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(De)Fencing the Cultural Commons Through a (De)Constructive Media Art Curriculum

Steven Ciampaglia
Northern Illinois University
sciampaglia1@niu.edu

Abstract

Rampant consolidation in the media industry has led to an ever-increasing push to extend the breadth and scope of copyright law. A deliberate and systematic effort to restrict access to cultural texts that were previously accessible has led to a creative climate that is increasingly intimidating to young artists. The personal computer provides students the ability to re-open these texts and reclaim their right to fairly use the cultural artifacts of their surroundings as building blocks of expression. The personal computer can deconstruct closed media texts into malleable parts of visual language that students can reconstruct into new texts. These new texts have the potential to transgress the cultural demarcation erected by big media's successful lobbying of the US Senate for restrictive copyright legislation.

Introduction

Two primary developments in art education over the past two decades have been the proliferation of a visual culture approach to art instruction and the integration of digital media technologies into the culture and the classroom. As the field of art education struggled to define the purpose and worth of these emerging digital media technologies, it was visual cultural art educators who continually suggested and examined ways that these technologies could inform critical exploration of visual cultural forms in the art classroom. However, the specific ways in which the productive capabilities of digital media technologies could be explicitly used to help achieve this criticality have been underexplored as the discourse has focused primarily on critical analysis of popular media texts.

For example, Keifer-Boyd and Maitland-Gholson (2007) encourage art educators to have students examine films in the classroom so that they can uncover how they transmit dominant ideological messages. Briggs (2009) describes how she had students critically analyze the *Star Wars* films to learn how their visual effects contribute to the aesthetic characteristics that produce meaning. Taylor and Ballengee-Morris (2003) suggest that analysis of music videos and episodes of sitcoms would assist students in developing critical interpretive media skills. Taylor (2007) advocates that art teachers screen music videos in the classroom so that students can critically interpret them for meaning.

These research studies have been instrumental in expanding the breadth of art education to include popular and emerging media as legitimate art forms worthy of exploration in the field. These studies have also demonstrated that the art classroom can be a site for critical explorations of contemporary media. The current ubiquity of digital media making technology now allows art educators the ability to build upon the groundwork established by these innovative art educators. The accessibility of the personal computer (PC), iPad, and digital video editing software now allows art educators the opportunity to focus on the critical production of media texts in addition to the critical analysis of media texts.

Media educators Buckingham (2003) and Gauntlett (1997, 2005, 2007) believe that young people can understand the media by producing media texts in the media forms they are learning to critique. This approach of teaching *through* the media aims to “develop young people’s *understanding* of and *participation* in the media culture that surrounds them” (Buckingham, 2003, p. 13) and utilizes a “more reflective style of teaching and learning, in which students can reflect on their own activity both as readers and writers of media texts, and understand the broader economic and social factors that are in play” (p. 14).

Some art educators have presented approaches for teaching *through* media production. Chung (2007a), Black and Smith (2008), Nadaner (2008), and Trafí-Prats (2012) encourage the use of video in art education. Their approaches to video instruction are rooted in the practice of video art and therefore focus on the time-based medium as a poetic form of reflective, personal narrative and expression. These approaches to student media production are valuable as they provide for students a personal and reflective encounter with the media that is rooted in contemporary media art-making practice. With the exception of Chung (2007b), these approaches are not intended to assist students in developing the media skills they need to deconstruct the massified and consolidated forms of popular commercial media. As such, their focus is not to demystify for students how the seductive quality of commercial media texts, such as movies and music videos, is produced

through the deliberate arrangement and sequencing of formal elements. One way to do that is through a comprehensive and deconstructive media curriculum that encourages students to use the PC to tear apart and dissect popular media texts to interrogate them for meaning. This deconstructive process gives students access to the building blocks of media texts; these are the formal elements that comprise these texts and through which meaning is constructed.

In this approach, students analyze media texts and then build on the critical analytical skills they have developed by critically dismantling media texts. They use editing software to dissect scenes from movies or music videos into discrete shots and then rearrange those shots to create new media texts that critically comment on the construction of meaning in commercial media texts. Through this deconstructive media practice, students learn how meaning is constructed in popular commercial media texts through the process of media production.

What has been the impediment to the development of this type of media curriculum? Perhaps the culprit is another force that has been steadily and clandestinely gaining influence upon art education in the past several decades, media consolidation. Copyright law contains fair use provisions that allow individuals limited use of copyrighted texts for the purposes of education, critical commentary, scholarship, and the production of transformative and derivative artworks. Rampant consolidation in the media industry has led to an ever-increasing push to extend the breadth and scope of copyright law and diminish these fair use provisions of copyrighted texts for artistic, critical, educational, and research purposes (Boyle, 2008; Demers, 2006; Lasica, 2005; Lessig, 2004; Patry, 2012; Vaidhyanathan, 2004). This deliberate and systematic effort to restrict access to cultural texts has led to a creative climate that is increasingly intimidating to artists and educators (Boyle, 2008; Demers, 2006; Lasica, 2005; Lessig, 2004; Patry, 2012). This effort is an affront to the creative process and denies the long heritage of cultural appropriation that is central to creativity and cultural renewal (Boyle, 2008; Demers, 2006; Lessig, 2004; Patry, 2012).

The most restrictive of these copyright legislations, the Digital Millennium Copyright Act (DMCA) of 1998, prohibits users from accessing material on any DVD containing copyrighted material for fair use provisions. The DMCA allows for a digital lock to be encoded within the software of a DVD that prevents users from copying the material from the disk to their computer to create a derivative and/or critical work from that media material, even though this is provided for in the fair use provisions of copyright law (Boyle, 2008; Lasica, 2005; Lessig, 2004; Vaidhyanathan, 2004). The prospect of apparently breaking the law, or encouraging students to break the law, is an off-putting proposition to most teachers. Therefore, it is not surprising that media art teachers would be reluctant to crack the so-called “copy protection” software on DVDs so that their students would have access to commercial media textural materials for critical deconstructive media production purposes.

Not surprisingly, students have found a way to do this on their own. The preponderance of mash-ups and tribute videos featuring copyrighted material on YouTube is evidence that many young people have found ways to circumvent copy protection software. The proliferation of these videos on YouTube may be seen as a fissure in the prohibitive copyright fence surrounding the cultural commons. But here too, the DMCA flexes its prohibitive muscle in the guise of the “notice and takedown” provision that compels

YouTube to remove any videos that copyright owners claim violate their copyright (“A Guide to YouTube Removals,” n.d.; Guo, 2008). Since its inception, over 9760 videos have been removed from YouTube for alleged copyright violation under this provision (“YouTomb,” n.d.). The ones that are allowed to stay—the mash-ups and tribute videos—do not overtly challenge or critique the form and content of the commercial media texts they appropriate. The media giants tolerate the supposed copyright violations contained in these videos because they consider them tacit promotions of their products.

Through their aggressive lobbying for passage of the DMCA, the media giants have successfully erected a digital fence around the cultural commons, enacting a cultural shift that is in the process of effectively transforming any remaining open-source cultural texts into closed *read only* texts. Essentially, the media giants can use the provisions of the DMCA to deny access to media texts or allow entrance to the cultural commons to those individuals willing to exercise their fair use provisions to produce works that conform to and uncritically promote the commercial media forms disseminated by the media conglomerates (Boyle, 2008).

As art educators, we must assist students to de-fence the currently cordoned cultural commons. In order to do this, it is crucial to understand how American copyright laws have evolved and how they affect cultural production. It is also necessary to understand how these restrictive laws can be circumvented through the use of the PC and other digital devices to provide students the ability to re-open and deconstruct these currently closed media texts into malleable parts of visual language that can be reconstructed into new texts. These new texts have the potential to transgress the cultural demarcation erected by big media’s successful lobbying of the US Senate for restrictive copyright legislation.

From Copyright to Copywrong

The concept of copyright is particularly germane to the art classroom as it is predicated upon the premise of intellectual property. According to the law, intellectual property is a product of the mind. This product can manifest itself in the form of information, ideas, concepts, or other intangibles as expressed in textual form. Under copyright law the creator of intellectual property is granted limited rights of exclusivity concerning the ownership and usage of that intellectual property. Most people mistakenly assume these limited rights of ownership are equal to those rights associated with the ownership of material property (Boyle, 2008; Lessig, 2004; Vaidhyanathan, 2004).

But intellectual property is not material property. Material property is incarnate in finite, limited form. Therefore, if someone takes another individual’s material property, the person who originally possessed that object ceases to have it. The law obviously considers this theft since the original owner is now without the material property that was taken. Intellectual property is not finite or limited in form and cannot be stolen in the same manner as a material object (Boyle, 2008; Lessig, 2004; Vaidhyanathan, 2004). For instance, if an adolescent writer decides to write a short story derivative of the *Harry Potter* series of books, J.K. Rowling, the author, still has ownership of her library of *Harry Potter* books. The adolescent writer’s act of appropriation has not denied Rowling ownership of her intellectual property. The *Harry Potter* catalog of books will still exist as they did before the adolescent wrote one single word. Ultimately, the writer of that *Harry Potter* derived text has not taken the original text from its creator and so a theft in the conventional material sense has not occurred. Rowling, however, may feel that the author of the *Harry Potter*

derived text has compromised her ability to profit from her series of books by stealing away potential sales. In defense against this charge, the adolescent writer can claim that her text was created solely for personal amusement and that she used material from Rowling's books as mere inspiration for her own work.

Copyright law attempts to reconcile these competing perspectives of ownership by making intellectual property tangible, yet acknowledges the inherent limitation of granting ownership over that which cannot exist in any tangible form. It does so by granting the creator of intellectual property a copyright that guarantees the right to profit from her intellectual property for a limited amount of time. Profit can be made through sale and distribution of the text, and the copyright owner generally has the legal right to control how and where her work is distributed and utilized. These rights, however, are limited, and copyright law does allow for fair use of copyrighted texts. The principle of fair use stipulates that limited portions of a copyrighted text can be copied and used for the purposes of parody, criticism, scholarship, education, and personal use. This ensures that copyrighted texts remain open sources for examination, criticism, and elaboration as benefits the continued cultural growth of society (Boyle, 2008; Demers, 2006; Lessig, 2004; Patry, 2012).

In order to further ensure unfettered access to all cultural texts, copyright law limits the amount of time a copyright holder is granted exclusive ownership of her text. After the limited period has expired the text enters the public domain and can be utilized by anyone free of charge in whatever manner she wishes. Essentially, copyright law was conceived to strike a delicate balance between the rights of the creator and the rights of society (Boyle, 2008; Demers, 2006; Lessig, 2004; Patry, 2012; Vaidyanathan, 2004).

Legislation to maintain this balance was necessitated in 18th century England by the rapacious publishing practice of the Conger, a small, elite group of publishers that controlled bookselling. The Conger claimed a perpetual right to control and copy texts that it had acquired from authors. This monopoly allowed the Conger to charge prohibitive prices for the texts of such British literary giants as Shakespeare, Milton, Bacon, and so forth. Access to these texts was effectively closed to all but England's wealthiest citizens. Culture was thus consolidated and maintained in the hands of a few mercenary publishers and the upper classes (Lessig, 2004; Patry, 2012).

A landmark ruling by the British House of Lords in the 1774 case of *Donaldson vs. Becket* wrested monopolistic control of the British publishing industry from the Conger. The court ruled that ownership of a text would be granted only for a limited amount of time after which the work would enter the public domain and become available for anyone to publish, reproduce, or use as they wished (Lessig, 2004; Patry, 2012).

Following the decision of *Donaldson vs. Beckett*, a slew of publishers in the British Commonwealth started publishing inexpensive editions of texts recently placed in the newly sanctioned public domain. For the first time in English history, the works of some of the greatest British authors were made available to the common classes (Lessig, 2004; Patry, 2012).

In order to prevent the monopolization of culture as had happened in England, the United States Congress enacted the first American copyright law in 1790. The law was patterned after the British legislation and mandated the creation of a federal copyright that was

extended to authors for a length of 14 years. At the expiration of this term the author could renew the term of copyright for another 14 years. If the author was not alive at the expiration of the initial 14-year term, then the copyright could not be renewed and the work would enter the public domain (Lessig, 2004).

The terms of American copyright legislation remained as such until 1831 when the initial maximum term of copyright was extended from 28 years to 41 years. This was achieved by doubling the initial copyright term from 14 to 28 years. In 1909, Congress doubled the 14-year renewal term as well, extending the maximum copyright term to 56 years (Lessig, 2004; Patry, 2012).

Limiting terms of ownership provided against the development of a cultural monopoly and encouraged creativity by providing that authors be able to profit from their creations for a set period of time before rights reverted to the public domain (Lessig, 2004; Vaidhyanathan, 2004). The development and rapid growth of the broadcast and motion picture industries profoundly altered this arrangement.

When motion pictures and audio recordings debuted shortly after the turn of the century, the limited rights granted to written texts were applied to these media texts as well. The proliferation of radio broadcasting and the advent of television broadcasting after World War II put the demand for these cultural texts at a premium. The ever-increasing number of radio and television stations could not afford to produce enough original programming to fill all of the programming hours in a day. To compensate, radio stations increasingly broadcast pre-recorded music produced by the recording industry, and television stations filled their airtime with broadcasts of old Hollywood movies. The motion picture and recording industries profited handsomely from this arrangement, and both set about protecting this most lucrative new revenue stream by lobbying Congress to amend existing copyright law (Brown, 1998; Walker, 2001; Lessig, 2001).

At their behest Congress has extended copyright 11 times since 1962. The most radical of these legislative amendments was passed in 1978. This legislation stated that for all texts created after 1978 there would be only one term of copyright, the maximum one. For “natural” authors the term was to run the length of the author’s lifetime plus fifty years. For corporations, the term was 75 years. In 1992, Congress abandoned the renewal requirement for texts produced before 1978 and extended the then maximum copyright term of 75 years to those texts. In 1998, Congress passed the Sonny Bono Copyright Term Extension Act that effectively increased the maximum term of copyright by 20 years, rendering all existing texts a maximum automatic copyright term of 95 years (Lessig, 2004).

These changes in copyright law significantly altered the breadth of the public domain. In 1972 only 15 percent of copyright owners elected to renew their copyright. That placed the average amount of time these texts passed from private ownership into the public domain at 32.2 years. After the elimination of the renewal requirement and the extension of the maximum copyright term, the average tripled from 32.2 to 95 years. Furthermore, since copyright is now automatically bestowed upon all created texts for a maximum of 95 years, it is unclear if it is even possible to produce a text exclusively for the public domain, no matter what the creator’s intention (Lessig, 2004).

The Bono Act prevented an estimated 400,000 books, movies, and songs from entering the public domain until 2019, provided Congress does not further extend the maximum length

of copyright before then (Lasica, 2005). The Bono Act ensured that these 400,000 texts would remain closed systems, unable to contribute to the cultural commons that has been the lifeblood of cultural invention and creative renewal in American society. It was a radical reinterpretation of copyright drastically favoring a business minority at the expense of the public good (Lasica, 2005; Lessig, 2004; Vaidhyanathan, 2004).

While the media conglomerates were successfully lobbying Congress to restrict access to their copyrighted texts, the leading PC and electronic media manufacturers such as Microsoft, Apple, Hewlett-Packard, and Sony started introducing digital media products into the consumer marketplace at a rapid pace. A key component in the marketing of these products was the promise of participatory media (Johnson, 2005; Lasica, 2004). With very little training, the manufacturers suggested an individual could produce films, videos, websites, posters, audio compositions, blogs, and podcasts by using the latest generation of PCs, digital capture devices, and media production software. It was the supposed dawning of a technologically mediated democracy of culture and creativity as brought to you by Bill Gates and Steve Jobs.

Fearing the potential of participatory media to encroach on their cultural stronghold, the media conglomerates successfully lobbied Congress to pass the DMCA. The DMCA granted media and technology companies the right to equip copyrighted media and digital media capture devices and PCs with so-called copy protection software. This renders it technically impossible to use your PC's DVD burner to make a copy of the latest Hollywood blockbuster once it is released to DVD. It also prevents you from importing copy-protected VHS copies of motion pictures and TV shows to your PC or digital camcorder. The media conglomerates claim this prevents wholesale piracy of their media products, but it also prohibits individuals from exercising their right to the fair use of copyrighted texts (Boyle, 2008; Lasica, 2005; Lessig, 2004; Patry, 2012; Vaidhyanathan, 2004).

The 1978 copyright act reiterated the right of individuals to fairly use a limited amount of a copyrighted text for the express purposes of parody, criticism, scholarship, education, and personal use. But the DMCA effectively challenged these provisions by making it illegal to crack the copy protection software used to restrict access to copyrighted texts. Copy protection software cannot distinguish between wholesale pirates and a user who is invoking her legitimate right to a copyrighted text for fair use purposes (Boyle, 2008; Lasica, 2005; Lessig, 2004; Vaidhyanathan, 2004).

The DMCA was intentionally conceived to curtail fair use of copyrighted texts and compromise the creative potential of participatory digital media. So while digital media technologies proliferate, the media conglomerates dictate the terms and conditions for the use and distribution of the vast majority of media texts these technologies can access for fair use purposes (Boyle, 2008; Lasica, 2005; Patry, 2012). The conglomerates will determine how, when, and why individuals can access, utilize, or critique the media texts they produce. They will control the terms of cultural exchange and in effect create a top-down system of culture dissemination with media texts issued at their discretion to be consumed on the ever-growing list of copyright protection software enabled digital media delivery devices.

Media Consolidation, Copyright, and Culture

As the media companies were in the process of restricting access to cultural texts, the sheer volume of media texts they produced grew exponentially. Media consolidation in the 1980s and 1990s resulted in a handful of corporations controlling over 80% of cultural content and distribution channels (Dretzin & Goodman, 2001; McChesney, 1999). The monolithic structure of these corporate behemoths necessitated increased revenue flow via the production of voluminous amounts of media texts targeted directly at newly segmented demographic markets (Turow, 1997). The most lucrative of these new markets has been the teenage demographic. The current generation of teenagers is the largest group of adolescents with the most disposable income ever in the history of our consumer culture. Accordingly, they are viewed as the single most lucrative revenue stream to sustain the bottom line of the media giants (Dretzin & Goodman, 2001).

Have prohibitive changes to copyright law impacted the creativity of these media-saturated young people? A November 2002 *Newsweek* cover story on this so-called “Spielberg Nation” of adolescent “we” media producers typifies the techno-utopian sentiment prevalent at the time. The story trumpeted the supposed astonishing media fluency of this tech-savvy generation of young people who came of age during the rise of participatory media technologies. The future success of these do-it-yourself media makers was evangelized *ad nauseam* throughout the article; their rise to stardom a *fait accompli* (Levy & Wingert, 2002). Similar prognostications have been bandied about since the dawn of the digital age. Most famously, in 1991 filmmaker Francis Ford Coppola emphatically declared:

To me the great hope is that now these little video recorders are around and people who normally wouldn't make movies are going to be making them. And suddenly, one day some little fat girl in Ohio is going to be the new Mozart and make a beautiful film with her father's camcorder and for once, the so-called professionalism about movies will be destroyed, forever, and it will really become an art form. (Pikethly, 2000)

Coppola's statement predated the copyright legislation of 1992 and the passage of the Bono Act and the DMCA, both in 1998. If Coppola could have foreseen the drastic changes these legislations would have on copyright law, he might have held his tongue. If he had known, he might have realized how difficult it would become for that “little fat girl in Ohio” to make that great movie.

In Coppola's generation, filmmakers borrowed liberally from classic Hollywood movies to create dynamic and vibrant works of cinematic art. Coppola and his baby boomer peers, known collectively as the “film brats,” heralded a new golden age of American cinema in the 1970s by reinterpreting and revising traditional filmic conventions. Coppola and Martin Scorsese have freely admitted using Howard Hawks' 1932 film *Scarface* as the main textural inspiration for their gangster films. George Lucas reworked the stylistic and thematic tropes of classic war movies in his *Star Wars* franchise. John Carpenter spent a career evoking the metaphysical ruminations of good and evil as depicted in the Hollywood westerns he grew up watching. And Brian De Palma directed numerous psychological thrillers patterned after the films of Alfred Hitchcock (Pikethly, 2000).

If these filmmakers had been working under the copyright restrictive environment that exists today, they may not have been able to make the films for which they gained such

acclaim and notoriety. Also highly unlikely would have been the creative and financial success of another young filmmaker, Walt Disney (Lessig, 2004).

As a fledgling animator in 1929, Walt Disney created the first motion picture synchronized with sound. This cartoon, *Steamboat Willie*, featured an animated character named Mickey Mouse. It was a parody of the previous year's motion picture blockbuster *Steamboat Bill, Jr.*, which starred Buster Keaton. The buoyant motions of Mickey were synchronized to a popular song of the day written and recorded in tribute to Buster Keaton and *Steamboat Bill, Jr.* (Lessig, 2004).

Steamboat Willie was an unmitigated sensation that catapulted both Disney and Mickey Mouse to stardom. Disney owed a large debt to fair use provisions in copyright law for the cartoon's success. If the right to use copyrighted material for parody had not been stipulated in copyright law, Disney would have been legally prohibited from referencing *Steamboat Bill, Jr.* Furthermore, the song he used as *Steamboat Willie's* soundtrack would have also been in violation of copyright for referencing *Steamboat Bill, Jr.* (Lessig, 2004).

Steamboat Willie was the first in a long line of animated films produced by Disney that appropriated material from existing cultural texts. *Cinderella*, *Snow White and the Seven Dwarfs*, *Pinocchio*, *Peter Pan*, and *The Jungle Book*, to name a few, borrowed liberally from texts available to all via the public domain (Lessig, 2004).

Denied the ability to liberally appropriate, adapt, and transform the content of the original texts from which he was borrowing, Disney may never have achieved the omnipotent level of success that continues to live on in the corporation that still carries his name. Ironically, The Walt Disney Company has been one of the most outspoken proponents and lobbyists for the extension of copyright and the diminishment of fair use provisions.

Walt Disney was not unique in his penchant for appropriation and elaboration. He was just the most obvious and notable artist to give electronic textural form to an oral folk tradition of cultural appropriation that predated electronic media.

Folk tales were orally transmitted from generation to generation and region to region. With each successive transmission and retelling, these stories were liberally adapted to suit the particular cultural conventions indigenous to each region and era. These textural adaptations begat similarly derivative texts that were successively adapted and transformed once again (Davidson, 1969). As incarnated in musical form, this folk music eventually evolved in America to become country and western, blues, and rock music (Van der Merwe, 1992).

This evolution can be traced by following the cultural history of one particular American composition, variously known as *To the Pines*, *In the Pines*, or *Where Did You Sleep Last Night?* Since it was first committed to tape in 1936 by Bill Monroe as a country and western dirge, this American folk traditional has variously been recorded by the likes of Leadbelly, Joan Baez, The Grateful Dead, Dolly Parton, and Nirvana. In the process the song has evolved from a solemn country ballad to a plaintive blues to a post-punk nihilistic screed. In each successive recording of the song, the artist quotes and references previous interpretations of the song while simultaneously imprinting the song with his/her own indelible style (Sound Opinions 02-18-06 footnotes, 2006).

This process of emulation, adaptation, and reinvention is the means by which individuals learn the grammar of any given media or form of cultural expression (Patry, 2012). Brian DePalma learned the art of composing a shot and constructing a narrative from copying and adapting the stylistic conventions of his cinematic hero Alfred Hitchcock (Pikethly, 2000). The Rolling Stones learned to play the blues by performing and recording cover versions of blues compositions by African-American blues artists Muddy Waters, Howlin' Wolf, and John Lee Hooker (Deane, 1995). Rap artists RUN-DMC, The Beastie Boys, and Public Enemy helped to create a new musical art form by creating dense sonic collages from samples of 1960s and 1970s rock, funk, and soul records (Boyle, 2008; Demers, 2006).

The process of constructing expressive meaning in any particular media is predicated upon the ability of individuals to access, interrogate, and deconstruct previous texts in the same media. When access to these texts is limited, so is the potential for creativity and artistic innovation. By systematically denying today's adolescents access to cultural texts, the media conglomerates are curtailing their participation in the continuum of creativity by limiting their media literacy skills.

Deconstructing the Consolidated Form

The targeting of teenagers as the most lucrative consumer demographic has provided contemporary youth with an unprecedented array of media texts to consume (Dretzin & Goodman, 2001; Rushkoff, 1999). Concurrently, electronics manufacturers have marketed an ever-increasing list of participatory digital media devices to these adolescents (Johnson, 2005; Rushkoff, 1999). The proliferation of these devices and the explosion of peer-to-peer media distribution Web sites, such as YouTube, that feature user-produced content incorporating copyrighted material, would seem to counter the idea that big media is stymieing the creative freedoms of young people. However, a closer look at the user-created texts that populate YouTube reveals that users are allowed to use only copyrighted material deemed appropriate by the media conglomerates that hold the copyright for these materials.

The "notice and takedown" provision of the DMCA compels YouTube to remove videos at the request of a copyright holder. The claimant does not have to actually prove how the offending video violates the copyright she holds; the claimant just has to submit a claim via e-mail to YouTube requesting removal of the video. YouTube then removes the video and notifies the user who uploaded the video that her video was removed for copyright violation. No further information is provided ("A Guide to YouTube Removals," n.d.; Guo, 2008).

Through the "notice and takedown" provision of the DMCA, the media conglomerates can request the removal of any YouTube video that contains portions of media texts for which they hold the copyright ("A Guide to YouTube Removals," n.d.; Guo, 2008). Yet, re-cut trailers for major studio motion pictures, mash-up music videos featuring major label recording artists, and tribute videos featuring copyrighted footage of celebrities such as Justin Bieber are allowed to proliferate on YouTube as long as they do not parody those copyrighted texts in a manner that is perceived by the studios to be damaging to their brands. According to the contours of this tacit agreement, YouTube users can employ their technical savvy to appropriate copyrighted material as long as it assists in the promotion and marketing of commercial media texts. When this appropriation veers toward trenchant criticism of these media texts, it risks crossing a threshold of corporate acceptability and removal from YouTube (Jenkins, 2006). This sends the message to young media producers

that there is a *proper* way to appropriate copyrighted texts. Through this process the media giants ensure that the consolidated grammar of forms that create meaning in commercial media texts are the de facto language of the media. (It should be noted that YouTube is in the process of removing itself from its focus on media conglomerate endorsed user-generated videos and moving toward even more commercial media forms. It was recently reported in the *New York Times* (Sisario, 2012) that YouTube has hired former MTV and VH1 producers to create 100 new channels of content, including a channel dedicated to promoting the products of the Warner Music Group.)

Devil's bargains that offer limited media participation in exchange for an illusory loosening of copyright restriction are instrumental in the creation of a generation of technically savvy young people literate enough in digital media production to create texts that mimic commercial media texts, but not fluent enough in their knowledge of media production to critically analyze and deconstruct the texts they mimic. Quite often, in my opinion, the texts these young people produce simply regurgitate conventions absorbed from commercial media. This regurgitation reinforces big media's conglomerated monopoly on culture and assures the perpetuation of these uncritical commercial media forms for future tech savvy, yet indiscriminate generations.

It is easy to see how this incomplete form of media literacy could be mistaken for true media fluency. After all, the ability of students to effortlessly create and upload videos to YouTube appears impressive. However, the facile ability of students to create slideshow tributes to Demi Lovato and re-cut trailers for the latest *Twilight* movie should not be applauded for their mere existence and assumed as evidence of a critical media consciousness.

In his groundbreaking literacy text *Education for Critical Consciousness*, educational theorist Paulo Freire cautioned educators against making such assumptions. He warned against mistaking incomplete, naïve or transitory consciousness for true critical consciousness. According to Freire, the individual who has developed a naïve consciousness is semi-literate. She has a superficial understanding of words and language, yet is not literate enough to comprehend how these words can be utilized to manipulate and control. Freire warns that a society filled with semi-literate individuals is likely to fall into a state of massification (Freire, 1973).

Freire obviously correlates literacy to language. But his concepts of literacy can be easily related to electronic media as well. Every media has its own set of grammatical rules that facilitate the construction of meaning (McLuhan, 1965). A superficially media literate individual may be able to process enormous volumes of media texts per day and produce facsimiles of these texts with great technical facility, but until that individual understands how discrete components of cultural data are arranged and contextualized to create meaning, she will lack the critical faculties necessary to develop a truly critical media consciousness. To do that she must learn the grammar of media at an advanced level so that she can develop the faculties to understand the entire process of mass cultural production and hegemony.

Critically conscientious art educators can facilitate this process. However, they must realize that the development of the ability to comprehensively read and write the media is a slow and gradual process. First, the student must learn the meaning of images, sounds, or other formal textural components that are the primary conveyors of information in media

communication. Next, the educator shows the student how to assemble (edit) these components to express ideas or concepts that are greater than the individual components. The components utilized and the means of assembly grow more sophisticated as the student advances. And the educator introduces progressively more sophisticated constituent components and assemblage strategies. Through this scaffolded process, students can progress from producing indiscriminately re-cut movie trailers toward sophisticated critiques of the structure of commercial media-making practice.

The PC can expedite this process. Its ability to process culture into malleable bits and bytes of information allows for the deconstruction of media texts into discreet chunks of grammar. This deconstructive capability allows students to interrogate texts in a manner previously unimaginable. A scene from a film can be downloaded into a PC, disassembled into individual shots, and then reassembled again. A popular song can be input into a PC and then remixed and re-edited to critically highlight formal or thematic elements of the recording or composition that were previously buried in the text.

These activities allow the student to free media texts from the limited forms they have come to inhabit from years of commercial massification and copyright prohibition. When a student uses the PC to break down a film or song to its base components, she is wresting that text from its linear narrative. Rather than passively experiencing the text in the ordered sequence of beginning to end, she has pulled it apart from side to side and top to bottom. The text has been opened up for interpretation from all perspectives and is accessible in its entirety (Landow, 2005; Rushkoff, 1997). The student is now free to scour the disassembled chunks of textural data for meaning and recontextualize them to produce an original text. The student is no longer just a consumer of the text, but a co-conspirator in the construction of meaning and culture that the text embodies. She has re-claimed that previously prohibited text and its associated means of production. She has learned and exploited the grammar of media production to her own ends and produced a critical text that challenges the cultural didacticism of big media. (To view examples of critical media texts from a class I taught with media artist Kerry Richardson in 2003, see http://artplusmedia.net/art+media/cut+paste_video.html.)

It is through this technologically mediated process that students can truly achieve a critical media consciousness. Media art educators such as Chung (2007a), Black and Smith (2008), Nadaner (2008), and Trafi-Prats (2012) whose pedagogies are based upon fine art conceptions of media art—such as video art and the personal narrative video essay—use the PC and digital media to engage students in reflective and expressive encounters with and through the media. This manner of media engagement is extremely valuable for students as it allows them to use familiar technologies as tools of empowerment and expression, rather than instruments of consumption and distraction. I suggest taking the process a step further in order to fully exploit the truly unique aspect of the PC and digital media: their innate ability to reduce all cultural information to reproducible and malleable bits of information that can be rearranged and recontextualized for the creative purposes of scholarship, criticism, and textural production.

As an art-making tool, the PC has no set usage. It is multimodal and does not distinguish between high art and low art, fine art and popular art, video, audio, photo, illustration, etc. (Duncum, 2004). All media input created on the PC are equally incarnated as series of binary numbers. This numerical data are the new building blocks of culture. Their fluidity and elasticity challenge the locked-down, read-only brand of *hard* culture promulgated by

big media. The polymorphous nature of bytes and bits dissolves the rigid borders of media texts ossified by decades of increased copyright prohibition.

Art educators can facilitate this process by embracing the PC and digital media technologies as tools of cultural, educational, and political liberation. They can encourage their students to use these technologies to tear down the DMCA-erected fence that encloses the cultural commons and unlock the media texts entombed within (Nelson, 1987; Stallman, 2002). Doing so would provide students a critical, participatory, and transformative encounter with the media that pushes beyond You Tube's illusory promise of equal participation and fulfills the potential of the "we" media generation.

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