15 TOWARD A PEDAGOGY OF FAIR USE FOR MULTIMEDIA COMPOSITION

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These days, it's inevitable: writing and composition teachers are becoming media literacy teachers. As the Internet and computing technologies have created new forms of expression and communication that are multivocal, multimodal, collaborative, public, instantaneously accessible, and sometimes anonymously authored, anyone in the business of helping students develop the capacity for self-expression and communication bumps into key concepts of media literacy education. As Brian Morrison (qtd. in Yancey, 2004) pointed out, in the 21st century, composition is "the thoughtful gathering, construction or reconstruction of a literate act in any given media" (p. 315). Writing teachers, typically tuned in to issues of identity, voice, and power, require sensitivity to how form and content interact when symbolic forms include not only printed language, but also sound, including the spoken word and music to name only a few, and still and moving images. These messages come to us through diverse forms that are variously commodified or non-commodified in an increasingly dense digital environment where economic, political, and social contexts shape both the creation and reception of messages.

Composition educators recognize the rapidly shifting tectonic plates we are now facing in education. Kathleen Yancey (2004) recommended that writing and composition educators must develop a new curriculum for the 21st century, one that expands beyond its roots in the intense and personal tutorial relationship between the teacher and the writer. According to Yancey, students need to consider how their compositions relate to "real world" genres; what the best medium and best delivery might be and so create and share different forms of communication via different media to divergent audiences; and how to adapt ideas across different media genres and technological forms. Within

this changing landscape, as forms of expression make use of appropriation and sampling, and as authorship becomes increasingly collaborative, issues concerning ownership and intellectual property arise.

People now use multiple forms of representation to convey ideas, using "cutting and pasting, drawing, talking, playing, audio tracks, video interfaces and other media to achieve different perspectives on their world, solve problems, make plans, and communicate with others" (Tierney, 2008, p. 101). These multimedia environments enable literacy practices to easily travel across space and time, in and out of school. Through the use of do-it-yourself practices that enable (almost) anyone to be an author in a socially situated context, Doreen Piano (2008) found that those who create zines and other alternative publications rely on the "innovative uses of scraps and cutouts from discarded newspapers and magazines" in ways that demonstrate how popular culture contributes to literacy practices that move beyond basic, functional skills to ones "invested in personal, familial and communal meaning" (p. 315).

Many educators—at all levels and in many disciplines—rely on the ability to use copyrighted materials to help students develop the skills and knowledge to understand, analyze, and create multimodal texts. Although some educators tend to conceptualize video and multimedia compositions differently from print ones, there are important parallels between traditional compositions and 21st-century multimodal texts (Bruce, 2008). Media literacy education applies concepts such as purpose, genre, audience, tone, and point of view to strengthen critical thinking and communication skills, particularly in response to mass media and popular culture. Students learn through both close reading and analysis activities as well as creative composition practices (Costanzo, 2007). Just as it is important for students to share their print compositions, students need to be able to share their digital and multimedia compositions with authentic audiences to deepen their reflection on their editorial and creative choices. Because students and teachers need to use, quote from, and share copyrighted digital texts as part of media literacy education, we need a robust interpretation of fair use.

But old paradigms die hard. Consider the case of the college professor at a school of education, involved in preparing young people to be high school English teachers. In the course, students develop activities and lessons that help demonstrate the connection between media literacy, language arts and literature. As part of this work, students create a short video production, working in teams to develop a compelling message using images, language, and sound. The professor usually puts together a DVD of student media work at the end of each semester, but he doesn't feel comfortable screening these works or shar-

ing them with colleagues at professional conferences. He would never think of posting them online. Why? He's concerned that he may face legal risks, because some of his students make use of copyrighted images found on Google, as well as excerpts from popular films, television programs, and You Tube videos. Many students use samples from popular music in their productions.

What is the impact of this kind of fear on the development of multimedia composition? Because our colleagues rarely see the quality of work that students can produce using multimedia texts and tools, they're sometimes not too interested in adopting innovative approaches to teaching pre-service English teachers. The uncertainty and doubt this professor experiences stems in part from a lack of knowledge and lack of confidence in understanding how copyright and fair use applies to the practice of media literacy education. Copyright confusion—a widespread misunderstanding of the purpose and scope of copyright law and a lack of understanding of the doctrine of fair use—is a situation created in part by the various outdated "educational use guidelines" misunderstood as law (Crews, 2001).

With the support of the John D. and Catherine T. MacArthur Foundation, the media literacy community recently attempted to reduce copyright confusion through the development of a code of best practices. As part of this larger project, we first conducted long-form interviews with 63 educators from K–12 institutions, universities, and with leaders in the youth media community, resulting in the report, *The Cost of Copyright Confusion for Media Literacy* (Hobbs, Jaszi, & Aufderheide, 2007).[1] Following this, we held 4-hour-long focus group meetings with 150 individuals in ten cities across the U.S. to explore various hypothetical situations regarding the use of copyrighted materials for media literacy education, looking for evidence of consensus and shared norms. This work resulted in the development of the "Code of Best Practices in Fair Use for Media Literacy Education" (Center for Social Media, 2008). In this chapter, we examine the ongoing dialogue among educators about fair use as it applies to the practice of media literacy education, with particular attention to student media production and multimedia composition activities. We begin by presenting evidence about core values among educators concerning copyright and fair use, collected through intensive interviews with educators in the first phase of developing the code. Then we consider how remix practices support the goals of media literacy education and examine how copyright and fair use apply. Finally, we discuss the views of educators concerning instructional practices that specifically relate to student multimedia composition: student use of copyrighted materials in their creative work and the types of sharing with authentic audiences part of the teaching and learning process.[2]

CORE VALUES ABOUT COPYRIGHT AND EDUCATION

Educators share a set of core beliefs about the use of copyrighted materials for teaching and learning. In our interviews with educators, the following themes emerged:

Cultural criticism is essential to democracy.

Media literacy educators value cultural criticism as an essential tool for self-actualization and democracy. "A literate citizenship cannot be created if the people who control images don't allow them to be used," one educator explained. Another teacher said that "it's important that users of media participate in it and don't just receive it." In contemporary culture, students are trained to be consumers of media, and as another teacher explained, that is why "it's important to go beyond this role."

Mass and digital media are the heart of the cultural environment.

Media literacy educators see mass media and popular culture as part of the cultural landscape, deeply connected to students' sense of personal and social identity. "Copyrighted materials are like our cultural landscape—you need to be able to use and analyze media," said one teacher. Sharing our interpretations and understandings of the diverse works of expression and communication around us is an important part of learning to make sense of the world. Digital media is a part of our lives in a way that it wasn't 20 or 30 years ago, pointed out a media educator and video artist: "We should have access to our culture and be able to talk about it and comment on the world around us. If we don't comment on it, then it feels like information is being controlled."

Effective use of copyrighted materials enhances the teaching and learning process.

A college professor who teaches pre-service teachers talked about the importance of using copyrighted works in educational settings because they provide more current examples than offered in most textbooks. Contemporary mass media materials hook attention and interest, and help teachers connect new ideas to students' existing knowledge. "Teaching is just better when we can pull from a lot of different sources," said one teacher. A number of educators pointed out the value of modeling as a tool in the learning process. "Imitation is a way to learn," explained one teacher, "so if students can't take and use the

most highly developed messages that society creates, it's a handicap for them and the whole society."

Appropriation of cultural materials promotes creativity and learning.

Teachers believe that there is significant educational value in the process of juxtaposition and recombination of existing materials. A number of educators described the process of creating mashups, where existing copyrighted works are juxtaposed and recombined with original materials to create new works. One teacher described the work of an art teacher who asks students to select a famous painting of the 17th or 18th century and use image-manipulation software to "put themselves into the image." The assignment engages student learning because it connects learning about art to learning about technology to reflection on personal and social identity. Appropriation is a powerful instructional tool for student learning. As one teacher explained, "mashups are an opportunity for students to really look at the media they consume—to take it and give it their own spin. It helps show kids how they can present their own point of view." However, a number of teachers talked about the limits of appropriation, pointing out that "it shouldn't be a free-for-all, but a thoughtful process" in which students take material they can re-contextualize and make their own.

MEDIA LITERACY, REMIX, AND FAIR USE

Educators from many fields and disciplines depend on fair use, but media literacy educators perhaps have the most acute appreciation of fair use because of their reliance on copyrighted materials produced by the major corporations that control the production of mass media news, entertainment, and popular culture. In reflecting on the dominance of media and technology as a cultural force, media literacy educators are often motivated by their awareness of the well-funded and highly choreographed cultural production system, where audiences are constructed to be passive and ritualistic in their consumption of media messages. The mass media's role in constituting the public sphere has been widely criticized for narrowing the range of ideas presented, concentrating ownership in the hands of a few, and the tendency of advertising-supported media to reduce quality by focusing on ratings and advertising revenue (Gitlin, 2001). As a result, "concentrated media must structure most 'participants' in the debate as passive recipients of finished messages and images" (Benkler, 2007, p. 209). However, the rise of digital media has contributed to greater levels of awareness and sensitivity because "the practice of making one's own

music, movie or essay makes one a more self-conscious user of the cultural arti-facts of others," as media literacy education is part of a broad practice of learn-ing by doing that "makes the entire society more effective readers and writers of their own culture" (Benkler, p. 299).

Increasingly, composition educators have begun to incorporate media liter-acy concepts into their educational practices. William Costanzo (2008) point-ed out that there are many similarities between writing and producing other media:

> Filmmakers, television producers and web designers, like writ-ers, must make decisions about purpose, audience, content, format, arrangement and style. They follow codes and con-ventions, observe time-honored rhetorical strategies and cre-ate visual texts for many of the purposes that motivate writers: to recollect the past, describe the present, make proposals for the future, investigate issues, or take a stand. (p. xix)

Just as students quote from other authors in their written text, they need to be able to use, sample from, and manipulate copyrighted works in learning various skills associated with media literacy, including exploring image–lan-guage relationships, considering point of view, and analyzing framing aspects. In particular, remix is a dimension of teaching media literacy that depends upon student ability to transform the meaning of an existing text by manipu-lating the form, structure, and/or content to explore how meaning is shaped through symbol systems that operate in a complex cultural, historical, political, and economic context (Jenkins, 2006).

In their survey of young online remixers, Patricia Aufderheide and Peter Jaszi (2007) found that video creators believed integrating various copyrighted materials into their own work was part of the creative process: "I think part of our generation is that we take and mix things together," one respondent said. "We're very much a mixed-media generation." Interviewees reported making use of copyrighted materials in new and creative ways, for instance, by setting slides of original art to popular music and incorporating television clips into original online sketch comedy shows. As Aufderheide and Jaszi maintained, "They regard existing popular culture as available raw material for new work" (p. 5). There is a clear social component to remixing as well: respondents in Aufderheide and Jaszi's study felt that the shared experience of popular culture inspired them to build upon and remix existing copyrighted works.

Appreciation of remix practices is developing among educators, but it is still contested among those who fear that it promotes shallowness and a lack

of creativity. Composition educators have long conceptualized writers as lone creators of original texts: Anything that is not originally produced is typically devalued, and relying too heavily on others' resources is considered plagiarism. But the act of remixing existing materials is in itself educationally valuable, because when "students are encouraged to make explicit their borrowings and appropriations," it can stretch their ability to address specific issues, readers, and students (Johnson-Eilola & Selber, 2007, p. 380). Johndan Johnson-Eilola and Stuart Selber explained that, for composition educators, remixing "inhabits a contested terrain of creativity, intellectual property, authorship, corporate ownership and power" (p. 392). In this view, remix cannot supplant traditional composition, but it can complement it.

When it comes to considering legal issues, many of the instructional processes, curricula and multimedia products now at the very core of media literacy education fall under the provisions of the doctrine of fair use. When assessing whether a particular use of copyrighted materials is a fair use, lawyers and judges always consider the expectations and practices within a creative community (Madison, 2006). In weighing the balance at the heart of fair use analysis, judges refer to four types of considerations mentioned in the law: the nature of the use, the nature of the work used, the extent of the use, and its economic effect (referred to collectively as the "four factors"). This still leaves much room for interpretation, especially because the law is clear that these are not the only necessary considerations. In reviewing the history of fair use litigation, judges return again and again to two key questions: First, did the unlicensed use "transform" the material taken from the copyrighted work by using it for a different purpose than that of the original, or did it just repeat the work for the same intent and value as the original? And, second, was the material taken appropriate in kind and amount, considering the nature of the copyrighted work and the use? (Joyce, Leaffer, Jaszi, Ochoa, & 2003). Of course, transformativeness is not absolutely necessary for a finding of fair use. But the creation of transformative works directly supports the purpose of copyright as stated in the U.S. Constitution, which is to promote the spread of knowledge and creativity.

The "Code of Best Practices for Fair Use in Media Literacy Education," a project (as described earlier in this article) funded by the John D. and Catherine T. MacArthur Foundation (Center for Social Media, Media Education Lab at Temple University, Washington College of Law, American University, 2008) was created by gathering and synthesizing the beliefs of the media literacy community about how fair use applies to five common instructional practices. In this process, 150 participants in ten cities across the United States discussed hypothetical scenarios involving the uses of copyrighted materials in

media literacy education to identify the principles and limitations articulated in the Code. Following this, the Code was reviewed by a committee of legal scholars and lawyers with expertise in copyright and fair use.

The Code identifies five principles, each with limitations, representing the community's current consensus about acceptable practices for the fair use of copyrighted materials. As stated in the Code, educators can, under some circumstances, (1) make copies of newspaper articles, TV shows, and other copyrighted works, and use and keep them for educational use. They can (2) create curriculum materials and scholarship with copyrighted materials embedded. Educators can (3) share, sell, and distribute curriculum materials with copyrighted materials embedded. Learners can, under some circumstances, (4) use copyrighted works in creating new material. They can (5) distribute their works digitally if they meet the transformativeness standard. In the next section, we review the perspective of educators concerning the two principles that address student use of copyrighted materials and the sharing of that work with authentic audiences.

STUDENT USE OF COPYRIGHTED MATERIALS FOR MEDIA COMPOSITION

In both K–12 and university settings, student media compositions are undertaken for a wide variety of purposes. Some of these purposes might not qualify as "composition" as understood by composition educators. For example, most readers know that it is now common to document student public speaking or athletic activities on video to provide students with opportunities for sustained feedback and review. In many high schools and colleges, students may take a video-production course where they learn to create news, documentary or talk show programs about local community events and issues (Hobbs, 2006). In some of these courses, the purpose of media production activities is to learn concrete skills associated with the use of the technology. These courses often use a step-by-step approach that emphasizes the gradual accretion of a fixed repertoire of skills and techniques (Buckingham, 2003). In other courses, there is more explicit focus on the process of multimedia composition, with an emphasis on the creative and collaborative skills associated with open-ended exploration and self-expression. In these courses, media tools are often seen as simply a wider palette for "conveying the 'authentic voice' of young people" (Buckingham, p. 131).

Because the current generation of young people has grown up with digital and video cameras and rapid technological advances, media composition ac-

tivities are beginning to be more widely used as "alternative" assignments in secondary English education (Hobbs, 2007), where English teachers do not explicitly teach production practices but offer creative project-based learning assignments that students can choose to accomplish in print, video, or multimedia formats. At Concord High School in New Hampshire, where English teachers developed a mandatory Grade 11 course in Media/Communication as the required English course, students used video production to develop literary adaptations of a scene from Faulkner's *As I Lay Dying* (Hobbs). At the University of Pennsylvania, undergraduate English faculty use video-production assignments to enable students to demonstrate their understanding of rhetorical and semiotic concepts (Weigel Information Commons, 2007).

The key elements from the "Code of Best Practices in Fair Use for Media Literacy Education," depicted in Table 1, show the principles and limitations that relate to student use of copyrighted materials in their academic and creative work. It highlights the diverse range of purposes for which students may wish to excerpt copyrighted material, including comment and criticism, illustration, or stimulation of discussion. The principle behind student use of copyrighted materials for media production is identified as fostering and deepening awareness of the constructed nature of all media, which is one of the key concepts of media literacy (Thoman & Jolls, 2005).

The media literacy educators in our focus groups affirmed that students have the right to use copyrighted materials in their compositions, but they acknowledged that fair use must be considered within each specific teaching and learning context.

Learning Context and Situation

Because some media literacy educators are training future professional media makers to adhere to vocational standards and others need to allow for wide experimentation to build creative skills, the application of fair use will vary by context and setting. Some educators felt that editing exercises that make use of copyrighted materials were appropriate for classroom use, but not appropriate for distribution. One college professor pointed out that students need to be made aware of professional norms, arguing, "they get to college and know nothing about professional behavior."

Commentary and Critique

Although educators felt that in some instances, it is educationally valuable for students to go through the permissions-seeking process, they were in agree-

Table 1: Student Use of Copyrighted Materials in Their Academic and Creative Work.

Description	Principle	Limitations
Students strengthen media literacy skills by creating messages and using symbolic forms such as language, images, sound, music, and digital media to express and share meaning. In learning to use video-editing software and in creating remix videos, students learn how juxtaposition re-shapes meaning. Students include excerpts from copyrighted material in their creative work for many purposes, including comment and criticism, illustration, stimulation of public discussion, or in incidental or accidental ways (for example, when they make a video capturing a scene from everyday life where copyrighted music is playing).	Because media literacy education cannot thrive unless learners themselves have the opportunity to learn about how media functions at the most practical level, educators using concepts and techniques of media literacy should be free to enable learners to incorporate, modify, and re-present existing media objects in their own classroom work. Media production can foster and deepen awareness of the constructed nature of all media, one of the key concepts of media literacy. The basis for fair use here in embedded in good pedagogy.	Student use of copyrighted material should not be a substitute for creative effort. Students should be able to understand and demonstrate—in a manner appropriate to their developmental level—how their use of a copyrighted work re-purposes or transforms the original. For example, students may use copyrighted music for a variety of purposes, but cannot rely on fair use when their goal is simply to establish a mood or convey an emotional tone, or when they employ popular songs simply to exploit their appeal and popularity. Material incorporated under fair use should be properly attributed wherever possible. Students should be encouraged to make careful assessments of fair use, and should be reminded that attribution, in itself, does not convert an infringing use into a fair one.

ment that educators and learners should not have to ask permission when using copyrighted materials for the purpose of critical analysis. Educators saw this use of copyrighted materials as deeply associated with First Amendment rights. For example, one filmmaker defended his right to use copyrighted material in a critical analysis, stating, "When *The New York Times* does negative reviews, how is that any different? They don't ask the author's permission to review the book." A college professor agreed: "I don't have to ask permission from Ray Bradbury to use three paragraphs of *Fahrenheit 451*." Another educator took the argument one step further, maintaining that "you have to be able to critique materials without permission from the author—the Ku Klux Klan is not going to give you permission to do an analysis!" This example was powerful for many of the educators who held print and multimedia compositions to different standards. In fact, the standard is the same across the board: Just as a student has the right to deconstruct Ku Klux Klan materials in a written report without the Klan's permission, she has the right to use the Klan's materials in her own multimedia compositions. The social benefits of such an analysis are evident, regardless of the form in which the analysis takes place.

Sensitivity to Message Genre and Developmental Needs of Learners

All of the educators in our focus groups agreed that attribution in multimedia compositions is desirable and appropriate, as a component of ethical behavior. However, there are some instances in which attribution should not be required because of developmental and genre-specific expectations. For example, one technology educator explained that she had a student who created a 90-second video project on sex in the media that incorporated images from hundreds of different sources. It was not feasible or appropriate to this particular montage-style production for the student to list every source in the context of that specific project. Nor is it reasonable to expect the same level of detailed citation from a third grader as from a twelfth grader. However, for multimedia compositions, attribution should be taught and discussed as an important ethical dimension of creative work.

Parallels of Fair Use Across Media Forms

Like Costanzo (2007), the media literacy educators we spoke to saw many parallels between media productions and written assignments. Using copyrighted works without permission (but with attribution and generally in small amounts) was seen as a normative practice with deep parallels to the writing

process. As one college professor put it: "There is a good model that is already used in writing. The thesis statement should not be found in the particular aspects that you've borrowed." A high school English teacher agreed: "Using the analogy of scholarly texts, you are framing analysis around it, not just hanging it out there like an ornament. Then I would say it is fair use." Although each situation is different, educators agreed that students and teachers should generally be sensitive to the length or amount of copyrighted materials they use as well as their purpose and intended audience. Students can learn to reflect on the transformative use of copyrighted materials, asking: "In what ways does my use of the copyrighted work add value or re-purpose the work?" Reflective consideration of how and why they are using copyrighted materials deepens student understanding of their own rhetorical, technological, and editorial choices.

Many of the educators in our focus groups maintained that students are more motivated to work on projects when they are allowed to incorporate images and sounds that are meaningful to them. Educators need to help encourage students to make reasoned choices about the ways in which they use copyrighted materials, but students should be allowed reasonable access to the cultural artifacts that they wish to examine. In our meetings, we heard countless examples of innovative student projects that had been curtailed due to copyright concerns. For example, in Philadelphia, one teacher had students retell the story of *Beowulf* by making a comic featuring images of popular actors as Beowulf. In Chicago, one teacher had students create digital videos using "The Simpsons" to tell the story of Romeo and Juliet, and another had students use voiceover, music, and pictures to discuss their responses to the book *To Kill a Mockingbird*. Some of the innovative projects were stopped all together due to copyright concerns, but, more commonly, the activities were allowed to take place but not allowed to be shared beyond classroom walls. Students need to be able to make reasoned choices about the distribution of their compositions, including the option of posting their work online.

DEVELOPING AUDIENCES FOR STUDENT WORK

Whether working from the disciplinary frame of composition, education or media studies, educators share a common belief that "the existence of a real audience can qualitatively change how students conceptualize a production work and what they learn from it" (Buckingham, 2003, p. 187). The Internet provides new ways for authors and audiences to interact with each other in ways that can be very powerful for the teaching and learning of self-

expression, creativity, problem-solving and communication skills. Of course, it is important to note that, even apart from the context of educational settings, students have fair use rights as independent creative authors themselves. As we discovered in our research, *The Cost of Copyright Confusion for Media Literacy* (Hobbs et al., 2007), most educators were unaware that the doctrine of fair use supports the use of copyrighted material in all manner of creative work, not just those activities that occur in the context of teaching and learning. As stated in the Code, "If student work that incorporates, modifies, and re-presents existing media content meets the transformativeness standard, it can be distributed to wide audiences under the doctrine of fair use" (Center for Social Media, 2008).

Authentic audiences are a means to increase student ability to analyze and reflect upon the content, form, and effectiveness of their messages—whether that means showing it to a city council or placing it online. In addition to deepening student reflection, authentic audiences help students see themselves and their communities as worthy of attention, encourage students to become active as citizens in addressing community issues, support the possibility of social change, and enhance student motivation and engagement in ways that increase their investment in the process.

Audience Response to Multimedia Composition is Part of the Process

The process of peer review, critique, and redrafting is essential for reflecting on creative and editorial choices in compositions of all kinds. Composition educators have long recognized that students learn about writing from seeing how audiences respond to their work. According to Buckingham (2003), student creations should not be viewed as end products, but as "a starting point for reflection or a basis for redrafting, rather than a summation and a demonstration of what has been learned" (p. 136). Students need to have some genuine motivation to step back from their productions, and to reflect upon their theoretical implications: "Reflection or self-evaluation of this kind has to be driven by something more than abstract requirements of examiners—and it too should be recursive, part of an ongoing cycle of action and reflection" (Buckingham, p. 136).

Student Work Must be Seen as Worthy of Attention

Sharing student work intensifies student motivation and promotes deeper reflection. For adolescents and young adults, this process can have powerful psyc4hological effects on self-esteem and identity development. Steven Good-

man (2003) described the ways in which students at the Educational Video Center in New York City were able to reflect upon their choices when they screened their documentary, *The Young Gunz,* in public. He noted that being pressed to answer questions about their production choices and thoughts about the problem of youth violence was a powerful experience for students. Sharing their work with wider audiences can provide students with the kind of external validation they may not receive elsewhere in their lives. Goodman also described the ways in which sharing their documentary with wider audiences helped students see themselves and their communities as worthy of attention when they heard their own voices and saw their own faces projected on a screen in community settings. When students are able to tell their stories to audiences that include not only their teachers and peers but also parents, community leaders, and other adults, the results can be powerful and long lasting. As Goodman wrote, "carried from the margins into the screening rooms of mainstream institutions, these stories of anger, confusion, and sadness reverberated in lasting ways" (p. 46).

Access to Authentic Audiences Supports Civic Engagement

Sharing their work with public audiences can help students become active members of a community. Not only are students able to engage in dialogue that encompasses a greater range of viewpoints than those they might find in a typical classroom, but, also, by interacting with larger audiences, students are able to take on greater responsibility for the messages projected in their work. Goodman (2003) described how students took on the role of experts in their community screenings:

It was also strange for the Doc Workshop students to be up onstage in front of adults and peers, presenting their ideas as journalists and artists and answering questions as experts. This was a role that they had never had before. Even though some claimed their thinking about gun violence hadn't changed, their *talking* about it had. That is, the crew was becoming practiced in public dialogue about public problems. They were getting used to the open and intergenerational exchange of ideas about issues in their community, and the idea that in this public conversation, their ideas and experiences really mattered. After all, their video was at the center of it all. They may not have had all the answers. But by re-presenting a slice of life as they saw it—as raw and imperfect as it may be—back to the community from which it was taken, they were posing a problem that demanded a response.

Audiences can provide students with valuable feedback that can become platforms for social change. Instead of merely showing their work to their peers

in a classroom setting, when students are invited to show their work in the community—or online—they are more likely to interact with community leaders and others who can influence public policy or other forms of community activism. Because many youth media production projects deal with issues important to teens (e.g., drugs, school violence, sexuality, stereotypes, dating) it is imperative that their messages reach the eyes and ears of people who can collaborate with youth to create social change. Clearly, the benefits of the civic dialogue that can occur from sharing these types of works should outweigh concerns about the incorporation of copyrighted materials.

Increased Investment in Learning

The promise and potential of an authentic audience can enhance student motivation and engagement in ways that increase their investment in the learning process. William Kist (2005) relayed a conversation he had with an 8th grader named Teri, who created an online advertisement for a class project. When he asked Teri what she thought of this type of project, she answered: "It's more exciting and you learn more stuff, I think, because you're doing something you like to a certain extent and ... then you can learn more stuff, because you want to research it, so you can get a good mark on your webpage, so you can show everyone else" (pp. 55-56).

Media literacy educators in our focus groups recounted stories of low-performing students who were able to shine when they felt genuine ownership and pride and were able to share that work in screenings, readings, or on the Internet. As one high school teacher argued: "The kid is not making any money. The kid's not harming any one. What harm is being done by putting it out there? Versus how much good is being done by motivating the kids and giving them a real audience so they will spend 30 hours on something they would otherwise spend 40 minutes on if I was the only one who was going to see it?"

Pressures to Look "Professional"

In some cases, the ease of posting student productions to Web sites has also intensified pressures that student work look "professional," by adhering to genre conventions and norms of framing, shot composition, sound quality, and more. This reflects the dynamic tension between the "vocational" and "expressive" wings of the media literacy community (Hobbs, 1998). Multimedia composition activities, constructed without sensitivity to this important tension, may encourage students to mimic professionals, resulting in the loss of

creativity and of a critical, analytical perspective (Davies, 1996). Video-sharing Web sites like YouTube have contributed to expanding student exposure to various hybrid and amateur genres, including non-narrative and experimental forms. For educators who showcase their students' in-class productions on sites like Teacher Tube (http://www.teachertube.com), video-sharing Web sites may also interfere with the important instructional balance between process and product. Widespread distribution can contribute to over-valuing the formal qualities of a production, sometimes at the expense of message content or the learning process. This focus can contribute to hierarchically organized often teacher-centered productions, where students play roles as production assistants who support the implementation of adult creative energies. In these experiences, students do not get a chance to experience the genuinely messy challenge of collaborative creative work.

Distribution of Student Work is Fundamental

Educators in our interviews and focus groups believe that a reflective pedagogical stance is required to determine when it is appropriate to distribute student work and that there are a number of situations where student work should not be shared widely. As stated in the Code (Center for Social Media, 2008), "educators should work with learners to make a reasoned decision about distribution that reflects sound pedagogy and ethical values" (p. 13). The educators in our focus groups recognized the need for students to distribute their creations to wide audiences, but they were sensitive about matching audience to purpose. For example, most did not feel that skill-building exercises (e.g., a video-editing assignment that makes use of copyrighted materials) require the same amount of distribution as a creative project. Many educators felt that the consideration of audience needs to be strategic and purposeful and that educators need to work with students to arrive at appropriate distribution choices. According to one college professor: "This is part of media education—helping kids figure out audience, purpose, expectations, and ramifications." A youth media educator elaborated on the need for educators to think carefully and critically about the purpose of widespread online distribution of student-produced creative work:

I would have to make an ethical decision about whether to make something like that further available. The rush of noncommercial media makers to make things public is something that I have problems with. There is an assumption that the value lies in the mass audience. Our belief is that youth media can have a purposeful audience that can be very targeted and that this is part of what the young people think about when they are creating the work. If the goal is to

build media literate young people, the question is: who is the audience? There are many situations in which the young people can decide for themselves who they want to be the audience. If we make a video about a city ordinance and show it at the city council meeting I think that it is more powerful than putting it on YouTube… I think that the main point is not to teach young people to imitate and replicate mainstream formula and norms. The value is not in the number of hits but in the content.

Clearly, there are many circumstances where students benefit greatly from engaging in the process of sharing their compositions with real audiences. They also learn from the process of considering their target audience and the potential ramifications of distributing work broadly.

CONCLUSION

When students appropriate mass media and popular culture texts, they engage a process that involves analysis, commentary, and creation. Composition teachers should recognize that student response to mass media is an important component of their identity formation, as students sort out their reactions to the complex, paradoxical, and very real forms of cultural power depicted in contemporary music, television, video games, and movies. However, in many school arts and writing programs, there is some hostility to overt signs of repurposed content that comes from mass media and popular culture materials. Educators who create rigid rules about the (non) use of such copyrighted materials sacrifice the opportunity to help young people think more deeply about ethical and legal issues of repurposing, even as most of the classic works of literature used in schools are themselves the product of appropriation and transformation. As Erin Reilly and Alice Robison (2007) argued, "sampling intelligently from the existing cultural reservoir requires a close analysis of existing structures and uses of this material; remixing requires an appreciation of emerging structures and latent potential meanings" (p. 99).

By educating themselves about copyright and fair use and developing a code of best practices, composition and media literacy educators are at the point of the spear in leading a user rights movement that helps all educators reclaim their fair use rights. As we see it, the "Code of Best Practices for Fair Use in Media Literacy Education" has a number of intended outcomes. First and foremost, it is a tool designed to educate educators about copyright and fair use. It will help persuade leaders, librarians, and publishers to accept well-founded assertions of fair use. It will be useful for promoting revisions to school policies

regarding the use of copyrighted materials used in education. It may discourage copyright owners from threatening or bringing lawsuits; in the unlikely event that such suits are brought, the Code will provide the defendant with a basis on which to show that her or his uses were both objectively reasonable and undertaken in good faith.

As writing and composition educators connect their pedagogical practices to a deeper understanding of copyright and fair use, they help students make connections between school and society. When students, with encouragement from their teachers, take on higher-level thinking skills and make their own judgments about fair use, they end up engaging in a process that forces them to consider their purpose and rationale for using copyrighted works, considering both the rights of owners and the rights of users. When they incorporate copyrighted materials into their compositions in new and transformative ways, these practices should be recognized as part of the creative process. When students share their works with authentic audiences, they are able to enter a dialogue about social, political, economic, and cultural issues related to their roles as consumers and producers of mediated texts. These are the social benefits that the doctrine of fair use was crafted to support.

NOTES

1. Research methods for phase one of this project are described in *The Cost of Copyright Confusion for Media Literacy* (Hobbs et al., 2007). The interview consisted of open-ended questions organized into three broad categories: (1) how teachers use copyrighted materials in the classroom or other educational settings for educational purposes; (2) how their students use copyrighted materials in their own creative work; and (3) how teachers use copyrighted materials in their curriculum development, materials production or other creative work.

2. Research methods for phase two of this project are more fully described in the "Code of Best Practices for Fair Use in Media Literacy Education" (Center for Social Media, 2008). Ten focus groups were held in various U.S. cities. Focus groups participants were recruited through national membership organizations, including the Alliance for a Media Literate America (AMLA), the Action Coalition for Media Education (ACME), the Student Television Network (STN) and the National Council of Teachers of English (NCTE), and organizations such as National Alliance for Media Arts and Culture (NAMAC) and Youth Media Reporter (YMR).

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