary, Miller had

emphatically spoken about his alternative version of *Fury Road* as a black and white, silent film

with an isolated music track, which was evidently not the same black and white version Warner

Bros. released. Indeed, nuxwarboy's *Black & Chrome* fan edit is actually closer to Miller's

original description of his alternate version, but it has been overshadowed by the studio

sanctioned edition. Warner Bros. called its alternative version *Mad Max Fury Road: Black &*

Chrome Edition, which is a nearly identical title to nuxwarboy's fan edit, *Mad Max: Black &*

Chrome. One cannot help but wonder if Warner Bros. appropriated the "Black & Chrome" title

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[282] Timothy Geigner, "Mad Max Fury Road Re-Edit Taken Down Because Of Course It Was," *Techdirt*, September 25, 2015, https://www.techdirt.com/articles/20150923/12251132348/mad-max-fury-road-re-edit-taken-down-because-course-it-was.shtml.

[283] nuxwarboy, Untitled, *Mad Max: Black & Chrome*, September 23, 2015, https://blackandchrome.wordpress.com/2015/09/23/17/; nuxwarboy, "Witness," *Mad Max: Black & Chrome*, September 23, 2015, https://blackandchrome.wordpress.com/2015/09/23/witness/; nuxwarboy, "I Live, I Die, I Live Again?" *Mad Max: Black & Chrome*, December 14, 2015, https://blackandchrome.wordpress.com/2015/12/14/witness-2/; nuxwarboy, "So Shiny, So Chrome," *Mad Max: Black & Chrome*, January 26, 2016, https://blackandchrome.wordpress.com/2016/01/26/so-shiny-so-chrome/; nuxwarboy, "Mad Max: Black & Chrome Shall Ride Into Valhalla," *Mad Max: Black & Chrome*, July 5, 2016, https://blackandchrome.wordpress.com/2016/07/05/mad-max-black-chrome-shall-ride-into-valhalla/.

from the fan edit, considering the fateful publicity it received almost a year before the release of the studio sanctioned alternative edition.[284]

The efficacy of Content ID and the chain of events that quickly led to the takedown of nuxwarboy's *Mad Max: Black & Chrome* illustrate why seemingly efficient video platforms like YouTube and Vimeo are often untenable sites for feature length fan edit distribution. Some exceptions on YouTube include fan edits that have circumvented Content ID by modifying the color palette of the video, inverting the video compositions, or altering the video playback speed. However, the majority of fan editors rely on underground channels to share their work which are unfortunately associated with outright media piracy. Thus, potential fan edit viewers may be discouraged by the requisite technical knowledge and stigma of file lockers, torrents, and Usenet.

Legal Contexts of Fan Editing

Like music remixes, fan vids, video essays, and other practices that involve sampling existing content to create something new, questions are often raised about their legal standing. Although Lucasfilm expressed serious concerns regarding bootleg sales of *The Phantom Edit*, no evident legal actions were taken against Nichols or other fan editors. To date, there have been no court cases involving fan edits, but there are significant legal contexts that influence fan editors and their craft.

In general, fan editors do not consider their works to be commercial products; FanEdit.org insists that fan edits should never be sold and that every fan edit viewer should own legal copies of the relevant cinematic source material. The essential theory behind this "own the

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[284] Joshua Wille, "Fan Culture," in *Keywords in Remix Studies*, edited by Eduardo Navas, Owen Gallagher, and xtine burrough (New York: Routledge, forthcoming), footnote 17.

original rule" suggests that by downloading a fan edit based on a film that you already own on home video, you have not purloined the film in a mutated form. In practice, this means that all fan edits should be shared at no cost and all the people who view a fan edit are expected to possess a legitimate home video edition of that particular film. In the case of fan edits like *J.R.R. Tolkien's The Hobbit* (Dustin Lee, 2016), which combine multiple films into a single creation, fan edit viewers are meant to own legal copies of all the constituent films. Moreover, fan edits are expected to be based only on commercially available sources. FanEdit.org has banned works that disobey this policy; for example, *The Two Towers: The Purist Edit* (2003) was forbidden from the IFDb because it was sourced from a bootleg DVD screener that had leaked to the public.[285]

In the early days of FanEdit.org, download links to many projects could be found on the website itself. After its first year of operation, FanEdit.org was directing visitors to access file lockers with at least eighty fan edits based on Star Wars films, and the community also cooperated with a torrent tracker that served up approximately 400 fan edits of different kinds.[286] According to Boon23, FanEdit.org received only one takedown request from a film studio during that time; Lucasfilm's anti-piracy department asked them to remove the download links for as single project but "did not find anything offensive" on the rest of the website.[287]

However, in November 2008, the Motion Picture Association of America (MPAA) filed a complaint with Dreamhost, the web hosting company that was in use by FanEdit.org at the time.

[285] Wille, "Reforging the Rings: Fan Edits and the Cinematic Middle-earth," 29.

[286] Enigmax, "MPAA 'Castrates' World's Biggest FanEdit Movie Site," *TorrentFreak*, November 23, 2008, http://torrentfreak.com/mpaa-castrates-worlds-biggest-fanedit-movie-site-081123/.

[287] Ibid.

Rather than requesting the removal of links to specific fan edits as Lucasfilm had done, the

MPAA complaint demanded the removal of two pages on FanEdit.org which contained many

links to fan edits hosted on file lockers such as Rapidshare.[288] Under threat of its web host

shutting them down, FanEdit.org complied with the MPAA demands, removed direct links to fan

edits throughout the forum, and disconnected its torrent tracker.[289] Since then, FanEdit.org has

focused its efforts on facilitating fan editing discourse and cataloging works in the IFDb.

Fair Use and the Game Genie Case

In addition to the administrative actions of FanEdit.org and the "own the original"

community policy, fan editors have taken steps to bolster their defenses against potential legal

reprisals. For example, a fan edit will typically open with a prominent disclaimer message that

will emphasize the noncommercial nature of the project and remind the viewer to support the

work of the original filmmakers by owning a copy of the original film.

These disclaimers often state that the fan edit is justified under the doctrine of fair use, a

legal defense for certain unauthorized uses of copyrighted works that was codified in the 1976

Copyright Act. Disclaimers inserted at the beginning of fan edits sometimes reprint the language

used in the Act itself, which states that "the fair use of a copyrighted work, including such use by

reproduction in copies or phonorecords or by any other means specified by that section, for

purposes such as criticism, comment, news reporting, teaching (including multiple copies for

classroom use), scholarship, or research, is not an infringement of copyright."[290] Many fan

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[288] Ibid.

[289] Ibid.

[290] Copyright Law of the United States (Title 17), https://www.copyright.gov/
title17/92chap1.html#107.

editors, as well as fan vidders, video essayists, and contemporary online movie critics who excerpt films and television content, claim that their works fall within the boundaries of fair use. Because fair use is a legal defense, a court must decide whether something qualifies as fair use on a case-by-case basis.

The Copyright Act of 1976 describes four factors that courts may consider when determining fair use:

(1) the purpose and character of the use, including whether the use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.[291]

Although there have been no court cases specifically about fan edits, *Lewis Galoob Toys, Inc. v. Nintendo of America, Inc.*, a landmark case involving the modification of video games, might serve as a basis for interpretations about fan edits and fair use. In the 1990s, Galoob sold the Game Genie, a video game console accessory that could be installed between the Nintendo Entertainment System (NES) control console and various NES compatible video game cartridges. As an intermediary between the NES and its games, the Game Genie was used as a tool for players to modify the programming code of games by entering cheat codes that were documented in a Game Genie companion booklet. With a Game Genie, a player could skip over

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[291] Ibid.

entire portions of a game, unlock unlimited play, or control an invincible character, among many other ways of defying the internal logic of various games. For NES players, the Game Genie was quite possibly their first glimpse at the malleability of audiovisual media; the first course of an emerging feast of remix culture.

The Nintendo corporation alleged that Galoob contributed to copyright infringement because the players using the Game Genie created derivative works based on NES games. However, in the resulting case brought before the Ninth Circuit Court of Appeals, the court decided that the Game Genie did not violate Nintendo's copyrights because:

> Once the Game Genie and its attached game cartridge are disconnected from the NES, or the power is turned off, those changes disappear and the video game reverts to its original form. No independent, fixed work is created […] Any modification is for the consumer's own enjoyment in the privacy of the home. Such a process is analogous in purpose, if not in technology, to skipping portions of a book, learning to speed read, fast-forwarding a video tape one has purchased in order to skip portions one chooses not to see, or using slow motion for the opposite reasons. None of those practices permanently modifies or alters the original work, none produces a separate work which can then be transferred in any way, none replaces the original work, and none deprives the copyright holder of current or expected revenue.[292]

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[292] Lewis Galoob Toys Inc. v. Nintendo of America Inc., 780 F. Supp. 1283 (United States District Court N.D. California July 12, 1991), 1261.

The court ruled that "Having paid Nintendo a fair return, the consumer may experiment with the product and create new variations of play, for personal enjoyment, without creating a derivative work."[293]

However, the court also examined the use of the Game Genie with regard to the four factors that guide interpretations of fair use. Throughout the court's consideration of fair use, it frequently referenced the influential Sony Betamax case from 1984 that ruled in favor of the rights of consumers to use VCRs to record television broadcasts for later viewing, a practice known as "time-shifting."[294]

To the first factor in the determination of fair use, "the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit purposes," the court recalled the Sony case had established that "time-shifting for private home use must be characterized as a non-commercial, nonprofit activity." Thus, the court in Galoob v. Nintendo found that use of the Game Genie is also characterized as a non-commercial, nonprofit activity, and "The game owner is simply playing the game purchased for personal enjoyment, not exploiting the game in some commercial venture."[295] This determination seems reconcilable with fan edits because of the noncommercial policy upheld by the fan editing communities, which forbid sales of fan edits. Regarding their potential for critical and educational value, fan edits often repurpose material to add new interpretations of the original work, and they are often created to illustrate a critical perspective, as Nichols previously argued about *The Phantom Edit*.

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[293] Ibid., 1291.

[294] Ibid., 1293.

[295] Ibid.

For the second factor, "the nature of the copyrighted work," the court in Galoob v. Nintendo found that "Only after acquiring a published copy of the game may its owner use it in combination with the Game Genie. The works' published nature supports the fairness of the use."[296] Accordingly, only after acquiring a published copy of a film may its owner use it to make a fan edit. Moreover, the editorial work reflected in a fan edit is not appreciable unless a viewer is familiar with the source material. Although it is possible for someone to watch a fan edit and never to have consumed its source material in a published form, it is improbable. A fan edit is principally of interest to consumers of the filmic source.

With regard to the third factor, "the amount and substantiality of the portion used in relation to the copyrighted work as a whole," the court recalled from the time-shifting case that

because a VCR owner "had been invited to witness [the television program] in its entirety free of charge, the fact that the entire work is reproduced does not have its ordinary effect of militating against a finding of fair use." Likewise, in this action a game owner who has fairly acquired a Nintendo game has a right to use the entire work. The game owner's rights are equal to, if not greater than, those of the user in *Sony*, who did not pay for the product being used. Because the game owner is entitled to use the entire work, no matter what the "amount and substantiality" of his use, the third factor cannot assist Nintendo in overcoming the presumption of fair use.[297]

Fan edits typically use significant portions of their source material, a formal characteristic that would seem initially unfavorable in a fair use determination. However, this ruling of the court in

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[296] Ibid.

[297] Ibid., 1294.

Galoob v. Nintendo suggests a parallel between fan editing and the fair use of the Game Genie. Again, this interpretation is based on the likelihood that a fan editor will obtain a published copy of a film in order to make a fan edit based on it.

The fourth factor, "the effect of the use upon the potential market for or value of the copyrighted work," deals with whether a use of a copyrighted work deprives the copyright holders's right to profit from the original work. In Galoob v. Nintendo, the court differentiated between a use that either supplants or suppresses sales of a copyrighted work and noted that

> A fair use will frequently suppress demand for a work, but as long as it does so without supplanting demand, the indirect detrimental effect on the market is not the subject of copyright protection. An obvious example is an unfavorable book or movie review containing quotations from the copyrighted work, along with criticism which may suppress demand. This capacity to injure does not impede a finding of fair use.[298]

In particular, the court found that "Nintendo argues that its market may be affected by suppression of demand rather than supplanting of it. That injury, even it it were likely, does not defeat fair use."[299] The court also found no evidence that the Game Genie had an injurious effect on Nintendo's market of video games.[300] Again, it is unlikely that a fan edit would supplant its source film or that a person would watch a fan edit prior to consumption of its source film. Within the fan editing communities, which are the dominant informational resources for fan edit

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[298] Ibid.

[299] Ibid., 1295.

[300] Ibid., 1295-1298.

projects, the "own the original" policy intentionally reinforces the market for the copyrighted source material for both fan editors and their potential audience.

Crucially, the court found that "even if the Game Genie did create a derivative product, the doctrine of 'fair use' enables consumers to use the Game Genie for their personal enjoyment…"[301] In sum, the court determined that

> the non-commercial nature of the player's home use of the Game Genie creates a presumption of fair use under *Sony*. The published nature of video games supports the fairness of a consumer's transitory alternations of those images. Because the game owner has the indisputable right to use his or her entire game, the amount of his or her use cannot weigh against fairness […] Lacking proof that either actual or likely markets for the copyrighted works are liable to be affected, Nintendo has failed to satisfy the fourth fair use factor. In short, even were the Court to find that the use of the Game Genie allows players to produce a derivative work, the shield of fair use is available and would provide a complete defense to any claim of direct infringement against the game players.[302]

The court's ruling in Galoob v. Nintendo could provide a precedent in the event of a fair use defense involving a fan edit. Based on the four factors used in determining a fair use, a court might find that making a fan edit qualifies as a fair use because: (1) the noncommercial nature of a fan editor or fan edit viewer's use of copyrighted material, (2) the published nature of films and television media used as source material in a fan edit, (3) the right to use his or her entire home

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[301] Ibid., 1286.

[302] Ibid., 1298.

video copy, and (4) lack of proof that actual or likely markets for the implicated copyrighted works are affected. Again, this is a hypothetical exercise in lieu of a legal precedent regarding fan edits; if a fair use defense were claimed in lawsuits involving fan edits, the courts would need to examine the fan editors' uses of copyrighted works on a case-by-case basis in order to determine whether they support fairness.

The Digital Millennium Copyright Act and the Exemption Game

The MPAA complaint against FanEdit.org in 2008 was issued to its web host on the grounds of the Digital Millennium Copyright Act (DMCA), a 1998 United States law that amended the 1976 Copyright Act. Under provisions of the DMCA, online service providers are not liable for unknowingly hosting or hosting links to copyright infringing material if they comply with the claimant's demands. Rather than determining if alleged content on one of its client accounts is actually infringing on copyrights or potentially a fair use, online service providers can avoid potential lawsuits by swiftly removing contested content. This predictable and deleterious response from online service providers is responsible for the YouTube Content ID quagmire that threatens fan edits as well as many other online video creators.

The DMCA also made it illegal to circumvent copy protection technology, known as Digital Rights Management (DRM). By implementing copyright protection such as encrypting the data on DVDs and Blu-ray discs, film companies have attempted to curb media piracy. This technology is known on DVDs as the Content Scramble System (CSS) and on Blu-ray discs as the Advanced Access Control System (AACS). Although consumers were free to make copies of music and films for personal use under the law, DRM made it practically impossible to do so without utilizing special encryption circumvention software. Further, by making DRM

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circumvention illegal, the DMCA policy arguably conflicts with an earlier component of the

1976 Copyright Act known as the first-sale doctrine. Under the law, the first-sale doctrine limited

the distribution rights of a copyright holder to the point at which the first exchange of material

goods occur; a consumer need not seek permission from a copyright holder to resell, modify, or

dispose of copyrighted works.[303] Thus, consumers are effectively caught in a paradoxical loop: it

may be legal to make a personal copy of a DVD or Blu-ray, but it is illegal to circumvent the

copy protection technology which permeates contemporary home video products.

In recent years, the nonprofit Organization for Transformative Works (OTW) has

successfully lobbied the United States Copyright Office to approve DMCA policy exemptions

for noncommercial video remixers who circumvent copy protection technology.[304] However,

exemptions to the DMCA are not permanent and must be renewed every three years, meaning

that lobbyists must continually justify the purpose and value of these activities or risk

delegitimization in this area of the law. In 2009 and 2012, the U.S. Copyright Office approved

exemptions for noncommercial video remixers to circumvent copy protection on DVDs and

digital transmissions of media; in 2015, the exemptions were expanded to include Blu-ray discs

and screen captures of streaming video content.[305] Under DMCA exemptions, noncommerical

video remixes may not be constricted by the DMCA provisions, but they are still governed by the

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[303] Copyright Law of the United States (Title 17), https://www.copyright.gov/
title17/92chap1.html#109.

[304] Wille, "Fan Edits and the Legacy of *The Phantom Edit*," 4.7.

[305] Organization for Transformative Works, "OTW Secures DMCA Exemption Renewal and
Expansion Victory," *Organization for Transformative Works*, October 28, 2015, http://
www.transformativeworks.org/otw-secures-dmca-exemption-renewal-and-expansion-victory/.

preceding copyright laws.[306] Crucially, the 2015 ruling describes an exemption from the DMCA

provisions for noncommercial videos "where circumvention is undertaken solely in order to

make use of short portions of the motion pictures for the purpose of criticism or comment."[307]

Alongside the Electronic Frontier Foundation, the OTW lobbyists "asserted that the purposes and

character of noncommercial videos are highly transformative, and in support, submitted

scholarly analysis of remix videos and evidence relating to fan video remixes that purportedly

criticize and recontextualize the underlying narrative works."[308] Fan edits are also

noncommerical video remixes that criticize and recontexualize underlying narrative works, but

much of the successful arguments by the OTW evidently pointed to fan vids, which recombine

brief excerpts from films, television, and other media in order to make poetic and often socially

critical music videos. On the contrary, fan edits often utilize significant portions of films and

television episodes. Although this difference might suggest that fan edits are ineligible for the

exemptions won primarily on the basis of fan vids, it is also true that fan vids appropriate entire

songs to accompany recombined video excerpts, a formal characteristic implicitly approved

under the DMCA exemptions for noncommercial remix videos.

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[306] Organization for Transformative Works, "U.S. Library of Congress Grants DMCA Exemption for Vidders!!" *Organization for Transformative Works*, July 26, 2010, http://www.transformativeworks.org/us-library-congress-grants-dmca-exemption-vidders/.

[307] United States Copyright Office, "Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies," *Federal Register* 80, no. 208 (2015): 65961-65962.

[308] Ibid., 65948.

The Writing on the Wall

In order to trace the development of the fan edit since the controversial reception of *The Phantom Edit*, I began this chapter with an examination of what makes a fan edit, as well as the different uses of the term "fan edit" itself. I compared cinematic fan edits with other types of transformative videomaking, and I discussed the organization of online fan editing communities, as well as the various means of fan editing production and distribution. Describing the problems of reliably sharing fan edits in contested online spaces, as well as discussing fan edits in general, inevitably lead to questions about their legal status. I explained that fan editors and audiences often demand adherence to an "own the original" policy; they maintain that their work is noncommercial, experimental, and critical, and they believe fan edits should qualify under the legal doctrine of fair use. Absent any specific legal proceedings, I provided a speculative comparison of fan edits to the determination of fair use in Galoob v. Nintendo, a remarkable court case involving noncommercial remixing of audiovisual media. Additionally, I examined how the restrictions on consumer media usage implemented by the DMCA have been provisionally exempted for transformative videomakers.

There are comparable but more widely recognized transformative arts than fan edits found in respective media, such as song remixes, video game software mods, fan vids, and video essays. In particular, song remixes have developed from an underground practice to a thriving component of the mainstream music industry; the subculture of video game mods increasingly feeds the larger software development industry, gradually turning homegrown mods into standalone games and amateur modders into professional software developers. Video essays and fan vids are burgeoning subjects in media scholarship; in particular, fan studies scholars have

submitted fan vids as compelling evidence in the progressive DMCA policy exemptions for

transformative videomaking. In general, these events represent inroads for outsider arts that have

been paved by persistent and passionate individuals and interest groups.

Although remixes, mods, fan vids, and video essays are comparable transformative video

arts that can help us understand what a fan edit is, graffiti is a fundamentally transgressive art

that provides context for the troubled reputation of fan edits. In use since since the 19th Century

discovery of inscriptions on common walls in the ruins of Pompeii, the Italian word "graffiti" is

ultimately derived from the Greek "graphein," meaning to scratch, draw, or write.[309] Ancient

Pompeiian graffiti has been compared to contemporary social media networks because it

represented a communal practice of writing on walls.[310] Such a culture of initiate writing also

recalls Walter Benjamin's comments on the expansion of the printing press, during which "an

increasing number of readers became writers."[311] Anticipating that grassroots writing would

disrupt the traditional domain of professional authorship, Benjamin wrote that "the distinction

between author and public is about to lose its basic character."[312] Further, Pompeiian graffiti as

well as Benjamin's writing anticipated the model of a participatory culture, "one which sees the

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[309] Douglas Harper, *Online Etymology Dictionary*, http://www.etymonline.com/index.php?
term=graffiti. See also E. Littell, *Littell's Living Age*, vol. 25, series 3, Boston, MA: Littell, Son,
and Company, 1864, 403.

[310] Stephanie Pappas, "Pompeii 'Wall Posts' Reveal Ancient Social Networks," *Scientific
American*, January 11, 2013, https://www.scientificamerican.com/article/pompeii-wall-posts-
show/.

[311] Walter Benjamin, "The Work of Art in the Age of Mechanical Reporduction," in *Film Theory
and Criticism*, edited by Leo Braudy and Marshall Cohen (New York: Oxford University Press,
2009), 676.

[312] Ibid.

public not as simply consumers of reconstructed messages but as people who are shaping, sharing, reframing, and remixing media content."[313] Fan editors advance participatory culture by breaking the bounds of a passive audience; they are like the people who wrote on the walls in Pompeii and like the film critics who became groundbreaking filmmakers of the French New Wave.[314]

Remixes, mods, and fan vids provide transformative contexts for understanding the craft of fan edits, but graffiti provides a distinct transgressive context for grappling with an ambivalent artistic reputation. Today the term graffiti refers to an art form characterized by unwarranted drawings and writings on the walls of public and private spaces. For many people, graffiti is thought to be vandalism rather than art. However, the transgressive nature of graffiti is treated by some of its practitioners as one of its defining characteristics, as the sardonic street artist Banksy once observed, "People look at an oil painting and admire the use of brushstrokes to convey meaning. People look at a graffiti painting and admire the use of a drainpipe to gain access."[315] Both graffiti and fan edits are transgressive for the sake of creativity, and both have been characterized as acts of vandalism by their detractors; *The Phantom Edit* was once described as nothing less than "artistic rape," and contemporary comment sections of articles about other fan edits are often filled with a mixture of praise and scorn.[316]

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[313] Henry Jenkins, Sam Ford, and Joshua Green, *Spreadable Media: Creating Value and Meaning in a Networked Culture* (New York: New York University Press, 2013), 2.

[314] Kraus, "The Phantom Edit."

[315] Banksy, *Wall and Piece* (London: Century, 2005), 205.

[316] Chris Knight, "The Phantom Edit—Artistic Rape."

Because both graffiti and fan edits are misunderstood, maligned, and often the subject of expurgation from their sites of exhibition and distribution, their practitioners commonly adopt pseudonyms such as Banksy, Space Invader, The Phantom Editor, or The Man Behind the Mask, in order to avoid reprisals or to construct creative personas. Whether crude or colorful, playful or poignant, graffiti revives the writing on the wall that was glimpsed by archeologists at Pompeii. Likewise, the ephemeral spaces of the Internet age, the computer monitor, and the home television are the new screen real estate upon which fan editors scratch, draw, and write with digital media.

Inasmuch the term graffiti refers to writing on the wall, to "read the writing on the wall" is also an idiom that means to sense a potentially unfavorable outcome. In spite of the cultural inroads achieved by other transformative video arts, fan edits might never be widely accepted or otherwise unchallenged. Fan edits might remain caught between unreconcilable poles of art and vandalism, but that might not matter to some fan editors. As Banksy once mused, "Is graffiti art or vandalism? That word has a lot of negative connotations and it alienates people, so no, I don't like to use the word 'art' at all."[317] If the history of graffiti offers any lesson for understanding a transgressive art, it is that art does not wait for permission to exist.

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[317] Banksy, "Frequently Asked Questions," *Banksy.co.uk*, https://web.archive.org/web/20051124031225/http://www.banksy.co.uk:80/help/index.html.

Chapter 3: Toward an Aesthetic Study of Fan Edits

The homepage of the Internet Fanedit Database features the letters "IFDb" in large,

friendly letters filled with a collage of posters made in honor of fan edits based on popular genre

film franchises like Star Wars, Batman, Transformers, and The Terminator.[318] Much like the

eponymous book carried by the characters in *The Hitchhiker's Guide to the Galaxy*, the IFDb is

something of a directory for explorers. Rather than cataloging a galaxy of planets and eccentric

alien races, the IFDb is essentially a searchable database of over 1,000 fan edits.[319] However, like

the galactic guidebook itself, the IFDb is incomplete; it lists the ongoing works of fan editors

vetted by the community of FanEdit.org.[320] The IFDb does not account for thousands of other fan

edits that have appeared across the Internet, but newcomers are welcome to submit their first

projects for peer review by a committee known as the FE Academy. After initiate fan editors

have demonstrated that their work meets community expectations of audiovisual and editorial

quality, they may add subsequent projects to the IFDb without reservation.

The basic format of the IFDb is reminiscent of the popular Internet Movie Database, with

entries listed by title and populated by relevant metadata. In particular, every fan edit in the IFDb

is listed by its unique title, followed by vital information such as the name or pseudonym of the

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[318] *Internet Fanedit Database*, https://ifdb.fanedit.org/.

[319] There are even fan edits in the IFDb based on the 2005 film adaptation of *The Hitchhiker's Guide to the Galaxy*, entitled *The Hitchhiker's Guide to the Galaxy: The Wholey Remarkable But Mostly Harmless TV Series Edit* (Merlin, 2009) and *The Hitchhiker's Guide to the Galaxy: The Almost, But Not Quite, Entirely Unlike the Movie Edit* (Adabisi, 2009).

[320] Examples of additional fan edit directories include OriginalTrilogy.com's defunct FanEdits.com and spoRv's extensive list of fan edits, preservations, and restoration projects located at http://blog.sporv.com/fan-edits-master-list/. Rather than providing another space for vital information and reviews, the spoRv directory provides basic descriptions of fan edits and redirects visitors to the IFDb.

fan editor, the original titles, genre, and franchise of the source films used in the project, the different runtimes for both the original film and the fan edit, and the date that the project was released. The front matter of every IFDb listing also includes a cover image that functions like a movie poster. Farther down on the entry page, fan editors typically include statements in which they articulate their editorial intentions and list available video formats for the project. A crucial component of every entry in the IFDb is a list of editorial changes, which are often annotated by fan editors to explain specific editorial decisions. Many fan editors supplement their entries with links to custom DVD and Blu-ray disc art, attractive video previews, and even behind the scenes videos that demonstrate the effect of their editorial work. Rounding out every IFDb entry is a section for reviews that are written by other members of FanEdit.org.

On a scale of 1 to 10 points, FanEdit.org members may rate the fan edit based on criteria such as audio/video quality, visual editing, audio editing, narrative, and enjoyment. The IFDb calculates an overall rating for every fan edit based on those scores, but many participants also write reviews in which they describe their individual experience with a fan edit, note the specific version and release format they watched, and offer constructive criticism. For many fan editors and potential viewers, the written reviews are an especially important means of evaluating the merits of a project. Depending on the content of an IFDb entries and reviews, visitors may choose from among several fan edits based on the same film.

The following sections of this chapter examine the means of classifying fan edits presently implemented by the IFDb. As we will see, the IFDb's system of categorizing fan edits provides a basis for a broad understanding fan edits, but by delineating several trends of fan

editorial work, we may better appreciate the diverse aesthetic characteristics of this emerging art form.

Generic Classification in the Internet Fanedit Database

Although few scholars have attended to the Internet Fanedit Database in their research, Pawel Frelik briefly mentions the existence of the IFDb and "the emergence of several subcategories such as fan fixes, fan mixes, extended editions, or custom discs."[321] Frelik uncritically reproduces these four terms from the IFDb, which presently encompasses eight categories: "FanFix," "FanMix," "Extended Edition," "Shorts," "TV-to-Movie," "Special Projects," "Preservation," and "Documentary/Review." All submissions to the IFDb must indicate whether a fan edit qualifies as one of these broad categories, which are meant to capture the basic editorial approach of a project and facilitate searches within the database. In the next sections, I will define the IFDb categories with contextual examples of projects listed in the database.

FanFix

The FanFix is far and away the most popular category in the IFDb with 530 entires as of July 2017. The IFDb defines a FanFix as:

> an effort to polish the movie, often removing contrivances added by studios or filmmakers which interfere with the story. The goal here is not to invent a new movie or narrative, but to clean-up the existing one and hopefully make the movie more enjoyable.[322]

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[321] Frelik, "Digital Film and Audiences," 256.

[322] *Internet Fanedit Database*, https://ifdb.fanedit.org.

FanFix projects often improve unsatisfying films, especially large blockbuster scale films for which there was considerable public anticipation. As key examples of the FanFix category, the IFDb points visitors to *Codename: Wolverine* (havok1977, 2011), *Mission Impossible 2: Disavowed* (Gekko, 2007), and Nichols's seminal work, *The Phantom Edit*.

Codename: Wolverine is based on *X-Men Origins: Wolverine* (2009), the first solo screen adventure for the comic book character Wolverine (Hugh Jackman). The film was disliked by many X-Men fans who took issue with the film's portrayal of Wolverine and his nemesis, Sabertooth (Liev Schreiber), as brothers; the depiction of Wolverine as a volunteer, rather than an abductee, in a secret military research program that grafted indestructible metal onto his skeleton, a bizarre characterization of Deadpool (Ryan Reynolds) that is inconsistent with his appearances in comic books, poorly executed action sequences, and unconvincing computer generated special effects, among other complaints. In the tradition of a FanFix, havok1977 removed many of these unsatisfying aspects of the film to create *Codename: Wolverine*, thereby reducing the runtime of the film from 107 minutes to 89 minutes.

Gekko explains that *Mission Impossible 2: Disavowed* reflects over 140 changes to *Mission Impossible 2* (2000) and reduces its runtime from 119 minutes to 81 minutes. The fan edit opens in media res, similar to the narrative structure of *Mission Impossible III* (2006), and omits several scenes in an overall attempt to match the pacing and tone of the other films in the series.

Not all FanFix projects attempt to improve on an unsatisfying film. A noteworthy example of this approach is *Wolf Dancer* (CBB, 2010) based on *Dances With Wolves* (1990). *Wolf Dancer* reduces the runtime of the film from 236 minutes to 151 minutes, and its most

striking change is the complete removal of John Dunbar's (Kevin Costner) voice over narration throughout the film. As an outspoken fan of the original film, the fan editor explains that his intention with *Wolf Dancer* was "To tell Dances With Wolves in a new, faster paced, plot condensed version that gets rid of exaggerations, focuses on John Dunbar and his journey from being a soldier to joining a Sioux tribe, and to let the audience experience the turn for themselves without the voice-overs that take away any thinking of their own."[323]

Wolf Dancer was among a selection of fan edits presented by members of FanEdit.org during an interactive panel at the May, 2013 BlasterCon science fiction convention in Los Angeles. The panelists, which included fan editors L8wrtr, Reave, Neglify, and Blueyoda, emphasized that fan editors artfully experiment with cinematic narrative and form, not simply perform hack-jobs on popular films.[324] As L8wrtr put it:

> Fan editing using nonlinear editing software to rearrange, modify, and integrate existing media in new and different ways. That's the technical side of it; that's just ones and zeroes. But the thing that really makes fan editing what it is, is that there's an artistic vision to the process of what you're trying to do. You actually have an end goal. It's not just cutting out things that offended you in the film. It's about trying to make something new that didn't exist before.[325]

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[323] CBB, *Wolf Dancer*, Fanedit Information, *Internet Fanedit Database* (2010), https://ifdb.fanedit.org/wolf-dancer/. "CBB" is the fan editing handle used by FanEdit.org founder, Boon23 and occasional collaborators.

[324] Wille, "Fan Edits and the Legacy of *The Phantom Edit*," 2.3.

[325] Ibid., 2.4.

As a testament to the the artistic drive of fan editors, the Star Wars Revisited projects by

Adywan are an ongoing series that involves extensive editing and special effects work. Adywan's

first installment, *Star Wars Episode IV: Revisited* (2008), began as an experiment to restore the

colors the *Episode IV* Special Edition DVD to that of the original film version. However,

Adywan started to tinker with re-editing scenes and tweaking visual effects within different

compositions, and soon his project ballooned into a full-fledged creative remastering of the film.

For his treatment of *The Empire Strikes Back* (1979), Adywan has recorded additional digital

content for his project, built new miniature sets, and assembled a crew of volunteers to outfit new

background actors and record their performances against green screen sets. Adywan's revisions

have been compared to a fan's take on the Lucas's creative impulse behind the Star Wars Special

Edition releases.[326] As doubleofive explains, "Adywan isn't making the Special Edition Lucas

should have made; he's making the version Young Adywan saw in theaters, using his modern

skills to fill in where his imagination had to back in 1980."[327]

FanMix

The FanMix is the second most popular category in the IFDb, representing 251 entries as

of July 2017. According to the IFDb, a FanMix:

> modifies the story so drastically as to make it a new and unique movie experience. In
>
> these "new takes" entire sub-plots and characters can be removed, character motivations
>
> changed and new endings created.[328]

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[326] Ibid., 2.10.

[327] doubleofive, "Review: Empire Strikes Back Revisited: Rogue Workprint," *doubleofive's blog*, July 21, 2010, http://doubleofive.wordpress.com/2010/07/21/review-esbr-rogue-workprint/.

[328] *Internet Fanedit Database*, https://ifdb.fanedit.org.

To illustrate the broad category FanMix projects, the IFDb references *The Dark Knight: Remixed by Jorge* (Remixed by Jorge, 2009), *Star Trek Phase 2: In Thy Image* (Jack Marshall, 2003), and *Titanic - The Jack Edit* (CBB, 2007).

Remixed by Jorge's FanMix based on *The Dark Knight* (2008) reduces its runtime from 152 minutes to 120 minutes and takes inspiration from director Christopher Nolan's earlier film, *Memento* (2000), to chronologically restructure *The Dark Knight*. As the fan editor explains, in order to ground the narrative in the psychological experience of the tragic Harvey Dent/Two-Face character:

> The film is now structured backwards and forwards, so that Harvey's past and future appear to be interconnected from both ends, directly affecting his present. This nonlinear structure challenges the conventional rules of plot construction and defies the standard notion that a film's scenes advance chronologically. It makes the audiences understand the film in a new way by making new cause-and-effect connections between the scenes. Each beat of information must relate to what comes before and after, even if a scene transcends the chronological order of time. In nonlinear films, relationships created between the various time segments form a specific meaning when taken all together.[329]

Much like *Memento*, the segments in *The Dark Knight: Remixed by Jorge* that progress forward in time are presented in black and white, while the segments arranged in reverse chronology are presented in color.

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[329] Remixed by Jorge, *The Dark Knight: Remixed by Jorge*, Fanedit Information, *Internet Fanedit Database* (2009), https://ifdb.fanedit.org/dark-knight-the-remixed-by-jorge/.

Jack Marshall's *Star Trek Phase 2: In Thy Image* is a FanMix that reshapes *Star Trek V: The Final Frontier* into the hypothetical pilot episode of a Star Trek television series revival that was canceled by Paramount in 1978 in order to produce *Star Trek: The Motion Picture* (1979). From an original runtime of 107 minutes, *Star Trek Phase 2: In Thy Image* runs 63 minutes, the same runtime as the original *Star Trek* (1966-1969) pilot, "The Cage."[330] Jack Marshal explains that *Star Trek V* was a film that seemed the most like the original series that he grew up watching. His project suggests what could have been the Star Trek television revival if the popularity of *Star Wars* (1977) had not compelled Paramount to make the first of several Star Trek films and set the franchise onto a different course. As a pitch, Jack Marshall writes:

> So, forget what you know about Star Trek. Imagine turning the dial (manually) to September of 1978 to the premiere of the new Trek show. There's a new ship, the 1701-A, the familiar crew, albeit older and wiser, and when its over you realize that this IS Star Trek. An alien convinces a crazy Vulcan that hes God? Crazy Vulcan in turn hijacks the Enterprise and heads for the center of the galaxy with Kirk and company in tow? Kirk stands toe to toe with said alien and kicks his ass? Sounds like an original series episode to me![331]

Titanic - The Jack Edit is a FanMix by CBB that pairs down *Titanic* (1997) from 194 minutes to 121 minutes and focuses on the experiences of the heroic vagabond Jack (Leonardo DiCaprio). As CBB explains,

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[330] Jack Marshall, *Star Trek Phase 2: In Thy Image*, Fanedit Information, *Internet Fanedit Database* (2003), https://ifdb.fanedit.org/star-trek-phase-2-in-thy-image/.

[331] Ibid. Format as in original.

To change perspective we took out all reference to old Rose, all her voice overs, all the treasure hunting for the necklace and most of all: all that happens to Rose until Jack and her are a couple. Since our edit focuses solely on Jack, there also isn't much about the Titanic. No machine room, no captain's discussions, no crew talk. All of these are great scenes, but they just didn't fit to our movie. We included 9 of the deleted scenes, which add more character to Jack and also some more adventurous events. Now this is a dramatic love story about a true hero on the Titanic, about his struggle to survive. Nothing more and nothing less.[332]

Taken together, *The Dark Knight: Remixed by Jorge*, *Star Trek Phase 2: In Thy Image*, and *Titanic - The Jack Edit* illustrate some of the staggering variety of work filed in the IFDb under the banner of FanMix. Another noteworthy example from this diverse category is *The Sukaiwaka Fortress* (ssj, 2016), which is a FanMix of *The Hidden Fortress* (1958) that cuts its runtime from 139 minutes to 127 minutes. In addition to being a classic samurai film directed by Akira Kurosawa, *The Hidden Fortress* is recognized as a major inspiration for *Star Wars*. In this satirical take, fan editor ssj replaces the music in *The Hidden Fortress* with selections from Star Wars film scores composed by John Williams and writes new English subtitles that repurpose dialogue from *Star Wars*. Moreover, ssj bestows new, more "starwarsian" names on the principal characters in *The Hidden Fortress*.[333]

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[332] CBB, *Titanic - The Jack Edit*, Changes, *Internet Fanedit Database* (2007), https://ifdb.fanedit.org/titanic-the-jack-edit/.

[333] ssj, *The Sukaiwaka Fortress*, Fanedit Information, *Internet Fanedit Database* (2016), https://ifdb.fanedit.org/the-sukaiwaka-fortress/.

Extended Edition

The Extended Edition category comprises 135 entries in the IFDb as of July 2017. As the name suggests, Extended Editions generally lengthen, rather than reduce overall runtime. The IFDb explains that

> Extended Editions (EE) attempt to create the fullest version of a movie as possible using deleted scenes from commercial DVDs. Similar to the concept of a Director's Cut. EEs look to present all possible material available as an integrated movie-going experience. If a studio releases an official version that incorporates the same material in similar fashion, it is our site policy to remove the fanedit from the site as it can be legally purchased from a retailer.[334]

Extended Editions often collect additional material from deleted scenes included on VHS cassettes, Laserdiscs, DVDs and Blu-ray editions, as well as textual variance between theatrical cuts, director's cuts, and television versions, among other available releases of a film. Because deleted scenes and other supplemental material included on home video editions are often unfinished or of lower resolution, fan editors will sometimes attempt visual restorations in order to provide a less distracting transition between various video sources. Furthermore, incorporating additional material into a film often introduces gaps in audio and music, which fan editors typically fill with excerpts from the original film score or other sound sources. For examples of Extended Editions, the IFDb points to *The Warriors: TV Composite* (Tranzor, 2007), which incorporates distinctive material from the television cut of *The Warriors* (1979), and *Army of Darkness: Primitive Screwhead Edition* (Ridgeshark, 2008).

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[334] *Internet Fanedit Database*, https://ifdb.fanedit.org.

The horror-comedy *Army of Darkness* (1992), which chronicles the adventures of present-day American retail employee Ash (Bruce Campbell) trapped in England during the Dark Ages, has been available in various versions over the years. In particular, different endings for the film see Ash either returned to his familiar time or awakened from a magical slumber to a post-apocalyptic future. For *Army of Darkness: Primitive Screwhead Edition*, Ridgeshark utilizes the capability of the DVD format to provide seamless branching during playback, thereby allowing viewers to experience three versions of *Army of Darkness* (1992) which extend the 81-minute film to approximately 102 minutes. In a disclaimer that precedes each extended version, Ridgeshark lists several video sources, including DVD variants of *Army of Darkness* and its narrative predecessor, *Evil Dead 2* (1987), that were published in different regions of the world, and the television cut of *Army of Darkness*, as well as the soundtracks for both *Army of Darkness* and *Evil Dead 2*.

Shorts

Short subject fan edits represent 118 entries in the IFDB as of July 2017, and as the IFDb states:

> This category takes a movie (or TV show) and turns it into a significantly shorter piece of work, either as a stand-alone short movie, or broken/restructured into a series of edits in either the fashion of episodic television, or old-fashioned movie serials. These edits may modify visual style, or restructure the flow of events, but it is a broad category which allow for a wide-range of freedom and reinterpretation.[335]

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[335] Ibid.

Some of the most illustrative projects in Shorts category are actually parts of the various "Consecution" fan edits, which are collaborative anthology projects hosted by the FanEdit.org based around shared theme. For example, the first of these projects, *Batman Consecution: The True Fanedit Chronicles* (2008), runs 100 minutes and contains Batman related shorts from ten different fan editors. In one of the Batman shorts, *Depths of Darkness*, fan editor Infodroid combines scenes from *Equilibrium* (2000) and *The Machinist* (2005) with music from *The Dark Knight* in order to create an 11-minute short about Bruce Wayne as played by Christian Bale. Standalone entries in the Shorts category in the IFDb sometimes condense a single narrative, such as *Star Wars Episode II - Attack of the Clones: The Super 8 Cut* (Rogue-Thex), which reduced the 14-minute film to two 17-minute "reels" in the style of an aged Super 8mm film release. In an altogether different approach to a Short fan edit, *Fear and Loathing in The Star Wars Holiday Special* (Take Me To Your Cinema, 2013) reduces the infamous 97-minute Star Wars television program to 18 minutes of its most bizarre moments.

TV-to-Movie

Although the IFDb broadly considers these projects as Shorts, there are 94 entries specifically listed as "TV-to-Movie" as of July 2017. A TV-to-Movie fan edit combines various episodes from television series in order to form feature length films. For example, *Dead Set Serious* (CBB, 2008) removes several humorous and extraneous scenes from the 141-minute television miniseries *Dead Set* (2008) and transforms it into an earnest 114-minute zombie horror film. For another example, in *Northwest Passage: A Twin Peaks Fanedit* (2011), fan editor Q2 whittles nearly 1,000 minutes of the television series *Twin Peaks* (1990-1991) down to a 300-minute feature film that eschews many subplots and focuses entirely on the narrative strands that

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piece together the mysterious murder of high school student Laura Palmer (Sherryl Lee).

Additionally, BionicBob has re-edited episodes of action television shows like *The Six Million Dollar Man* (1973-1978) and *The Bionic Woman* (1976-1978) to create feature films with colorful titles like as *Cyborg III: Secret of the Sasquatch* (2012) and *Cyborg 7: Death From Venus* (2014).

Special Projects

Special Projects represent 36 entries in the IFDb as of July 2017. This category of fan edit is differentiated from FanFix and FanMix projects, which are expected to render more significant or numerous textual changes to source films. As the IFDb explains:

> Some fan-based projects do not seek to create new, untold or heavily modified versions of a film or show. Special Projects are fanedits in which faneditors infuse personal creative choices to modify the viewing experience, yet are not significantly different from the original. The main purpose of a Special Project is to make minor changes to a movie that don't affect the story or plot too much but change the atmosphere of the movie or create a unique viewing experience.[336]

One example of a Special Project listed in the IFDb would be *Fight Club - The "I Am Jack's Laryngitis" Edit* (Zach Action, 2008) which, through remixing the audio channels and some subtle editing, effectively removes all of the voice over narration by Edward Norton in *Fight Club* (1999) in order to place the viewer deeper inside the mind of the central character.[337]

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[336] Ibid.

[337] Zach Action, *Fight Club - The "I Am Jack's Laryngitis" Edit*, Changes, *Internet Fanedit Database* (2008), https://ifdb.fanedit.org/fight-club-the-i-am-jack-s-laryngitis-edit/.

Another simple editorial change was performed by the fan editor Stomachworm in

Psycho - The Roger Ebert Cut (2009), which reflects the editing suggestions made by film critic

Roger Ebert in his 1998 review of *Psycho* (1960). Ebert had criticized Alfred Hitchock's use of a

psychiatrist character (Simon Oakland), who delivers a long monologue near the end of the film

which explains much of the psychosis that gripped Norman Bates (Anthony Perkins). Ebert

described the psychiatrist's speech as "an anticlimax taken almost to the point of parody," and

argued that it "marred the ending of a masterpiece."[338] Moreover, Ebert wrote:

> If I were bold enough to reedit Hitchcock's film, I would include the doctor's first
>
> explanation of Norman's dual personality: "Norman Bates no longer exists. He only half
>
> existed to begin with. And now, the other half has taken over, probably for all time."
>
> Then I would cut out everything else the psychiatrist says, and cut to the shots of
>
> Norman wrapped in the blanket while his mother's voice speaks ("It's sad when a
>
> mother has to speak the words that condemn her own son"). Those edits, I submit, would
>
> have made "Psycho" very nearly perfect."[339]

Ebert never acted on his inclination to make these changes to *Psycho*, but Stomachworm did. By

applying Ebert's criticism, Stomachworm also demonstrated James G. H. Griffin's observation

that, in fan editing, "…individuals are holding a discourse, as it were, within the work

directly."[340] Eventually, Ebert discovered the fan edit and tweeted a link to its torrent listed on

The Pirate Bay, saying, "I'm opposed to piracy but find this fanedit of 'Psycho' proves a point:

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[338] Roger Ebert, "Psycho," *Chicago Sun-Times*, December 6, 1998, http://
rogerebert.suntimes.com/apps/pbcs.dll/article?AID=/19981206/REVIEWS08/401010353/1023.

[339] Ibid.

[340] Griffin, "The Rise of the Digital Technology 'Meritocracy'," 216.

Hitchcock didn't need the psychiatrist."[341] The torrent for *Psycho - The Roger Ebert Cut* was

among many fan edits that were lost following the December 2014 raid on The Pirate Bay.[342]

The Special Projects category also applies to anomalous projects, such as Siebener's *The*

Adventures of Superman - The Kryptonite Saga (2013), a trilogy of audio-only fan edits that

condense the narrative from several episodes of *The Adventures of Superman* (1940-1950) radio

serials, accompanied by selections from Superman film scores by John Williams and Hans

Zimmer. Siebener's *The Adventures of Superman - The Kryptonite Saga* fan edits are only

available only as MP3 format audio files.

Preservation

As of July 2017, there are 23 entries in the IFDb classified as a Preservation. As the IFDb

explains:

> These aren't fanedits per se, but a collection of works not available commercially. These
>
> may include behind-the-scenes specials, interviews, outtakes, music videos, guest spots,
>
> and more for a particular film. Preservation projects are a means of collecting and
>
> preserving as much promotional material as possible for a film that may otherwise be
>
> lost.[343]

An entry like *Star Trek: 25th Anniversary Special* (Frantic Canadian, 2009), which is a VHS to

DVD preservation of a television special about Star Trek, meets with the basic description of a

Preservation provided by the IFDb. Another exemplary entry is nOmArch and White43's 2008

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[341] Roger Ebert, Twitter Post, October 16, 2011, 1:01 PM, https://twitter.com/ebertchicago/status/ 125662642898608129.

[342] Wille, "Dead Links, Vaporcuts, and Creativity in Fan Edit Replication," 2.4.

[343] *Internet Fanedit Database*, https://ifdb.fanedit.org/.

VHS to DVD preservation of director Edgar Wright's rare independent film, *A Fistful of Fingers* (1995).

Documentary/Review

The final and least popular category in the IFDb is Documentary/Review, which comprises 11 entries as of July 2017. According to the IFDb, this type of project

> documents a particular topic (quite typically a movie) or provides a review of a movie. Both incorporate movie footage and voice-over work that speaks to the events happening on-screen. The intent of these particular edits is not to create a fictional story, but rather inform, illuminate, or otherwise make comment on or about a particular movie, or set of movies.[344]

Fan editor Daveytod's *The Clones Revealed* (2008) and *Star Wars - Episode III: The Sith Revealed - A Scrapbook* (2009) are hybrids of fan editing and documentary making that provide detailed retrospectives on the process of making Star Wars prequels *Episode II* and *Episode III*. As a primer for the format of *The Clones Revealed*, Daveytod explains:

> I've taken Star Wars Episode II 'Attack of the Clones' as a starting point. On top of the existing video, I've added various material to give an extremely in-depth behind the scenes look at what goes into making a Star Wars film. For example, for the speeder chase alone, I've used concept art, publicity stills, rough computer animatics, comic book stills, alternate audio and video, cut lines […] to show the various stages this sequence went through before it became the sequence you see on the DVD.[345]

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[344] Ibid.

[345] Daveytod, *The Clones Revealed*, Changes, *Internet Fanedit Database* (2008), https://ifdb.fanedit.org/the-clones-revealed/.

Many of the Documentary/Review listings in the IFDb are credited to Jambe Davdar, also known as Jamie Benning, who coined the term "filmumentaries" to describe his own encyclopedic film commentary projects. For example, he writes that his first of these works, *Star Wars Begins* (2011), "combines video from the movie [*Episode IV*] itself with seen and unseen behind the scenes footage, rare audio from the cast and crew, alternate angles, bloopers, reconstructed scenes, text facts and more to give an in-depth look at the process which brought the film to the big screen."[346] Benning has produced filmumentaries that delve into the production process for the Star Wars original trilogy, the classic Indiana Jones trilogy, and *Jaws* (1975).

A Preliminary Taxonomy of Fan Editorial Strategies

The generic classification of fan edits in the IFDb contains broadly defined categories which belie the actual variety of work in contemporary fan edits. IFDb categories such as FanFix, FanMix, Shorts, and Special Projects generally describe a product of fan editing rather than the process of fan editing. However, by examining practical trends in contemporary fan editing, we can identify ten noninclusive editorial strategies that describe fan edits with more specificity: chronology cut, genre-mix, book cut, character reduction, character concentration, music replacement, serialization, hybrid cut, reconstruction, and curated cut. This preliminary collection of terms, which illustrate an approach to identifying fan edits by their editorial strategies, could augment the broad classification system in the IFDb and yield greater appreciation for the diverse work of fan editors.

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[346] Jambe Davdar, *Star Wars Begins*, Fanedit Information, *Internet Fanedit Database* (2011), https://ifdb.fanedit.org/star-wars-begins/.

My analysis here bears some resemblance to Bill Nichols's study on the genre of documentary filmmaking. Nichols introduces six modes of documentary production which represent sub-genres within the genre of documentary: poetic, expository, participatory, observational, reflexive, and performative. He explains that these modes "establish a loose framework of affiliation within which individuals may work; they set up conventions that a given film may adopt; and they provide specific expectations viewers anticipate having fulfilled."[347] Moreover, Nichols observes that "A film identified with a given mode need not be so entirely. A reflexive documentary can contain sizable portions of observational or participatory footage; an expository documentary can include poetic or performative segments."[348] Similarly, if we delineate the editorial strategies of contemporary fan editing, we may observe its own loose framework of practical affiliations and conventions. Additionally, fan edits need not be defined by a sole editorial strategy. Instead, fan edits often exhibit more than one practical approach. In the following sections of this chapter I will discuss ten editorial strategies in context with relevant works.

Chronology Cut

A chronology cut describes a fan edit that modifies the inherent order of events in a film. This is a more specific term for fan edits like *The Dark Knight: Remixed by Jorge* which would filed in the IFDb under the umbrella category of FanMix. Another example of a chronology cut would be Remixed by Jorge's *Blue Skies on Mars: A Total Recall Fanedit* (2007), which is

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[347] Bill Nichols, *Introduction to Documentary* (Bloomington: Indiana University Press, 2001), 99.

[348] Ibid., 100.

"mementomix" based on *Total Recall* (1990) that depicts the present day sequences in color, while future events appear in a reverse-chronology of black and white scenes.[349]

Although the structure of the film *Memento* inspired these works, there are other chronology cut fan edits that attempt to untangle nonlinear narratives. For example, *Memento Mori - Memento Remixed by Jorge* (Remixed by Jorge, 2007) and *Irreversible - Inverted-Extended Version* (grotesque02, 2013) restore natural chronologies to both *Memento* and *Irréversible* (2002). Some home DVD editions of *Memento* included the option to play the film in chronological order by automatically reordering its scenes, but the resulting inconsistent visual transitions disrupted the flow of the narrative. Remixed by Jorge's fan edit compensates for those visual faults to improve the viewing experience.[350]

Chronology cut fan edits also untangle nonlinear television narratives. For example, Mike Maloney's *Chronological LOST* (2010) restructures the entire supernatural adventure series *LOST* (2004-2010) into 101 chronological episodes. Fan editors Andy Gilleand and Clawtrocity created two distinct fan edits that restored a chronological order of events to season four of the sitcom *Arrested Development*, which was originally presented in a nonlinear structure. *Arrested Development* series creator Mitch Hurwitz recognized fan editing as a new way of his work connecting with a creative audience, saying, "I love the fact that they still have ways in which to play with it and dig it apart and enjoy it."[351] Although *LOST* co-creator Damon Lindelof claimed

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[349] Remixed by Jorge, *Blue Skies on Mars: A Total Recall Fanedit*, Changes, *Internet Fanedit Database* (2007), https://ifdb.fanedit.org/blue-skies-on-mars-a-total-recall-fanedit-by-jorge/.

[350] Ibid.

[351] Dave Itzkoff, "'Arrested Development' and 'Game of Thrones,' the Fans' Cut," *New York Times*, June 9, 2013, https://www.nytimes.com/2013/06/10/arts/television/arrested-development-and-game-of-thrones-the-fans-cut.html.

to "totally embrace the experiment" behind Maloney's chronological version of *LOST,* he said he would not watch it because "part of me feels like, oh my God, if it actually works better in chronological order, what does that say about me?"[352]

Genre-mix

A genre-mix fan edit attempts to change the genre of a particular film, typically by modifying aesthetic characteristics such as color, composition, aspect ratio, music, and narrative structure. Science fiction, horror, and action genre films are perennial favorites among fan editors, but genre-mix projects often realign films to cult and exploitation genres. The Man Behind The Mask has produced some of the most noteworthy genre-mix fan edits, namely *Jaws: The Sharksploitation Edition* (2009), *The War of the Stars: A New Hope Grindhoused* (2010), and *War of the Stars II: The Future in Motion* (2012). In each of these projects, The Man Behind The Mask attempted to essentially transform popular genre films into cheaply produced exploitation films by degrading the image quality of the films to the point of adding artificial film scratches and dirt particles, splicing in outtakes and intentional editing mistakes, replacing original music scores with garish music, and adding bloodly visual effects, among several other techniques.

For *Scream - The Giallo Cut* (2012), fan editor Neglify adopted many of the same methods in order to transform the stylish teen horror film *Scream* (1994) into an Italian *giallo*, or cheap exploitation horror film. In order to simulate the effect of watching a giallo film that might have been rented from a seedy video store, Neglify sourced his project from a well-worn VHS copy of *Scream* to ensure his project would retain a significant amount of static and videotape

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[352] Ibid.

noise. Neglify also replaced the soundtrack of the film with selections by the progressive rock band Goblin, whose music is a hallmark of giallo cinema.

Book Cut

A book cut refers to a fan edit that attempts to conform a film adaptation more closely with its literary source material. For example, fan editor Kerr was inspired by J.R.R. Tolkien's original six-book structure of *The Lord of the Rings* and endeavored to restructure the film trilogy (2001-2003) as a six-part film. Each "book" in Kerr's project includes animated DVD menus that trace the progress of the principal characters upon a map of Middle-earth. Mimicking the appendices of Tolkien's books, Kerr's projects include short fan edits that expand on the events and characters depicted in the main narrative. In *The Lord of the Rings: Book I - The Return of the Shadow* (2009), Kerr includes *The Finding of the Ring*, a 7-minute fan edit about how Bilbo Baggins came to possess the terrible One Ring. *The Finding of the Ring* combines animation from the Rankin and Bass adaptation of *The Hobbit* (1977) and Robert Inglis's narration lifted from *The Hobbit* (1991) audiobook. Another of Kerr's installments, *The Lord of the Rings: Book VI - The End of the Third Age* (2010), includes *The Tale of Aragorn and Arwen*. This 17-minute short fan edit is culled from Kerr's deleted material and explores the romance between Aragorn (Viggo Mortensen) and Arwen (Liv Tyler).

My fan edit, *Watchmen: Midnight* (2011), is a book cut based on the 2009 film adaptation of the comic book series *Watchmen* (1986-1987). The film was officially released in three versions: a theatrical cut (162 minutes), a director's cut (185 minutes), and an "Ultimate" cut (215 minutes). However, like many fans of the original comics by Alan Moore and Dave

Gibbons, I believed that all three versions of the film suffered under the weight of many discrepancies with its source material.

In making *Watchmen: Midnight*, I trimmed, rearranged, and removed several scenes in the film in order to restore the twelve-part narrative structure and characterizations presented in the comic books, I replaced music in order to establish an appropriate tone, and I created new "chapter" intertitles and applied an new color grade to the film in order to align the film closer to the designs in the comic books. Like several comics by Alan Moore, the end of each issue of *Watchmen* contained supplemental reading in the form of false documents, such as newspaper articles, chapters of a memoir, and police reports, which expanded the reader's sense of the fictional world and its characters. The official film versions of *Watchmen* lacked such material, thereby leaving viewers with a poor understanding of an alternate history barely glimpsed in the film. Instead, the filmmakers produced *Under the Hood* (2009), a mock documentary that contains interviews with some of the *Watchmen* cast in character; *Under the Hood* provides some semblance of the backstory and ideas presented in Moore's original writing. For *Watchmen: Midnight*, I re-edited and incorporated portions of *Under the Hood* into the film in order to substitute for the missing false documents. Although *Watchmen: Midnight* cannot match the exceptional mode of visual storytelling in the original comic books, it is closer than any of the three official film versions in terms of narrative structure, characterization, and tone.

Character Reduction

A fan edit that greatly reduces the presence of characters or removes them from an existing narrative can be described as a character reduction fan edit. Nichols's *The Phantom Edit*, as well as many other *Episode I* fan edits, would meet with this criteria. Another notable example

is CBB's *Star Trek - Kirkless Generations* (2006), which erases all 42 minutes of Capt. James T.

Kirk (William Shatner) from *Star Trek: Generations* (1994) in order to suggest a different

beginning for the *Next Generation* era of Star Trek films.[353]

Additionally, Gekko's *Casino (Destoned)* (2007) removes an entire subplot involving

Ginger (Sharon Stone) and Lester (James Woods) from *Casino* (1997). The project was

originally conceived as a version of *Casino* without Ginger, but like Nichols's treatment of Jar

Jar Binks in *The Phantom Edit*, Gekko could not remove the character without sacrificing

narrative coherence. Nevertheless, Gekko's changes were influential in the overall narrative;

without the Ginger/Lester subplot, which involves drug abuse and divorce, the ultimate downfall

of the calculating casino manager, Ace (Robert De Niro), is caused by his capricious best friend,

Nicky (Joe Pesci).[354]

Character Concentration

A character concentration fan edit removes, rearranges, or adds material in order to focus

on the experience of a particular character. This would include CBB's *Titanic - The Jack Edit* as

well as projects like *The Most Interesting Man in the World* (Adabisi, 2016), which is a short fan

edit that explores the sequence of events in *Groundhog Day* (1993) from the perspective of Rita

(Andie MacDowell). Thus, without showing how Phil (Bill Murray) has had profound

experiences over the course of reliving the same day countless times, the viewer is able to

appreciate Rita's discovery that Phil has seemingly transformed overnight from a selfish cynic to

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[353] CBB, *Star Trek: Kirkless Generations*, Fanedit Information, *Internet Fanedit Database* (2006), https://ifdb.fanedit.org/star-trek-kirkless-generations/.

[354] Gekko, *Casino (Destoned)*, Fanedit Information, *Internet Fanedit Database* (2007), https://ifdb.fanedit.org/casino-destoned/.

a selfless romantic. Character concentration fan edits like *& Julia* (Adam Goldman, 2014) and *Julia Sans Julie* (Chris Farias, 2014), which isolate the Julia Child (Merryl Streep) half of the narrative in *Julie & Julia* (2009), are also recognizable as character reduction projects.

There are two fan edits based on *Watchmen* that demonstrate how different character concentrations can reshape a common narrative. Mark Moore's *Silk Spectre* (2013) is *Watchmen* entirely from the perspective of former crimefighter Laurie Jupiter/Silk Spectre II (Malin Åkerman) as she confronts her troubled relationships and dysfunctional parentage. As a counterpart, Mikedrew87's *Rorschach: The End is Nigh* (2014) suggests a version of *Watchmen* in which the protagonist is Rorschach (Jackie Earle Haley), a masked vigilante detective who investigates the murder of another crimefighter. In order to emulate the visual style of comic books, Mikedrew87 also applies a video filter to each scene that provides an illustrated effect and overlays captions that describe passages in time.

Music Replacement

Music replacement is an editorial strategy that involves substituting music in a film. This is a fairly common technique in fan edits, including *Watchmen: Midnight*. For example, there is a flashback scene in *Watchmen* set during the Vietnam War that depicts Doctor Manhattan and The Comedian fighting alongside each other in slow-motion on a grim battlefield. The Comedian rides in on helicopter and, once on the ground, savors an opportunity to incinerate enemy combatants with a flame thrower. In the official versions of the film, this scene was accompanied by Richard Wagner's "Ride of the Valkyries" in an obvious allusion to the famous helicopter attack scene from *Apocalypse Now*. At the screenings of *Watchmen* that I attended, the music in this scene elicited laughter from the audience when it should have horrified them. Although it

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was likely an attempt to portray The Comedian's twisted perspective on war, the use of Wagner

is especially misguided because the scene is actually a glimpse into Doctor Manhattan's memory

of Vietnam while he attends The Comedian's funeral. In order to imbue the scene with a more

appropriate tone in *Watchmen: Midnight*, I replaced "Ride of the Valkyries" with a combination

of two brooding selections from the original *Watchmen* score by Tyler Bates.

There are also some projects in which music replacement is the primary approach, such

as Blueyoda's *Transformers: Attack of the Score* (2012), which replaces all of the music in the

animated feature film *Transformers* (1986) with music from Star Wars films composed by John

Williams. In projects like *Transformers: Attack of the Score*, the fan editor essentially rescores a

film by combining existing film visuals with new music. A similar project, *Drive: Radio 1*

Rescores (2014), is Take Me To Your Cinema's preservation of an alternative version of *Drive*

(2011) which features an entirely new soundtrack curated by BBC Radio 1 host Zane Lowe.

Serialization

Serialization is a fan editorial strategy that involves splitting the structure of a film or

group of films into sequential parts or episodes. For example, Last Survivor's *Rambo - A*

Warrior's Journey (2013) transforms *First Blood* (1982), *Rambo: First Blood Part II* (1985), and

Rambo III (1988) into an eight episode television series. Each episode runs approximately 40

minutes and includes a custom designed opening title sequence inspired by action television

series of the 1980s. As a example of both serialization and chronology cut strategies, Alex

Daily's *The Marvel Age* (2015) combines nearly all the films and television episodes in the

Marvel Cinematic Universe into a chronological television series format.

Additionally, some fan edits emulate older episodic narrative traditions. For example, Roger Rmjet's *Raiders of the Lost Ark - The Serial* (2008) transforms *Raiders of the Lost Ark* (1981) into a black and white film serial consisting of fourteen episodes that each run 10 minutes. Similarly, The Man Behind the Mask's *Star Wars 30's Serial Edition Part 1* (2008) and *Star Wars 30's Serial Edition Part 2* (2008) transform the Star Wars original and prequel trilogies into a black and white film serials.

Hybrid Cut

Hybrid cut fan edits recombine shots and scenes from multiple film sources in order to create a gestalt narrative or poetic assemblage. Some of these fan edits are based around films that feature a common actor. For example, Infodroid's *Depths of Darkness* and Adabisi's *Bateman Begins: An American Psycho* (2009) both reuse material from unrelated films starring Christian Bale. Other hybrid cuts combine films within the same series or franchise, which often feature common actors or similar settings. JobWillins has taken this approach in projects like *Derelict* (2015), which intercuts the events of *Alien* (1979) and *Prometheus* (2012), as well as *Ripley* (2015), a fan edit that combines *Alien 3* (1992) and *Alien: Resurrection* (1997). *Ripley* is also recognizable as a character concentration fan edit because it focuses on the emotional journey of Ellen Ripley (Sigourney Weaver). Alternatively, *Loki: Brother of Thor* (Loki Odinson, 2014) is both a hybrid cut and a character concentration fan edit that blends material from various films in the Marvel Cinematic Universe in order to create a film in which the villainous Loki (Tom Hiddleston) is the protagonist.

Still, some hybrid cuts effectively combine unrelated films through visual and narrative association. Q2's *Memories Alone* (2013) juxtaposes material from *The Wrestler* (2008) and

Black Swan (2010) in order to tell an emotional story about an aging wrestler (Mickey Rourke) and his estranged daughter (Natalie Portman) who is a ballet dancer. The Man Behind The Mask's *Cosmogony* (2013) recombines shots from several historical dramas and science fiction films into a contemplative work about human nature that resembles poetic documentaries such as *Koyaanisqatsi* (1982). A similar hybrid cut, Darkmonolith Entertainment's aptly titled *Paracosm IV (Mythopoeic Edit)* (2017) mixes material from across science fiction, superhero, and biblical genres in order to illustrate the evolution of messianic characters in a manufactured reality. Such hybrid cuts are comparable to cinematic mashups like György Pálfi's *Final Cut: Ladies and Gentleman* (2012), a film comprised of associative excerpts from 450 classic films that collectively tell an archetypal love story between a man and woman.[355]

Reconstruction

Reconstruction is a fan editing strategy that involves rebuilding a film or another fan edit. This endeavor is alternatively known as a restoration, particularly when the subject is a lost film. Among the most well known restoration projects are Harmy's *Star Wars: Despecialized Edition* and Team Negative1's *Star Wars: Silver Screen Edition*. As a notable distinction between these projects, Harmy's *Despecialized Edition* is a reconstruction that synthesizes multiple video sources in order to approximate the original versions of Star Wars, while Team Negative1's *Silver Screen Edition* is a restoration primarily based on one 35mm film scan.

Some projects listed as Preservations in the IFDb would also be recognizable as reconstructions. For example, *James Bond 007: ABC's OHMSS* (Blofelds Cat, 2006) is a

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[355] Alissa Simon, "Review: 'Final Cut — Ladies and Gentlemen," *Variety*, May 26, 2012, http://variety.com/2012/film/markets-festivals/final-cut-ladies-gentlemen-1117947656/.

preservation of the 1976 ABC television version of *On Her Majesty's Secret Service* (1969).

ABC was the first American television network to broadcast the James Bond films such as *On Her Majesty's Secret Service*, albeit in a significantly altered version. As Blofelds cat explains:

> Bond fans were, understandably, furious at the liberties ABC had taken with the original
>
> narrative. What ABC had broadcast bore little resemblance to the theatrical version of
>
> *On Her Majesty's Secret Service*. But the ire of those who *knew* they had been served up
>
> a butchered version of *OHMSS* was insignificant when set against the damage done to
>
> the film's reputation by ABC's hacked and sutured version. In the eyes of viewers, who
>
> had never seen a frame of the film prior to the television screening, the artistic merits of
>
> *OHMSS* were judged, for the next two decades at least, on the abominable ABC
>
> edition.[356]

The ABC cut was reportedly destroyed by film producer Albert R. Broccoli, but as a means of comparison for James Bond fans today, Blofelds Cat used a videocassette recording of the original ABC broadcast as a reference and reconstructed the ABC version of the film in DVD quality.[357]

Fan editors have also attempted to reconstruct other fan edits, including those which they have never been available to watch. Since 2012 it has been widely reported that actor Topher Grace created a fan edit based on the Star Wars prequel films and another based on *Close Encounters of the Third Kind*, and that he screened them for private audiences of industry friends

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[356] Blofelds Cat, *James Bond 007: ABC's OHMSS*, DVD text commentary, 2006. Emphasis in original.

[357] Blofelds Cat, *James Bond 007: ABC's OHMSS*, Fanedit Information, *Internet Fanedit Database* (2006), https://ifdb.fanedit.org/james-bond-007-abc-s-ohmss-1/.

and journalists. In particular, Grace's *Star Wars Episode III.5: The Editor Strikes Back* has

garnered a considerable amount of praise since it was first covered by online news outlets.

However, neither of his fan edits have been released to the public. In a March 7, 2012, article on

Slashfilm, Peter Sciretta described the structure of *The Editor Strikes Back* and called the work

"probably the best possible edit of the *Star Wars* prequels."[358] Consequently, several fans editors

have essentially tried to reconstruct *The Editor Strikes Back* based on Sciretta's recollections of

how Grace constructed it. However, without a tangible reference on which to base their work,

fan editors have "produced a series of variants that reflect more of their personal visions of a Star

Wars prequel trilogy edit than the unattainable object they attempted to replicate."[359] Among

several fan edits inspired by reports of Grace's 85-minute *The Editor Strikes Back* are Double

Digit's 167-minute *Star Wars: Turn to the Dark Side—Episode 3.1* (2014), Jared Kaplan's 129-

minute *Star Wars: A Last Hope*, TJTheEmperor's 208-minute *Star Wars: The Fall of the Galactic

Republic*, and Andrew Kwan's 123-minute *Star Wars I-III: A Phantom Edit*.[360]

Curated Cut

In a curated cut, a fan editor reuses material taken directly from existing fan edits or

explicitly reproduces changes present in them. For example, in order to create *Star Wars: The

Last Turn to the Dark Side* (2014), Zantanimus combined roughly equal portions of two fan edits

inspired by Grace's Star Wars fan edit, Double Digit's *Turn to the Dark Side* and Kaplan's *A Last*

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[358] Peter Sciretta, "Topher Grace Edited The 'Star Wars' Prequels Into One 85-Minute Movie and We Saw It," *Slashfilm*, March 7, 2012, http://www.slashfilm.com/topher-grace-edited-star-wars-prequels-85minute-movie.

[359] Wille, "Dead Links, Vaporcuts, and Creativity in Fan Edit Replication," 4.8.

[360] Ibid., 4.9.

Hope. In a similar fashion, Billy Batson was inspired by editorial work in *The Hobbit: The Spence Edit* (Spence, 2015) and *The Hobbit (Ironfoot Edition) - Part I* (DrFontane, 2016) while making his book cut of the Hobbit trilogy, *Billy Batson's The Hobbit* (2016).[361]

Curated cuts have emerged in recent years with a rapidly increasing body of fan edits across the Internet. Notably, the Hobbit films have been the basis for at least 40 fan edits as of July 2017. As a means of accounting for this surge of creativity, FanEdit.org members maintain an online spreadsheet which compares editorial decisions in many Hobbit fan edits. Similarly, my proposed system of delineating the creative approaches in fan edits offers a method for appreciating their practical trends. In this chapter I have described ten preliminary fan editorial strategies: chronology cut, genre-mix, book cut, character reduction, character concentration, music replacement, serialization, hybrid cut, reconstruction, and curated cut.

At present, each entry in the IFDb is organized by basic information such as the original film title, the original film genre, and the name of the fan editor. Moreover, fan edits are listed in the IFDb by broad categories that often suppress precise understanding of how fan editors modify source material. However, the sample of fan editorial strategies I have described in this chapter suggest a way to augment the generic classification system of the IFDb in order to promote clarity about individual works and discoverability across projects based on different sources. In practice, this alternative method of fan edit classification could feasibly be incorporated by fan edit databases as a contextual tagging system like those commonly used in blogs and other online media.

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[361] Billy Batson, *Billy Batson's The Hobbit*, Fanedit Information, *Internet Fanedit Database* (2016), https://ifdb.fanedit.org/the-hobbit/.

Chapter 4: The State of the Art

Much has changed in nearly two decades since the initial public reception of *The Phantom Edit*. Although scholarship has lagged behind the historical development of this practice, the last several years have seen the formation of online fan editing communities and homegrown databases of these transformative works. Fan editors have kept in step with the progress of creative technology while chasing viable methods to share their work with like-minded people in a networked culture that is rife with disputes over the use digital media. This final chapter considers two recent developments that both reflect the current state of this transformative art and suggest its new directions.

Raising Cain: Re-cut and the Path to Director's Cut

The introduction of this study examined how the emerging market for alternative versions of film in the digital era has precipitated public awareness of the inherent mutability of cinema, and how fan edits are both a product of that change as well as a contributing force. Although film revisionism has a long but less widely known history in the cinema, alternative versions of popular films from directors like George Lucas, Steven Spielberg, and Francis Ford Coppola, as well as a growing market for director's cuts, extended cuts, and unrated cuts of films on home media, have revealed to audiences that films are neither singular nor sacrosanct artifacts. With the emergence of fan editing since *The Phantom Edit*, film itself has been essentially redefined "as a permanent work-in-progress, which exists in multiple permutations, and can always be tinkered with in the future, whether by the director or by anybody else."[362]

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[362] Rojas, "Hollywood: The People's Cut."

Despite these initial signs of what is perhaps the first era of a democratic cinema, in which the once broad division between producers and consumers has seemingly narrowed, the imprimatur of "director's cut" still holds considerable sway in the home video market. Whether mainstream releases from Hollywood distributors, international arthouse cinema curated by the Criterion Collection, or cult cinephilia that characterize numerous boutique labels, contemporary home video editions often insulate their customer bases by marketing director reverence. Amid a rising sea of alternative versions, many fans gravitate to what is deemed to be a director's cut. Moreover, people who rebuke fan edits often default to an argument that reaffirms the primacy of a director's cut; recall the Star Wars fan from Chapter 1 who spurned *The Phantom Edit*, saying, "I prefer the director's version any day. Egotistical fan editors can blow it out their thermal exhaust ports."[363]

Fan edit detractors share a much less defensible position regarding Peet Gelderblom's *Raising Cain: Re-cut*, a 2012 fan edit that defied expectations and was "elevated" to the status of the director's cut in 2016.[364] In preparing a collector's edition of *Raising Cain* on Blu-ray disc, home video distributor Shout Factory enlisted the unpaid assistance from Gelderblom, who oversaw the reconstruction of his fan edit using high-definition sources.[365] The case of *Raising Cain: Re-cut* represents a significant departure from many foundational aspects of fan editing that were introduced with *The Phantom Edit*. Foremost of these deviations are the responses

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[363] jimslendorn, "STAR WARS 1.1 THE PHANTOM EDIT."

[364] Gelderblom, "Changing Cain."

[365] Wille, video interview with Peet Gelderblom, September 16, 2016.

from the original film directors. *Raising Cain: Re-cut* was embraced by De Palma, while *The Phantom Edit* was shunned by Lucas.

The Phantom Edit and its sensational reception established a reputation for a fan edit as a challenge to the authority of the film director. However, in the years since *The Phantom Edit* there have been sporadic instances in which original filmmakers have expressed support for fan editing. In particular, DCP's fan edit, *The Crow: City of Angels - Second Coming* (2007), essentially helped director Tim Pope realize his original creative intentions for *The Crow: City of Angels* (1996). As DCP explains, the purpose of the fan edit was

> To let people see the true intention of the film, before Miramax crapped all over the director, and to hopefully get enough people wanting to contact Miramax after seeing it so that the real Director's cut will be released officially to DVD […] Via subtitled animatics, this recut, extended edition restores the story and structure that Miramax completely cut from the film after taking control away from director Tim Pope. Miramax released a very fake "director's cut" to the public in 1996, with the real cut never seeing the light of day.[366]

The project eventually found its way to Pope, who wrote a note thanking the fan editor for his effort.[367] Nearly a decade later, *Raising Cain: Re-cut* redefined the potential relationship between film director and fan editor with its authorization by De Palma and eventual reconstruction for mass market consumption.

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[366] DCP, *The Crow: City of Angels - Second Coming*, Fanedit Information, *Internet Fanedit Database* (2007), https://ifdb.fanedit.org/the-crow-city-of-angels-second-coming/.

[367] Ibid.

Other ways that *Raising Cain: Re-cut* deviated from the model of fan editing embodied

by *The Phantom Edit* are its means of distribution and attribution. Out of Nichols's control, *The

Phantom Edit* infamously spread throughout the Internet on controversial peer-to-peer file

sharing networks, thereby establishing an enduring and dysfunctional association with media

piracy. Furthermore, Nichols's use of a pseudonym and his disassociation with the spread of his

The Phantom Edit on feral file sharing networks contributed to confusion about his work during

the flood of similar fan edits like *The Phantom Re-Edit* and *The Phantom's New Hope*. Thus,

Nichols was compelled send a physical copy of his fan edit to Lucas out of concern that his

project had been misrepresented by a copycat.[368]

On the contrary, Gelderblom uploaded *Raising Cain: Re-cut* on the mainstream video

streaming site Vimeo and used his real name. He subsequently published the video, along with an

written article, on the popular film blog, *IndieWire*. Thus, the accessibility of Gelderblom's

Raising Cain: Re-cut likely facilitated its eventual discovery by De Palma. In the accompanying

article, which Gelderblom also prepared in an easily digestible video essay format, he described

the troubled structure of *Raising Cain* and clearly explained that his intentions were experimental

yet respectful. Gelderblom did not try to create his own improved version of *Raising Cain*, he

simply wanted to behold the film as it could have been if De Palma had not changed it prior to its

theatrical release. Unlike Gelderblom's essay, which provided him ample space to articulate the

parameters of his work, Nichols's scrolling text at the opening of *The Phantom Edit* was an

insufficient manifesto. Instead, as the events chronicled in Chapter 1 indicate, Nichols attempted

to explain his work in a spate of subsequent interviews and blog entries.

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[368] Rodgers, "Lucas Is Mailed 'Phantom Edit.'"

Additionally, with its authorization and mass-publication as De Palma's director's cut, *Raising Cain: Re-cut* has seemingly achieved a cultural status beyond any other fan edit. Since *The Phantom Edit* made waves in the early 2000s, fan edits have not received nearly the same degree of public attention or scrutiny, nor have they all been perceived as "corrector's" editions.[369] *The Phantom Edit* and its controversy established fan editing as an underdog in a battle over the control of cultural artifacts; Star Wars, with its oppressive galactic empire and determined rebels, was an ideal battleground. As the figurative father of the technology that Nichols used to create *The Phantom Edit*, Lucas was the perfect analog for the tragic villain, Darth Vader. Lucas recognized his ironic relationship with Star Wars, at least with regard to his transformation from a rebellious independent filmmaker to the owner of a corporate empire. In a 2004 interview he said, "I've become the very thing that I was trying to avoid, which is basically what part of Star Wars is about. That *is* Darth Vader; he becomes the very thing that he's trying to protect himself against."[370] In 2012, when he sold Star Wars and the rest of his empire to the Walt Disney Company, Lucas reflected on his troubled relationship with fan editors, saying, "On the Internet, all those same guys that are complaining that I made a change [to *Star Wars*] are *completely* changing the movie."[371]

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[369] Lauten, "The Phantom Edit Menaces Hollywood."

[370] *Empire of Dreams: The Story of the Star Wars Trilogy*, directed by Kevin Burns and Edith Becker, interview with George Lucas, United States: *A&E*, 2004. Emphasis in original.

[371] Curtis, Bryan, "George Lucas Is Ready to Roll the Credits," *New York Times*, January 17, 2012, http://www.nytimes.com/2012/01/22/magazine/george-lucas-red-tails.html. Emphasis in original.

However, to describe the intentions behind *The Phantom Edit* and other fan edits as solely adversarial actually underestimates the nature of this practice.[372] Chapter 3 provided a glimpse into some of the diverse creative approaches that can be found by surveying contemporary fan editing. Over the past several years, a handful of fan edits have had public screenings that demonstrated to limited audiences that fan editors are more than just disgruntled fans, but are in fact curious, critical, and creative people. In 2012, *Legion: An Exorcist III Fanedit* (spicediver, 2011), which approximates director William Peter Blatty's original concept of the film that became *Exorcist III* (1990), was screened at a horror convention in Charlotte, North Carolina, and was introduced by cast member Brad Dourif.[373] In 2013, *Watchmen: Midnight* was screened at the StarFest science fiction convention in Denver, Colorado. In 2014, screenings of *Northwest Passage: A Twin Peaks Fanedit* were held at the Paley Center for Media in both New York City and Los Angeles.

Despite an inclination to suggest that the remarkable case of *Raising Cain: Re-cut* bodes well for fan editing as a commercially viable branch of the film market, it was successful because it curried favor with De Palma and reaffirmed his creative vision rather than advancing the fan editor's own. The same is true for the relative successes of spicediver's *Legion: An Exorcist III Fanedit* and Garret Gilchrist's *The Thief and the Cobbler: Recobbled Cut* (2006), which combines animated material donated by the original animators and family of the late

[372] Wille, "Fan Edits and the Legacy of *The Phantom Edit*," 1.5.

[373] spicediver, *Legion: An Exorcist III Fanedit*, Fanedit Information, *Internet Fanedit Database* (2012), https://ifdb.fanedit.org/legion-an-exorcist-iii-fanedit/. In 2016, Shout Factory, the same home video distributor that published *Raising Cain* with a reconstruction of Gelderblom's fan edit as De Palma's director's cut, also published its own approximation of Blatty's director's cut of *Exorcist III*.

director Richard Williams in order to approximate his unrealized vision of *The Thief and the Cobbler* (1995).[374] Because *Raising Cain: Re-cut* was rebuilt and rebranded as the director's cut, many De Palma fans and cineastes who might have snubbed fan edits actually have one in their personal collections.

Unfortunately, the appropriation and commodification of *Raising Cain: Re-cut* suggests that Gelderblom's initiative and labor may be irrevocably displaced and obscured by De Palma's mark.[375] In that sense, the fan labor in *Raising Cain: Re-cut* brings to mind Nichols's initial claim that *The Phantom Edit* essentially embodies Lucas's filmmaking spirit: "It's the same story he was trying to tell, just told more effectively—as if I worked for him."[376] It may be too soon to determine whether fan edits will ever achieve mainstream recognition unless they reaffirm the creative visions and authority of original filmmakers like *Raising Cain: Re-cut*, or if more avant garde fan edits will always keep one foot planted firmly underground.

Cinema as Software and Open Source Fan Edits

Although amateur film revisionism existed before the first appearance of *The Phantom Edit*, contemporary fan editing is the product of a networked culture that thrives on digital media. As much as it was a pioneering work of film revisionism that was spread by the Internet culture at beginning of a new millennium, *The Phantom Edit* was originally created on VHS and represents one of the last vestiges of twentieth century media. Rather than its traditional concept as a sequence of images fixed on pieces of celluloid, cinema has been increasingly redefined as

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[374] Wille, "Fan Edits and the Legacy of *The Phantom Edit*," footnote 3.

[375] Wille, "Fan Culture."

[376] Greenberg, "Thumbs Down? Re-edit the Flick Yourself."

an expression of software. Today, most filmmakers, scholars, and students actually examine and produce not films in the traditional sense, but emulations of films on digital video, which does not contain distinct and physically tangible cinematic frames arranged in sequence. Instead, contemporary digital videos are software emulations of motion pictures encoded and recorded onto disk and optical media, which are decoded by other computers that send visual data to a digital display. The industry and culture of contemporary cinema is increasingly determined by digital cinema, which is technically a cinematic implementation of software.

Software development only truly ceases when programmers abandon a project, and digital cinema provides a striking parallel to this principle with the rise of film revisionism. George Lucas, upon the release of his major digital revisions to the classic Star Wars films, notably argued that "Films are never finished, they're abandoned."[377] In subsequent years, commercialized revisionism in Hollywood has become more conspicuous and increasingly resembles the sustained process of software development. Alternative versions on home video are more common than ever, and the initial theatrical release of a film might as well serve as an extended preview of its true destination on the multifarious sands of home video.[378]

Some fan editors have adopted techniques that are commonly associated with software development in order to advance their own practice. In 2016, Scott Monaghan made *Star Wars: Fall of the Jedi*, a fan edit based on the Star Wars prequel trilogy, but rather than uploading his work to a file locker, a torrent site, or a video streaming service, he decided to share it on the open source software development website GitHub. On GitHub, users can create public

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[377] Ron Magid, "An Expanded Universe: Digital and Analog Special Effects Collide in the Retooled Version of *Star Wars*." *American Cinematographer* 78, no. 2 (1997): 70.

[378] Wille, "Fan Culture."

repositories for all of the programming code and documentation for a software project. Likewise, Monaghan uploaded his video editing project file for *Fall of the Jedi* to a repository, where he instructed visitors that they must legally obtain their own copies of the implicated source films in order to reproduce his fan edit using his project file. Monaghan called *Fall of the Jedi* an "open source fan edit."[379]

An open source fan edit is distributed in the form of metadata rather than as a fully rendered video file. For Monaghan's *Fall of the Jedi*, his video editing project file represented metadata similar to that of an edit decision list (EDL), a portable set of instructions that is commonly used in film and television postproduction workflows to automatically conform two or more sets of the same source material. EDLs are analogous to recipes that instruct people how to replicate a dish with specific ingredients.[380]

Monaghan's distribution of fan editing metadata is not entirely unprecedented. For example, You_Too's color correction for the strangely green-tinted extended edition of *The Lord of the Rings: The Fellowship of the Ring* (2001) was made available as an EDL for the video editing program AviSynth.[381] In 2014, Mike Furth created *Marvel Movie Omnibus - Phase 1* and *Marvel Movie Omnibus - Phase 2*, a pair of chronological, serialized fan edits based on the films of the Marvel Cinematic Universe. In videos that he uploaded to YouTube, Furth demonstrated

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[379] Scott Monaghan, "Star Wars: Fall of the Jedi - Mr Pitiful's Open Source Fan Edit of Episodes I - III, *GitHub*, https://github.com/ScottMonaghan/Star_Wars_Fall_of_the_Jedi.mrpitiful_fan_edit.

[380] Wille, "Fan Culture."

[381] You_Too, "A Guide on How to REALLY Fix the FOTR Extended Blu-ray," *Fellowship of the Ring Fix*, August 20, 2011, https://web.archive.org/web/20111122145537/http://fotrfix.blog.com/.

and documented his cuts and various changes specifically to invite viewers to recreate and expand on his work.[382] Moreover, the traditional list of changes included in IFDb entries is comparable to an EDL, although they vary in style and degree of detail.

Fall of the Jedi was the first fan edit to appear on GitHub and thereby adopt a software development approach to its distribution. The open source model of fan editing implicitly adheres to the principle of owning the original film that characterizes fan editing culture, and by sharing metadata rather than large video files in contested spaces on the Internet, fan editors could circumvent problematic aspects of contemporary fan editing distribution and potentially share their work with impunity. Much like the way that open source software development on GitHub facilitates collaboration and tributary projects, the method of sharing video editing project files or EDLs implicate the viewer in the creative process by revealing every cut, trim, and fade to black.

However, as I explained in Chapter 2, fan editors use a variety of creative software. Unfortunately, most nonlinear video editing project files default to proprietary project formats, which would require open source fan edit viewers to have access to specific software in order to reproduce a project. Moreover, fan editors often utilize more than one piece of creative software in a particular project. Unfortunately, universal EDL formats are not capable of recording the full range of editorial changes and visual effects that may be present in a fan edit that has been created using proprietary video editing software such as Adobe Premiere Pro and Final Cut Pro. Thus, a reliance on universal EDLs would potentially limit creativity in open source fan editing. An open source model is best understood as an emergent workflow with notable limitations, but

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[382] Wille, "Dead Links, Vaporcuts, and Creativity in Fan Edit Replication," 5.2.

it may eventually provide a viable alternative to the tenuous state of online media distribution that has characterized fan editing since *The Phantom Edit*.

Summary of Findings

The purpose of this study has been to build a rich foundation of knowledge for future research in the dynamic field of fan editing by tracing its development from a prototypical stage, characterized by *The Phantom Edit*, to its more diverse current state of the art. This study began by considering the broader historical context of fan editing and examining how an emerging market for alternative versions of films has revealed the malleability of cinema to an increasingly networked public. In the early 2000s, powerful and affordable creative tools, especially desktop video editing software and large capacity hard disk drives, finally provided a means for amateurs to play with digital media using essentially the same tools as professional film editors. Moreover, the burgeoning Internet and peer-to-peer file sharing networks provided a means to distribute homegrown experimental cinema on a large scale.

Because fan edits are a relatively new and misunderstood practice in the context of film and media research, this study reintroduced *The Phantom Edit*, a seminal work that established both a traditional model of production and distribution for subsequent fan edits and served as the primary basis for nearly all scholarly discourse about fan edits to date. This study recounted the saga of *The Phantom Edit* and examined how its controversial reception fueled misunderstandings about the creative and critical nature of fan edits, as well as how misinformation prevailed in much of the subsequent scholarship. By surveying and testing the limits of fan edit scholarship, this study also traced the development of knowledge about fan edits across the disciplines of media studies, fan studies, and law.

This examination delineated four strands of writing that have addressed fan editing: (1) pre-texts of fan edit studies, which are comprised of a small set of early journalistic writing about *The Phantom Edit* that informed much of the subsequent scholarly interpretations of fan edits; (2) participatory culture and policy scholarship, which is generally concerned with issues of consumer agency and conflicts between creativity and copyright that have emerged since the popularization of digital media; (3) a body of literature concerned with the relationship of media fans and producers, as well as how emergent fan practices interact with authorship and perceptions of authenticity in film; (4) a set of more diverse examinations of fan edits in scholarship about film genres and specific films, as well as scholarship that focuses more directly on fan editing as a practice. I located my own previous research in the fourth strand of writing because it has been primarily concerned with shifting fan edit studies away from a concentration on *The Phantom Edit* to examine new developments in fan editing.

In general, this critical history found that previous scholarship lacks evidence of close engagement with fan edits. This deficiency can be partially attributed to systemic problems of online fan edit distribution on networked sites and services that are typically associated with media piracy. Although scholars may be deterred by the stigma of underground distribution channels, the majority of discourse generated within the fan editing community is readily available yet significantly absent in most scholarship. Instead, scholars have based the bulk of their interpretations about fan edits on secondary and often inaccurate sources. In general, film and media studies have failed to account for both *The Phantom Edit* and nearly two decades of progressive work.

After retracing the history of *The Phantom Edit* and interrogating its influence on previous fan editing scholarship, this study explored how contemporary fan editing has been shaped by technological and cultural contexts. This study also compared fan editing with other relevant transformative practices such as music remixing, video game modding, and fan vidding. Focusing on the development of fan edits after *The Phantom Edit,* this study traced the origins and core principles of major fan editing communities such as OriginalTrilogy.com and FanEdit.org. This study detailed how OriginalTrilogy.com initially emerged in support of a grassroots petition for George Lucas to restore and make the original versions of the Star Wars film trilogy available for purchase, and it described how maverick film preservations of the Star Wars films expanded to include additional fan editing projects. FanEdit.org was created by OriginalTrilogy.com participants who sought support for more diverse fan edits beyond the scope of the Star Wars franchise. Over the years, smaller fan editing enclaves have appeared in various online forums.

In order to provide insights into the means of production and distribution that characterize contemporary fan editing, this study described how and why fan editors use specific software and online services. This examination explained how fan edits have technologically evolved from low resolution videos to high-definition projects, which have contributed to progressively larger file sizes for fan edits. In order to move large video files, fan editors use online file sharing platforms such as file lockers, torrents, and Usenet, but these relatively fragile distribution channels are often associated with outright media piracy. Consequently, fan edits shared by these means are perceived as difficult or dangerous to access. The use of controversial distribution sites like Megaupload and The Pirate Bay have also proven destructive to a body of

published fan edits when those sites were shuttered by law enforcement. Some fan editors have attempted to share their work on popular streaming video platforms like YouTube and Vimeo. Although these services are considerably easier to access by casual viewers, their higher profile makes fan edits easy targets for removal on allegations of copyright infringement.

To begin to examine the legal contexts of fan edits, this study considered how fan editors have addressed the common question of whether their practice is permitted under the law. In general, fan editors explain that their works are noncommercial projects that often reflect a critical or experimental purpose. Thus, fan editors often argue that their works should qualify under the provisions of fair use, a legal defense codified in the United States Copyright Act that protects certain uses of copyrighted material without the permission of the copyright holder. At present, there have been no court cases involving fan edits that could have tested a fair use defense. As a means of offering a basis for interpretation of the legality of fan edits, this study provided a comparative analysis of the fair use defense determination in a relevant case, Galoob v. Nintendo, which dealt with allegations of copyright infringement in consumer-generated modifications of video games. After comparing the court's interpretation of the uses described in the example case with the practical conditions of fan editing, this particular analysis suggested how a court might rule that fan editing qualifies as fair use.

However, new amendments to copyright law such as the Digital Millennium Copyright Act (DMCA), which criminalize the circumvention of digital rights management technology in popular media, also affect fan editors. This study examined how lobbyists have secured tenuous exemptions under the DMCA provisions for transformative videomakers, as well as how those exemptions apply to the specific practice of fan editing. Fan vids, which are generally defined as

amateur music videos made by recombining brief excerpts from films and television programs set to a backing music track, served as primary evidence in the DMCA exemption hearings. Fan vids and fan edits generally differ in the amount of video material that they repurpose, but this study argued that fan edits would not necessarily be ineligible for the present DMCA exemptions.

Although practices such as remixing, fan vidding, and video essays provide transformative contexts for understanding how fan edits are constructed, graffiti provides a useful transgressive context for understanding the troubled reputation of fan edits. Graffiti is a polarizing practice that has been described as both art and vandalism, and it may never be widely accepted because transgression is one its defining characteristics. Similarly, fan editing is a transgressive practice that exploits the mutability of digital media in contemporary life. Fan editing is a means for new media artists, experimental filmmakers, and diverse critical voices to emerge from an increasingly networked culture. Like graffiti, the practice of fan editing will not necessarily be defined by government policy or public opinion, but by the fan editors themselves.

To begin to examine some of the expansive body of contemporary fan edits, this study proceeded with a detailed analysis of the classification system established by the Internet Fanedit Database (IFDb), a directory of over 1,000 fan edits that have been vetted by the members of FanEdit.org. Listings in the IFDb include vital information such as the fan edit title and source material, and every entry in the database includes descriptions of the editorial changes and intentions for the particular project, as well as a rating and review functions that are submitted by fan edit viewers. Every fan edit in the IFDb is listed in one of eight categories in order to describe the general nature of the specific project.

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This study provided a comprehensive analysis of these standard categories with descriptions of exemplary works listed in the IFDb. However, the broadly defined categories often suppress precise understanding of how fan editors modify source material. Thus, there is considerable practical variation among the fan edits listed as FanFix or FanMix, which are the most populated categories. As an alternative, this study proposed to classify the practical approaches of fan edits with greater specificity in order to promote clarity about individual works and discoverability across projects based on different sources. By examining practical trends in a survey of contemporary fan edits, this study delineated ten preliminary fan editorial strategies with descriptions of exemplary fan edits. A crucial aspect of this proposed method of classifying fan edits is the recognition that projects often exhibit multiple editorial strategies.

Earlier in this chapter, the remarkable case of *Raising Cain: Re-cut* and the emergence of open source fan editing offered indications for new directions for this practice. In order to examine how fan edit production, distribution, and reception have changed, this study positioned *Raising Cain: Re-cut* as a counterpoint to a traditional model of fan editing that was introduced with *The Phantom Edit*. Unlike *The Phantom Edit*, which was misunderstood and misattributed during its initial reception and eventually shunned by director George Lucas, *Raising Cain: Re-cut* was endorsed by director Brian De Palma and sold to fans as his director's cut. However, despite the apparent success of *Raising Cain: Re-cut*, this study found that the sublimation of the fan edit to a director's cut essentially displaced the role of the fan editor and reaffirmed the creativity of the original filmmaker.

Finally, this study examined open source fan editing as a means to circumvent logistical and legal pitfalls that have hindered traditional fan edit distribution. Despite some advantages,

namely the potential to share fan edits with impunity and the ability to enmesh viewers in the creative process, an open source model currently places limits on the range of transformative work possible in fan editing.

Limitations

As I have shown, fan edits are an underrepresented subject of study and there is a general lack of scholarship that directly engages with fan edit culture. At present, this particular study represents the most comprehensive document on the subject of fan edits. As a researcher and practitioner in this emerging field, such a rare situation presents an exciting opportunity and a considerable sense of responsibility. Although I have made a conscientious effort to accurately represent the history and practice of fan editing, my closeness to the subject is an unavoidable condition of this research. However, my experience as a researcher and practitioner has provided me with unprecedented access to resources on which I have based my analysis.

It must be acknowledged that the scope of this study was intentionally limited to examine fan edits based on films. Other branches of fan editing, including those based on television content, are represented in this study but have not been its primary focus.

This study provides a preliminary interpretation of the legal contexts of fan editing, but it must also be acknowledged that this is consistently based on the laws of the United States. Thus, the comparison of the fair use determination in the Game Genie case and the practical conditions of fan editing, however speculative, would not apply under the copyright laws of other nations. Furthermore, the interpretation of fair use and fan edits offered in this study cannot be corroborated at this time because there have been no specific legal cases regarding fan edits.

It bears repeating that the ten descriptions of practical approaches in fan edits outlined in Chapter 3 of this study are noninclusive. This preliminary taxonomy of fan editorial strategies and supporting case studies are based on the sample of fan edits listed in the IFDb, which is not an exhaustive directory, as well as on fan edits collected in my personal research archive.

<div align="center">**Suggestions for Future Research**</div>

Expansions of the research presented in this study could begin by widening its scope to include more attention to ancillary branches of fan editing, including projects based on television content and video games. For example, there is an emerging area of fan editing that involves re-editing cinematic cut-scenes taken from contemporary video games in order to emulate the style and structure of a feature film or television series. Among the most fascinating of these projects are the works of Andy Gilleand, who adeptly removes on-screen gameplay elements from video game footage in order to present a more seamless cinematic adaptation. Subsequent research could also examine additional social dimensions of fan editing culture, including surveys of the practical and film educational backgrounds of fan editors, as well as their demographics.

Fan editing is practiced around the world, and future research could consider legal contexts outside the United States. For example, subsequent studies could compare the practical conditions of fan editing and the doctrine of fair use with the principles of fair dealing, which is a limitation to copyright laws recognized in the Commonwealth of Nations.

Finally, a major logistical challenge for fan edit research continues to be reliable access to fan edits, which are often subject to broken links and expurgation from the Internet. Critically, the loss of these artifacts before they can be appreciated is akin to the historic folly of destroying early nitrate films to reclaim their silver content. Future research would benefit from the

establishment of an academic repository of fan edits that would facilitate qualitative and quantitative analysis of transformative works. Such an archive could be used by humanities researchers for unprecedented content analyses of fan edits, visualizations of the discernible structural and aesthetic variations among several versions of a particular film, and the use of technical metadata to determine the provenance of various fan edits, as well as robust comparisons of aesthetic trends in fan editing.

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