

# Introduction

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Five years ago and fresh out of graduate school, I accepted my first tenure-track job at a small university. I had been trained in composition pedagogy. I had completed a dissertation that focused, in part at least, on the ways that new media texts challenged print culture's conventions of genre and contested perceived divisions between the academic enterprises of composition-rhetoric and creative writing. On the side, I had become proficient with programs like iMovie, PowerPoint, and Photoshop, which I used to compose new media texts that combined my own writings with appropriations of the sounds and images of others. In theory, I was prepared to teach new media composition and to take on one of the major tasks of my new job: to help create a writing program that blurred the boundaries between rhetoric and poetics, print and digital composition. Like most new professors, I quickly experienced the shock of experientially understanding the distinction between *learning about* teaching writing and designing writing programs and *actually doing so*. Although I mainly experienced what might be called the disillusionment of an ordinary grad-school idealism, I found myself positively deficient in at least one area. Despite my training, I was woefully naïve about intellectual property and copyright law; quite simply, I did not know how recent legal developments could affect my own and my students' freedom to produce and circulate new media compositions.

I became quickly aware of this problem when Sara, a student enrolled in one of my classes, was prohibited from posting a digital text she had designed in class on her own website. In short, she had created a feminist counter-ad (akin to the sorts produced by Adbusters) that relied on images appropriated from an original Maybelline advertisement. Maybelline's parent company, L'Oreal, refused requests for permission and claimed ownership to Sara's text under copyright law's provision of rights to derivative works; in fact, L'Oreal's legal representative responded to my own inquiry by, first, claiming they had a blanket policy of rejecting permissions for what they called "viral ads" and, second, suggesting that I contact an attorney should I choose to pursue the matter further. I have narrated this experience at length elsewhere (see "Visual Rhetoric in a Culture of Fear," *College English* 68.5 [2006]: 457–80) and relate it here only briefly to reveal the shock of my sudden awareness about a matter for which I had not been prepared. Through this experience, I came to understand the discrepancy between, legally speaking, what might be done in the classroom and what might be done in the public sphere and, perhaps more generally, what I needed to know about copyright law as a teacher of writing in the twenty-first century.

I begin with this anecdote for another reason as well: the story is not exclusively my own. That is, as the technology of writing changes at an unprecedented pace and as legislation struggles to keep up with these changes, most of us who teach text-making find ourselves facing the subject of composition and copyright in one capacity or another, whether we are concerned with tracking down permissions for our publications, wondering who may claim legal ownership to the work we produce for our employing institutions or agencies, or deciding how to advise students when they want to appropriate images or lyrics from the Internet. In fact, as the nascent but growing body of scholarship on the subject suggests, copyright law's effect on composition has become a rather exigent matter in our professional lives.

While the amount of scholarship addressing the subject is far from adequate for the current demand, it has been developing quickly since the founding of the Conference on College Composition and Communication's Caucus on Intellectual Property (CCCC-IP) in 1994. Martha Woodmansee and Peter Jaszi's "The Law of Texts: Copyright in the Academy" (1995) and Andrea Lunsford and Susan West's "Intellectual Property and Composition Studies" (1996) offered early calls for an increased awareness of how developments in copyright and intellectual property laws threatened to affect the practices of students, scholars, artists, and teachers. Since the publication of these two seminal essays, the scholarship has been diverse in form and varied in subject.

In 1998, Laura Gurak and Johndan Johnson-Eilola edited a themed issue of *Computers and Composition* devoted entirely to matters of intellectual property. After the publication of this collection, a number of notable articles appeared in composition journals, including the CCCC-IP's "Use Your Fair Use: Strategies Toward Action" (2000), Charles Lowe's "Copyright, Access, and Digital Texts" (2003), Jessica Reyman's "Copyright, Distance Education, and the TEACH Act" (2006), and, most recently, Martine Courant Rife's "The Fair Use Doctrine: History, Application, and Implications for (New Media) Writing Teachers" (2007). Two book-length studies have also addressed the intersections of composition and copyright: TyAnna K. Herrington's *Controlling Voices: Intellectual Property, Humanistic Studies, and the Internet* (2001) and John Logie's *Peers, Pirates, and Persuasion: Rhetoric in the Peer-to-Peer Debates* (2006). Of course, in addition to appearing in print, the scholarship on the subject has taken the form of numerous conference presentations, including, perhaps most notably, attorney Lawrence Lessig's featured presentation at the 2005 Conference on College Composition and Communication.

In this book, contributors who have been active participants in the CCCC-IP and instrumental in developing the body of scholarship on composition and copyright now expand this ongoing conversation. They bring with them a rich diversity of perspectives. Many, like me, were trained in composition and came to the subject of copyright law somewhat circuitously through the practical demands of their teaching and research experience. Some, like Brian Ballentine, approach the subject from the perspective of professional writers who inform their composition teaching and scholarship with an industry perspective on the complications of intellectual property. Others, like Clancy Ratliff and Martine Courant Rife, hold degrees in jurisprudence and composition; they bring with them useful backgrounds as both practicing lawyers and composition teachers. Predictably, then, the work of the contributors offers less a consensus on defining what are or should be considered legal composing behaviors and more a collective of divergent arguments and understandings. In other words, the essays do not provide any sort of final word on legality; rather, they offer analyses useful for readers who seek to investigate the theoretical premises underlying copyright law and its practical application to both the writing classroom and the larger field of composition-rhetoric.

For purposes of practical organization, I have arranged the contributors' essays into three sections. The first section, *Defining Cases and Contexts: Copyright, Digital Ethics, and Composition Studies*, offers an introduction to the larger cultural debates over copyright law; here, contributors examine

recent developments in legislation, case law, and writing technologies in relation to the field of composition-rhetoric. In the first chapter, "Property, Theft, Piracy: Rhetoric and Regulation in *MGM Studios v. Grokster*," Jessica Reyman provides an introduction to the debates over peer-to-peer file sharing and its implications for rhetoric and writing scholars by examining one of the most recent copyright cases to reach the Supreme Court. In chapter 2, "Fair Use and the Vulnerability of Criticism on the Internet," Sohui Lee discusses problems the Digital Millennium Copyright Act (DMCA) poses to e-rhetoricians, whose critical commentary relies on multimedia sampling practices. She recommends that we join together as compositionists to avoid potential censorship by developing an internal set of guidelines modeled in part on the Documentary Filmmakers' Statement of Best Practices in Fair Use. Clancy Ratliff presents the results of her study of blogging in chapter 3, "'Some Rights Reserved': Weblogs with Creative Commons Licenses." She reveals a growing tendency for bloggers to reject standard "All Rights Reserved" copyright licenses in favor of an alternative "Some Rights Reserved" licensing system that enables more writerly freedom and contributes to the realization of the Web as an intellectual commons. Offering a counterbalance to some ideological strains of the open source movement, Brian D. Ballentine draws on his own experience as a medical software engineer to argue for the value of restricted access and proprietary rights in chapter 4, "In Defense of Obfuscation: Questioning Open Source and a New Perspective on Teaching Digital Literacy in the Writing Classroom." Further, he recommends that teachers of professional writing adopt a balanced perspective on the debate over copyright and intellectual property by encouraging students to apply a particular code of ethics to problems of ownership they may encounter in their careers.

The second section of *Composition and Copyright* focuses more pointedly on the law's influence on classroom teaching and composition pedagogy. In chapter 5, "A Refrain of Costly Fires: Visual Rhetoric, Writing Pedagogy, and Copyright Law," I examine the ways in which visual rhetoric textbooks frame discussions of copyright and contrast these discussions with the norms of the publishing and entertainment industries. In chapter 6, "Beyond the Wake-up Call: Learning What Students Know about Copyright," Lisa Dush relies on interview data to survey students' attitudes about copyright law and, further, offers strategies for using the classroom to discuss students' decisions to consciously follow or subvert proprietary conventions. In chapter 7, "Ideas Toward a Fair Use Heuristic: Visual Rhetoric and Composition," Martine Courant Rife explores the differences between students' alphabetic and visual

composition under the current norms of copyright law. After surveying a number of relevant cases concerned with appropriations of visual material, she offers a fair use heuristic that instructors might consider adopting in courses that involve new media and visual composition. TyAnna K. Herrington returns to the subject of weblogs in chapter 8, “Blogging Down: Copyright Law and Blogs in the Classroom.” Focusing on the ownership of blogs used within the setting of a writing class, Herrington argues that because students may claim copyright control over the content of their blogs (according to statutory and case law), composition teachers making use of this technology should understand not only the concept of fair use but also the implications of Sections 101 and 106 of the Copyright Act.

Contributors to the third and final section, Concluding Polemics: Changing the Future of Composition and Copyright, offer activist arguments for rethinking our understandings of the key terms of this collection—*composition* and *copyright*—and the relationship between them. In chapter 9, “The (Re) Birth of the Composer,” John Logie expands on the work of Roland Barthes to discuss the problem of authorship in relation to copyright and digital culture. In his argument, he reveals why our field should replace the rather antiquated term *author* with *composer* so that, in our discourse, we more accurately name the appropriative and transformative practices of student-writers and other contemporary text-makers. In chapter 10, “Own Your Rights: Know When Your University Can Claim Ownership of Your Work,” Jeffrey R. Galin reveals an increasing trend among American universities to attempt to claim ownership of the research- and teaching-related intellectual property created by individual faculty members under their employ. Advocating actions that might impede this trend, Galin provides readers strategies for negotiating the copyright to the scholarship they produce.