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Understanding Internet Memes: Like a Boss!

by

Shivankar Sharma*

EARLY ORIGINS OF MEMES

"A meme is a contagious idea that replicates like a virus, passed on from mind to mind. Memes function the same way genes and viruses do, propagating through communication networks and face-to-face contact between people".¹

The Darwinian concept of evolution stresses on the natural selection of the replicated genes where only the best or the fittest survive.² The origin of the term 'meme' can be attributed to the work of Clinton Richard Dawkins in 1976 in his book 'The Selfish Gene', where he first introduced the term to show that "all life evolves by the differential survival of replicating entities" borrowing a similar analogy from genes. He coined the term from the Greek language where 'mimeme' means to imitate.³ Dawkin's meme is thus any cultural instrument which replicates a certain idea or a complex of ideas, and leads to information transfer between two different individuals where only some survive.⁴ His theory in turn led to the rise of the field of memetics which postulates for the reproduction of the meme rather than its concern with the truth of ideas and beliefs.

Dawkins has listed out three important characteristics that he feels every successful replicator should possess. It is shown in the context of transmitting memes over the internet that all the three factors are present and are satisfied. First is copying-fidelity, the more accurate the copy, the better the meme, this is especially true over the internet where distortion of the material does not take place compared to communication through sound or word. Second is fecundity, the speed of the copying which is again an area where



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the internet has no hurdles as it can churn out a plethora of copies at the click of a mouse. Last is the longevity, the longer the instance of the copy surviving the better it is, which is again true for data uploaded over the internet, as once uploaded, it is etched in stone and even though a person might delete the uploaded data, chances are in some corner obscure part of the internet it still lives on. Thus we can see why internet memes enjoy such popularity and have a lasting role to play in the transmission of ideas, knowledge, wit, humour, sarcasm or any type of information.

Mememes: Constantly Evolving and in a State of Flux

The understanding about meme's is also seen in the light of the fact that they are not just a strict idea or they don't have a rigid form. Meme's and specifically internet memes are constantly evolving and are in a state of constant flux. Memes can also be seen as modifications or spoofs which add more value to the original idea which helps in transgressing social, geographical and cultural boundaries, where the proximity between the sender and the receiver is irrelevant.⁵ Internet memes can also be regarded as a reinvigoration of an active public voice, a combination of popular culture and folk culture.⁶ Some might appear out rightly offensive and ghoulish; the crisis meme which shows a London looter stealing Basmati rice or the meme ridiculing the US debt crisis or the 'Disaster Girl' meme in which a girl standing in front of a burning house with a devilish look are some of the examples of these kind.⁷ But we have to realise that these are memes which have been created and modified by netizens are thus, a social commentary, when they are not based on reasoned discourse and reinforce cultural stereotypes. The ability to add a large imposed typeface also gives the power to the maker to add context and incredulousness to a meme even sometimes adding a deliberate grammatical error in order to enforce a punch line.⁸

Thus the memes keep varying from what the original thought behind them was. It thus also becomes important for us to also determine the copyright issues which might arise on account of a video or a photograph being used without the due license and permission. Although the use of this




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material should ideally be covered under fair use, there is also the possibility of abuse of a right of privacy. This is an important facet considering how easy it so make a meme and superimpose it with text

on sites like Memegenerator.com. An image which is exploitable and superimposed text which can be added anywhere is a dangerous proposition as it is, it becomes even more lethal when the post is by a user who is fully anonymous, which is the case in 90% of times on sites like 4chan.org.⁹ This is important as it has been argued that real names can promote trust, cooperation and accountability whereas anonymity makes communication impersonal and undermine credibility.¹⁰ This is the reason social networking sites like Facebook insist on a real name and not a pseudonym. Thus the anonymity and constantly changing internet memes can result in the formation of crisis memes which can also run afoul a person's privacy.

MEMES: EASILY DISBURSED BUT HOW PREDICTABLE?

The biggest advantage which works in the favour of these memes is the potential for rapid transmission even though most of the internet memes are transitory in nature, coming in and fading out of popularity in a few days. They spread in a peer to peer fashion rather than a compulsory manner. Their spread therefore does not follow a pre-determined path and can be difficult to track and predict. A study on the success on the meme campaign, predicting the longevity or peak circulation of a meme was conducted by Christian Bauckhage.¹¹ After analysing the characteristics of 150 memes, the study came to the conclusion that memes popular among Delicious users (a social bookmarking website for storing web marks) are very popular in general; memes that rank high at Digg (social news service giving the users the power to vote) are very recent; and for Stumble Upon users (discovery engine recommends content uploaded by the user), a larger percentage of popular memes centres around artistic content. This is to be contrasted by a school which advocates that memes essentially spread like wildfire and cannot be predicted or traced regardless of the platform on which they first appear. This is because there can be no science involved with what would go viral next. There are also instances where the content may be in hibernation before it suddenly explodes into the internet viral

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sphere. A case in point is the Rebecca Black's Friday video, often cited.¹² Thus, the proponents argue that the 'luck' factor has a major role here.

While some choose to concentrate on the platform on which the memes first appear like Twitter and Facebook, there also needs to be a study of the intrinsic characteristic of the meme itself. What are the factors if present in a meme, which make it more popular and therefore aid in its spread. While studying the system as vast as the internet it is important to know how the parts interact but also how they function independently. Two important ideas here of collaborations and competition, as to how not only do the memes affect their own ratings, but they also lead to competition where one meme receives a higher rating and the other one does not and collaboration where there is a positive effect between memes.¹³

In the world where internet memes are fast gaining popularity, it is surprising to see very little scientific research centred around the spread and peak of memes. This is especially important where the people in the marketing campaign are increasingly using memes to build a rapport with the trending online community, as was seen before the release of 'Snakes on a Plane' in 2006.¹⁴ This is so because they are inexpensive and trendy and tend to spread much like viruses.¹⁵ They have had the effect of changing previously known nobodies to celebrities overnight, for example the 'ridiculously photogenic guy'.¹⁶ Therefore even though not requiring any seed up capital or investment once a meme is a hit, it can be miraculous for the product, animal or person who is featured in it.¹⁷ Therefore the marketers have used this as promotional tools to increase the social popularity.

The Rise of the Law School Memes: An Uncharted Territory

It is in the above light that the researcher would like to examine the particular instance of 'Law School Memes'. This was a page created on 17th

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April 2012, co-founded by Hamish Mishra and Shanil Lal law students at University of Technology, Sydney. Till date (April 15th, 2014) their page on Facebook¹⁸ has received over 70, 000 likes. What are the factors which aided in its astounding growth and kept the page running successfully? The researcher believes the answer lies in the large number of law students the world over. There are 202 accredited law schools in America alone, which have a student base of 40,000 people.¹⁹ A ballpark figure for the total number in the world can only be thus estimated since there is no concrete data available on the total

number of law students in the world. Also law as a sphere of study is considerably narrower and easier to understand than other fields which have varied specialisation. An example would be engineering, which has different branches such as computer, electronic, thermal, biological, vehicle, petroleum which are most of the times exclusive and independent of each other. In comparison the legal systems of the world are broadly divided into four main schools-common law, civil law, religious laws and hybrid laws. Religious laws such as Jewish *Halakha* and Islamic Law although present in the legal systems of the world are not so widespread as common and civil law. It is also true that no one nation can be strictly construed as being a 'Civil law country' or 'Common law country', this is because notions of civil law and common law along with religious laws are most of the times present in most of the states. The legal systems of a state can be based on common law or civil law, but not in the strict sense of the word and therefore most of the states today are hybrids with prevailing common law or civil law features.

In any case, examining the two concepts independently of one another we see that civil law is the most widespread system of law in the world practiced by the majority of the Asian, European and South American and a large part of African countries.²⁰ On the other hand one third of the world's population (2.3 billion people) live in a common law jurisdiction or a hybrid of the common and civil law systems²¹

In such a scenario, where the common law countries rely heavily on past precedents and case laws there are instances of leading cases which are landmark judgments and which the common law students can relate

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to specially the ones handed down by the High Courts/Supreme Courts and the Privy Councils. Some of the examples would be *Tulk v. Moxhay*²² (United Kingdom), *Rylands v. Fletcher*²³ (United Kingdom), *Donoghue v. Stevenson*²⁴ (United Kingdom) [Image in centre]²⁵, *Roe v. Wade*²⁶ (United States), *Miranda v. Arizona* (United States)²⁷, *Tasmania v. Commonwealth of Australia and Victoria*²⁸ (Australia) [Left Image]²⁹, *Reference re Secession of Quebec*³⁰ (Canada) and *Kesavananda Bharati v. State of Kerala*³¹ (India)[Right Image]³².



Thus there is a collaboration effect where each of the meme reinforces the popularity of the other ones and lead to a positive effect on the ratings for both the memes which has been examined by Michele Coscia in his study.³³ This is especially true when most of the memes deal with questions of law and legal studies. Also terms, phrases, maxims and concepts which are normally associated with common law and jurisprudence also find favour with the law students the world over and bring in a concept of universality rather than being country or region specific.

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Image 1³⁴



Image 2³⁵



Image 3³⁶

An interesting pattern researcher found during the course of his study was referenced to the Justice (Retired) Michael Kirby where there were a set of memes dedicated exclusively to the judgements of the retired Australian High Court judge. The reinforcement of memes can also be seen at work here.



Image 4³⁷



Image 5³⁸

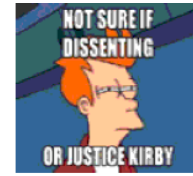


Image 6³⁹

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Image 7⁴⁰



Image 8⁴¹



Image 9⁴²

The researcher agrees that there is a general trend in the memes to be law centric, but found plenty of instances applicable to other legal systems and law students as well.



Image 10⁴³



Image 11⁴⁴

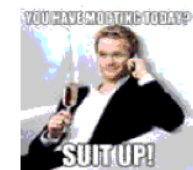


Image 12⁴⁵

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Image 13⁴⁶



Image 14⁴⁷



Image 15⁴⁸

With the proliferation of the internet in most of the law schools and the rise of the social media such as social networking (Facebook), blogging (Wordpress), bookmarking (Digg) the rise of law school memes has been phenomenal. Moreover, with most of the legal research and case laws and statutes moving to online databases such as Westlaw, HeinOnline, LexisNexis the gap which existed between the technology interface and traditional law school education has also been fast disappearing. Law as understood by old timers is not just confined to pen and paper, but is also now more technological dependent than before as is the case with other subject areas as well. It is also not surprising that other pages with memes dedicated to other fields of study have also come about; 'Medical Memes'⁴⁹, 'Engineering Meme'⁵⁰, etc.

As the youth enter law school, they have a shift in perspective from their previously protected self and family oriented childhood or undergraduate school to issues of national, global and importance. As has been said by Professor Holly-Katharine Johnson⁵¹:

"Unencumbered by many of the financial responsibilities of adulthood, college students have been the leading consumers and arbiters of modern popular culture since at least the 1950s. They exist in a swirling vortex of academic and social ideas, popular culture and youthful

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energy that allows them to pick up on the current cultural zeitgeist without any particular effort".

Law students are not set on their views and the critical thinking of law school requires them to think beyond the realms of academics and dwell on issues such as their place in the society and the how they can influence popular culture. This is why the researcher believes the rising meme phenomenon and the use of these instruments by law school students to reflect upon the various issues of judges, judgments, legal maxim ties up. An opposition to the researcher's view might be that he is unnecessarily reading much thought into the making of the memes. Memes are just symbols which are supposed to be humorous or satirical in nature. The researcher would agree with that view, but would like to add that these law school memes which are enjoyed by law students the world over are more than that. They are recognition of the understanding and application of law by the students to the various issues and instances which the meme depicts. In other words, the fact that the law students are making such memes and they are enjoying such popularity by others means that the creator of the meme has understood the underlying meaning of both the law and the meme and that the same is being conveyed and understood by others. The researcher would like to think of them as more of a learning exercise and as an application of classroom teaching. Perhaps it can be best said with the use of a meme:



Image 16⁵²

As was pointed out by James Eric Black, rather than asking how people acquire ideas, we should postulate the question of how ideas acquire people.⁵³ The researcher thus asserts that law memes thus actually lead to the creation and spread of knowledge. An image in the form of a meme can thus convey the meaning in a more condensed form while making it an enjoyable exercise both from the point of a creator and receiver. A meme is thus a catalyst for the spread of limited information.

Conclusion

The researcher has tried to establish a case for internet memes and justify their spread to the subject of law which was hitherto considered dull and boring. Memes are important cultural artefacts for information transfer and they assume greater significance in today's information technology age. The use of memes comes with its own problems, especially when they become a social commentary and reinforce cultural and racial stereotypes. But it is important to note that since they are created by people in the first place they are evidence of the kind of society we live in. The use of memes is also problematic as it has elements of anonymity and can also infringe the privacy of people who would not want their photos or videos to be circulated online. Most of the social networking platforms like Facebook, Instagram, Imgur give option to the users to upload their pictures, just because their photos are open to the public, it is not open to anyone to go ahead and deal with it in the manner they best deem fit.

Mememes are important tools for knowledge transfer as the researcher has previously examined. Mememes such as the ones where it is shown that Ariel (The Little Mermaid) signed the contract without reading the terms and conditions on one hand and Bilbo Baggins (The Hobbit) on the other hand reading the terms of his contract carefully are interesting. This shows the level of observance on behalf of the creators to flag instances like these and make mememes out of them. Thus the researcher believes that mememes make us more observant, astute and make us think about the application albeit in a witty or sarcastic way. The researcher also came about a page which was titled 'Law Mememes'⁵⁴ which dealt with mememes related to Islamic law, but could not comprehend the page as it was written in Arabic. But this shows how the meme phenomenon has permeated the legal sphere, not just limited to common and civil law but also religious law systems. The researcher believes that law mememes by reinforcing each other's popularity provide the students and practitioners a light moment to enjoy the humour and sarcasm, but can also serve as very effective instruments to disburse information and knowledge if used in the proper manner and method.

* 5th B.A. LL.B (Hons.) at NALSAR, Hyderabad.

- ¹ David Solomon Bennahum, What is a meme? <<http://memex.org/welcome.html>> accessed 15 April 2014.
- ² Francis Heylighen, 'Evolution of Memes on the Network: From Chain-Letters to the Global Brain, ARS ELECTRONICA CATALOGUE' (Ingrid Fischer edn, Springer, Vienna/New York, 1996) <<http://pespmc1.vub.ac.be/Papers/Memesis.html>> accessed 15 April 2014.
- ³ The *American Heritage Dictionary of the English Language*: 4th edn, 2000.
- ⁴ *ibid.*
- ⁵ Christian Bauckhage, 'Insights into Internet Memes, Fifth International AAAI Conference on Weblogs and Social Media' <<http://www.aaai.org/ocs/index.php/ICWSM/ICWSM11/paper/view/2757>> accessed 15 April 2014.
- ⁶ Sean Rintel, 'Crisis Memes: The Importance of Templatability to Internet Culture and Freedom of Expression' 2(2) *Australian Journal of Popular Culture* <http://www.academia.edu/2439613/Crisis_Memes_The_Importance_of_Templatability_to_Internet_Culture_and_Freedom_of_Expression> accessed 15 April 2014.
- ⁷ *ibid.*
- ⁸ See O Rly <<http://knowyourmeme.com/memes/o-rly>> accessed 15 April 2014.
- ⁹ Bernstein, Hernandez, Harry, Andre, Panovich & Varga, 'An Analysis of Anonymity and Ephemerality in a Large Online Community' (5th Intl AAAI Conference on Weblogs and Social Media, Barcelona, July 2011) <<http://www.aaai.org/ocs/index.php/ICWSM/ICWSM11/paper/viewFile/2873/4398>> accessed 15 April 2014.
- ¹⁰ *ibid.*
- ¹¹ Christian Bauckhage, 'Insights into Internet Memes' (5th Intl AAAI Conference on Weblogs and Social Media, Barcelona, July 2011) <<http://www.aaai.org/ocs/index.php/ICWSM/ICWSM11/paper/view/2757>> accessed 15 April 2014.
- ¹² See 'How Rebecca Black Became a YouTube Sensation, Mashable' <<http://mashable.com/2011/03/16/rebecca-black-youtube/>> accessed 15 April 2014.
- ¹³ Michele Coscia, 'Competition and Success in the Meme Pool: a Case Study on Quickmeme.com' (*Association for the advancement of artificial intelligence*, 2013) <<http://www.michelecoscia.com/wp-content/uploads/2013/03/icwsm13.pdf>> accessed 15 April 2014.
- ¹⁴ David Carr, 'Hollywood bypassing critics and print as digital gets hotter' *New York Times* May 29, 2006 http://www.nytimes.com/2006/05/29/business/worldbusiness/29iht-carr.1839216.html?_r=0 accessed 15 April 2014.
- ¹⁵ Francis Heylighen (n 2).
- ¹⁶ See 'Ridiculously Photogenic Guy/ZeddieLittle' <<http://knowyourmeme.com/memes/ridiculously-photogenic-guy-zeddie-little>> accessed 15 April 2014.
- ¹⁷ Avinash, '8 Simple Tech Ideas that Made Millions' (*Current India Affairs*, 16 April 2012) <<http://currentindiaaffairs.wordpress.com/2012/04/16/8-simple-tech-ideas-that-made-millions/>> accessed 15 April 2014.
- ¹⁸ 'Law School Memes' <<http://www.facebook.com/LawSchoolMemes?fref=ts>> accessed 15 April 2014.
- ¹⁹ Peter Cohan, *Does America Need 202 Law Schools?*, *Forbes* Jan 31st, 2013 at <http://www.forbes.com/sites/petercohan/2013/01/31/does-america-need-202-law-schools/> (last visited April 15th 2014).
- ²⁰ 'Legal systems: common law and civil law' (*Bright Knowledge*) <<http://www.brightknowledge.org/knowledge-bank/law-and-politics/spotlight-on-law/legal-systems-common-law-and-civil-law>> accessed 15 April 2014.
- ²¹ See 'Hidden History of UK Law - Common Law Vs Statutes And Acts' <https://www.youtube.com/playlist?list=PLNfIR2hpmZCEmwK5_3pPGN-T5ZmR8p5vk> accessed 15 April 2014.
- ²² [1848] 41 ER 1143.
- ²³ [1868] LR 3 HL 330.
- ²⁴ (1932) SC (HL) 31.
- ²⁵ <https://www.facebook.com/LawSchoolMemes/photos/a.102351896567622.1317.102351793234299/102956983173780/?type=1> at (last visited April 15th 2014).
- ²⁶ [1973] 410 US 113.
- ²⁷ [1966] 384 US 436.
- ²⁸ [1904] 1 CLR 329.
- ²⁹ <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/105811362888342/?type=1> at (last visited April 15th 2014).
- ³⁰ [1998] 2 SCR 217.
- ³¹ [1973] 4 SCC 225.

³² Law School Memes at <https://www.facebook.com/LawSchoolMemes?fref=photo> (last visited April 15th 2014).

³³ Michele Coscia, 'Competition and Success in the Meme Pool: a Case Study on Quickmeme.com' (*Association for the Advancement of Artificial Intelligence*, 2013) <<http://www.michelecoscia.com/wp-content/uploads/2013/03/icwsm13.pdf>> accessed 15 April 2014.

³⁴ Lucas Bourne, Law School Meme at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/106300952839383/?type=1> (last visited December 15th 2014).

³⁵ Ruben Tabuteau, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/106384002831078/?type=1> (last visited December 15th 2014).

³⁶ Patrick Rozendaa, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/pb.102351793234299.-2207520000.1418752875./162628243873320/?type=3&permPage=1> (last visited December 15th 2014).

³⁷ Kieran O'Connor, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/106675956135216/?type=1> (last visited April 15th 2014).

³⁸ Sabrina Hennessy, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/111137655689046/?type=1> (last visited April 15th 2014).

³⁹ Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/102385429897602/?type=1> (last visited April 15th 2014).

⁴⁰ Brett Shandler, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/126915324111279/?type=1> (last visited April 15th 2014).

⁴¹ Valiant Warzecha ft. Elizabeth Goh, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/pb.102351793234299.-2207520000.1418752710./187115211424623/?type=3&permPage=1> (last visited April 15th 2014).

⁴² Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/pb.102351793234299.-2207520000.1418752681./199922870143857/?type=3&permPage=1> (last visited April 15th 2014).

⁴³ Claire Seremetis, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/pb.102351793234299.-2207520000.1418753305./139225599546918/?type=3&permPage=1>

⁴⁴ Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/pb.102351793234299.-2207520000.1418752995./169356809867130/?type=3&permPage=1> (last visited April 15th 2014).

⁴⁵ Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/156977667771711/?type=1> (last visited April 15th 2014).

⁴⁶ Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/150781608391317/?type=1&permPage=1> (last visited December 15th 2014).

⁴⁷ Marshall Blankenship, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/pb.102351793234299.-2207520000.1418752987./189354237867387/?type=3&permPage=1> (last visited December 15th 2014).

⁴⁸ Mathai Joshi, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/275001935969283/?type=1> (last visited December 15th 2014).

⁴⁹ See 'Medical Memes' <<http://www.facebook.com/MedicalMemes?fref=ts>> accessed 15 April 2014.

⁵⁰ See 'Engineering Memes' <<http://www.facebook.com/TrustMeEngineeringMemes?fref=ts>> accessed 15 April 2014.

⁵¹ Holly-Katharine Johnson, 'Contagion: Viral Articles in Student Media' <<http://www.princeton.edu/mcgraw/mcgp/papers2012/Johnson.pdf>> accessed 15 April 2014.

⁵² Jessica Faithfull, Law School Memes at <https://www.facebook.com/LawSchoolMemes/photos/a.102353576567454.1318.102351793234299/105801676222644/?type=1> (last visited April 15th 2014).

⁵³ James Eric Black, 'Memes, Truthiness and Wikiality in the Realm of Public Knowledge' (13 December 2006) <<http://www.scribd.com/doc/138409951/Memes-Truthiness-and-Wikiality-in-the-Realm-of-Public-Knowledge>> accessed 15 April 2014.

⁵⁴ See 'Law Memes' <http://www.facebook.com/LawMemes.sy/photos_stream?ref=ts> accessed 15 April 2014.

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