

- Devitt, Amy, Mary Jo Reiff, and Anis Bawarshi. *Scenes of Writing: Strategies for Composing with Genres*. New York: Longman, 2004. Print.
- Miller, Carolyn. "Genre as Social Action." *Quarterly Journal of Speech* 70 (1984): 151-167. Print.
- Swales, John M. *Genre Analysis: English in Academic and Research Settings*. Cambridge: Cambridge UP, 1990. Print.

Copyright Clarity: How Fair Use Supports Digital Learning, by Renee Hobbs. Thousand Oaks: Corwin & NCTE, 2010. 128 pp.

Reviewed by Kerrie L. Carsey, Miami University

Last Fall, one of my first-year writing students devoted much of his research and writing to examining The DOW Chemical Company. "Paul" wrote a rhetorical analysis of a DOW's television ad in their "Human Element" campaign. Then, he wrote a persuasive essay, calling consumers to hold the company accountable for some of its questionable corporate practices in Third World countries. Finally, Paul blended content from these alphabetic texts into a multimodal project. The first segment of his video contained an excerpt from a DOW ad, a visual feast of images such as mountain landscapes and close-ups of children of various races and cultures. The narrator explained that even more valuable than the elements on the periodic table, the "human element"—curiosity and ingenuity—could improve the lives of people across the globe. Then, Paul's voice intervened, asking if DOW was living up to this ideal. As he spoke about chemical spills and the use of FDA-banned chemicals in overseas facilities, the viewer saw video and photographs of disaster victims and babies with birth defects. As Paul explained DOW's perfecting of napalm during the Vietnam War, he showed a clip from the film "We Were Soldiers," with Vietnamese and American fighters falling in slow-motion explosions of fire.

Obviously, Paul, like many of his classmates, made use of copyrighted material, and we had to address questions of infringement and fair use. Were he to post his project to YouTube, would take-down notices spell its end? Might he receive cease and desist letters from DOW, from the photographers or their publishers, or from Paramount Pictures? And would those actions and threats be legally justified? Many students wondered if they should keep their projects to themselves or perhaps take advantage of YouTube's privacy settings, protecting their videos from searches and allowing only those who possessed the link to view their work.

In *Copyright Clarity: How Fair Use Supports Digital Learning*, Renee Hobbs works to dispel "copyright," this wariness, on the part of students

and instructors across disciplines, surrounding the use and sharing of copyrighted material. Hobbs, a media literacy education specialist, develops curriculum materials for K-12 educators. However, as a professor at Temple University, her research often includes the voices of university instructors. In this concise text, Hobbs succeeds at addressing a wide range of educators, and anyone training educators, who wish to compose and teach with copyrighted material. Appendices contain excerpts of copyright law and materials for staff development workshops on copyright and fair use. Her inclusion of early education classroom practice sets this work apart from, say, the September 2010 special issue of *Computers and Composition*, devoted to cultural contexts of copyright. But *Copyright Clarity* offers a valuable and informed perspective in this important conversation.

Hobbs operates on the premise that “appropriation is a powerful instructional tool for student learning” (6), that the reworking of borrowed material promotes creativity and creates knowledge. Chapter 1 asserts that students are already consuming large quantities of media messages through television, social networking, video games, movies, and music. Effective teaching draws students to evaluate and analyze these messages, creating media literacy and opening the door for them to produce information. For instance, by bringing clips from a popular sitcom into the classroom, teachers can foster discussion and writing about depictions of women in the media. However, much of this material is protected by copyright, and teachers often fall victim to misinformation, seeing only the ways copyright law protects owners and failing to take advantage of users’ rights.

Complicating matters is the flexibility, sometimes ambiguity, of copyright law, which is designed to adapt to changing contexts and technologies. Hobbs insists that these laws cannot be reduced to simple checklists. Rather, users must think, examining each situation to make reasonable fair use determinations. If responsible fair use of copyrighted material is locked behind misinformation and confusion, the key to informed fair use determinations is “transformativeness,” a creative repurposing of copyrighted material (8). This concept acts as a barometer, indicating when our cutting-and-pasting amounts to theft, and when it contributes to knowledge production.

Chapter 2, “Dispelling Copyright Confusion,” provides concise definitions of copyright, fair use, public domain, and intellectual property. Hobbs frames the issue by offering three stakeholders: creators, publishers, and users/consumers. Copyright protects the creators and producers of material. However, Hobbs shows that the Founding Fathers intended copyright to encourage the spread of knowledge, in that it “promote[s] the progress of science and useful arts, by securing for limited times” the exclusive right to writings and inventions (18). In other words, the ability to keep exclusive rights motivates creators toward discovery.

Fair use protects users of copyrighted material, acting as a safety valve to prevent the complete control of information, which would otherwise amount to a form of private censorship. Hobbs provides helpful text boxes throughout the book, including a citation of Section 107 of the Fair Use Doctrine. To reproduce copyrighted work for “purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research” constitutes fair use and is not copyright infringement (qtd. in Hobbs 19). But in addition to these allowances, users must consider the purpose, nature, amount used, and market impact when working with copyrighted material. Again, transformativeness is essential to juggling these considerations, and users must discern whether they have sufficiently repurposed the material or whether they have simply copied in such a way that competes with the owner or deprives him/her of profit.

However, FBI warnings, cease-and-desist letters, and file-sharing litigation can obscure this balance of rights and contribute to a “climate of uncertainty and fear” (21). Confusion hinders the spread of innovation, both in instructional practices and in the resulting student work. Hobbs is careful to point out that even educational-use guidelines, provided by institutions, are not law, and that educators should not trust simple lists, charts, or graphs that specify exactly what users may or may not do. These guidelines are often written by lawyers who seek to narrow or oversimplify what is a flexible law. Many seemingly official policy guidelines do not even address fair use and often equate sharing with stealing (35).

In chapter 3, Hobbs continues to push readers to think critically and make an informed fair use determination. She provides real student assignments, such as a slide show that compares and contrasts two influential photographers. Of course, this task would require students to use copyrighted images. Hobbs asserts the contextually situated criterion, “What has the student done with this material?” (41), using transformativeness as a standard. In other words, has the student added value and repurposed the work? Considering other layers of fair use law, such as purposes of “comment” and “research,” adds confidence to these determinations.

By chapter 4, I sensed my increased comfort level with making these critical choices. True to her belief about the need to contextualize every use of copyrighted material, Hobbs refuses to draw concrete lines, such as the exact situation in which to seek permission and pay appropriate fees. Although I would not say she completely “dispels” confusion, she does put the reader at ease that with an informed and good faith determination, teachers and students need not fear entanglement with copyright law.

The final chapter explores the uncertain future of copyright and fair use. Hobbs outlines possible avenues, such as a more robust creative commons licensure system and “some rights reserved” law (90). But she has been so successful at holding to the balance of respect for owners and users, the

reader immediately sees how these scenarios might infringe upon some stakeholders' rights. In other words, the route Hobbs has been advocating, that of critical thought leading to informed fair use determinations under existing law, seems most palatable.

As the above chapter summaries suggest, Hobbs tends to merge the practices of viewing reproduced material and composing with that material under the blanket term "use." As a college composition instructor, I would have appreciated more singular attention to digital writing with copyrighted texts. However, copyright law supports Hobbs' conflation. Further, this move allows her to maintain her broad (K-12 and beyond) audience. In fact, for post-secondary educators, I recommend pairing Hobbs' book with Martine Courant Rife's chapter, "Ideas Toward a Fair Use Heuristic" in the 2009 collection *Composition and Copyright*. In tandem, these texts outline current issues surrounding copyright law and offer not easy answers, but thought-provoking steps toward a heuristic for teachers, one that promotes "digital citizenship" in the classroom (Hobbs 94).

Thanks to this text, Paul and I felt confident that he had aptly repurposed the feature film, directing that material away from its primary original purposes (entertainment and expression) and toward a new objective—critique of the corporation that developed and supplied napalm. Further, we decided his goals of criticism, comment, and research protected his inclusion of the DOW ad and other visual images. Soon, Paul and I will meet to discuss publication in the form of submission to a department writing award. He plans to share his work with confidence.

Oxford, OH

Works Cited

Rife, Martine Courant. "Ideas Toward a Fair Use Heuristic." *Composition and Copyright*. Ed. Steve Westbrook. Albany: SUNY P, 2009. Print.

Decolonizing Literacy: Mexican Lives in the Era of Global Capitalism, by Gregorio Hernandez-Zamora. Bristol: Multilingual Matters, 2010. 223 pp.

Reviewed by Rebecca Lorimer, University of Wisconsin-Madison

Multilingual Matters publishes books that continue to challenge understandings of global language movement and power in its series Critical Language and Literacy Studies. Gregorio Hernandez-Zamora's study of the literacy histories of marginalized Mexicans in Mexico City and the U.S. represents the best of the series as it describes seven individuals appropriating and resisting dominant literacy practices in neocolonial settings.