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Teaching Copyleft as a Critical Approach to “Information Has Value”

Kenneth Haggerty and Rachel E. Scott

Introduction

The credit-bearing classroom provides librarians with expanded opportunities to connect with students as teachers, mentors, and advocates. Both the content and approach of one-shot sessions are often driven by faculty requests for resource-based instruction. Librarians teaching credit-bearing classes do not face the same constraints on their time with students or limitations on instructional content. Accordingly, librarians in credit-bearing settings can go beyond demonstrating databases or teaching discrete skills to engage students in learning research concepts and to advocate for information-related social justice issues. One such advocacy issue is copyleft, a movement responding to the constraints of traditional copyright by allowing the licensed work to be used, modified, and distributed as determined by the work’s creator. By introducing students to the copyleft movement, librarians can encourage students to make their works more freely available and to engage in the conversation of scholarship. This chapter presents a case study of a research methods course in which students created and embedded Creative Commons licenses in digital platforms in order to encourage learners to critically evaluate the production and value of information.

Critical approaches to both information literacy pedagogy and traditional copyright situate this case study within critical pedagogy literature. Critical librarianship is interested not only in pedagogical practices, barriers to access, and cost of resources, but also more broadly in questioning

existing and inherent power structures in systems, organizations, and relationships. In this case study, students actively question traditional copyright, publishing systems, and the teacher-led classroom. The course and much of its content were inspired by critical information literacy, a practice that librarian Eamon Tewell notes, “asks librarians to work with their patrons and communities to co-investigate the political, social, and economic dimensions of information, including its creation, access, and use.”¹ In this course, the students, instructor, and librarian collaborated to ask questions and understand ideas and practices surrounding the production and use of information in various contexts.

From “Accesses and Uses Information Ethically and Legally” to “Information Has Value”

The Association of College & Research Libraries’ (ACRL) *Framework for Information Literacy for Higher Education* (Framework) provides a theoretical lens through which various research and information literacy concepts may be viewed. The Framework was intended to replace the ACRL *Information Literacy Competency Standards for Higher Education* (Standards), though some librarians and information professionals have identified complementary uses for both.² Several have written on the relative virtues of the Framework and Standards from a critical information literacy perspective.³ Conceptualizing the “information literate student” who has acquired skills, as in the Standards, removes the individual’s agency and perpetuates the banking model of education in which students passively receive and store information.⁴

The frame Information Has Value can promote useful discussions surrounding information as a commodity, a common good, a change agent, and/or a means of education. The overarching idea is that the importance of information varies contextually and culturally. Accordingly, the ways in which one signifies and ascribes value to the idea and practice of information are highly variable and often governed by economic, educational, and publishing systems. The complexity surrounding the many values of information is not limited by prescriptive performance indicators as in the relevant Standard. Additionally, Information Has Value encourages learners to acknowledge their own information contributions and to make informed and respectful decisions about their own and others’ information. The explicitly participatory nature of this frame differs from the relevant Stan-

ard’s objectives, which only address “the information literate student’s” use of others’ information.

Information Has Value provides a broad and useful system for understanding some of the many values that information offers and also addresses the need for equal access to information. The frame explicitly mentions publishing practices, intellectual property laws, author’s rights, and access to proprietary information, all of which independently represent complex systems with which even experts may struggle. Paired with these legal, economic, and technological issues is the possibility of leveraging information to bring about civic and social change. By acknowledging existing legal and corporate structures, but also advocating for social justice, this frame parallels the copyleft movement.

Copyleft as a Critical Response to Copyright

Although the first copyright law in the United States was passed in 1790, the notion of protecting the creative works of authors and inventors originated as a result of the leading publishers in England requesting perpetual rights to the works of authors in the early eighteenth century. The first statute that recognized the rights of authors was the Statute of Anne that was passed by the Parliament of Great Britain in 1710.⁵ The Statute of Anne had a significant impact on the provisions of the Copyright Act of 1790 in the United States, including fourteen years of copyright protection for author’s works and the right to renew for fourteen additional years. Similar to the Statute of Anne, copyright law in the United States was originally meant to protect the works of individual creators. According to Article 1, Section 8 of the US Constitution, the goal of copyright law in the United States is to promote the progression of knowledge by “securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”⁶

Since the original copyright law passed in 1790, there have been considerable changes to the types of works that are protected and the limitations on copyright, such as fair use and the length of time works receive protection. Currently, copyrights are primarily regulated by the Copyright Act of 1976, which includes the fair use doctrine. Fair use allows limited use of copyright-protected works if the use falls under the purpose of

“criticism, comment, news report, teaching (including multiple copies for classroom use), scholarship, or research.”⁷ In addition to fair use, another aspect of copyright is that after a certain period of time, works lose copyright protection and fall into the public domain. However, the amount of time in which works receive protection has continued to increase. In 1998, Congress once again prolonged the duration of copyright under the Sonny Bono Copyright Term Extension Act by increasing copyright protection from life of the author plus fifty years to life of the author plus seventy years. In the case of works made for hire and anonymous or pseudonymous works, copyright was extended to 120 years after creation or ninety-five years after the work is published, whichever is the shortest.⁸

Many of the changes to copyright legislation over the past two centuries have benefited corporate interests. In *Free Culture: The Nature and Future of Creativity*, Lawrence Lessig describes how corporations control the stream of creative efforts by independent creators. Lessig’s solution to this issue was to establish Creative Commons, the goal of which is “to build a layer of reasonable copyright on top of the extremes that now reign.”⁹ Encouraging the previously “excluded middle” to determine how their content is used empowers individuals who previously had only one option and few protections. Creative Commons lets individual creators protect their works while allowing others to freely learn and build upon those creations by providing creators with the ability to select and apply a license to their works that allocates the extent to which users may share, adapt, distribute, or sell their copyrighted materials. As an organization that is becoming more common among digital libraries, such as the Internet Archive and the Digital Public Library of America, Creative Commons has become ingrained in our society as a copyright alternative.

With such a long and complex history, students may not be familiar with traditional copyright laws, let alone the copyleft movement. Although not always the case, librarians have a responsibility to empower creators to understand the basic limitations and requirements of copyright and to present them with an alternative. The development of the internet has made it easier for individuals to share their copyrighted works with people all over the world. The ease of digitally sharing content has also made it easier to infringe upon the works of others. Yet, the possibility of infringement should not prevent individual artists from having the ability to decide how accessible they would like their works to be. Although individual creators

have a financial incentive to produce, they may also have an interest in how other creators may build upon their works. Creators should have a choice concerning how accessible their works are and whether other creators can make a profit off their materials. In addition, creators should have the ability to forfeit the copyright protections of their works and donate their creations to the public domain. Creative Commons allows creators to make these decisions and provides a valuable alternative to traditional copyright, which is why it is important for students to be exposed to the opportunities provided through Creative Commons.

Copyleft in the Critical Classroom

Selecting, acquiring, and promoting the use of traditionally licensed library content means that librarians devote much time and energy to copyrighted materials. In a recent talk at the University of New Mexico, librarian and author Barbara Fister remarked that “we spend a lot of time explaining libraries and their systems without connecting them to larger information systems.”¹⁰ As systems librarians, we are keenly aware of our conflicting roles in perpetuating and protecting proprietary information systems and advocating for open access and copyleft. In order to promote critical understanding of proprietary information platforms and systems and to connect these systems to the broader information ecosystem, we collaborated to introduce students in a semester-long introductory research class to Creative Commons licenses.

Librarians and educators have taken different approaches to teaching students to think critically about copyright. In a 2005 article on critical information literacy, Michelle Holschuh Simmons wrote that despite librarians’ good intentions, one-shot library instruction of ACRL Standard five, “the information literate student understands many of the economic, legal, and social issues surrounding the use of information and accesses and uses information ethically and legally”¹¹ was often limited to a warning about plagiarism. She asserted that “in order for information literacy to earn its place of respect in the higher education curriculum, this last standard should infuse all instruction instead of being an add-on.”¹² David Warlick, who researches education and technology integration, wrote that “the best way to help students understand and appreciate information as valuable property is to make them property owners.”¹³ This approach obviously

helps students appreciate the potential economic value of their work but also perpetuates the dominant system of copyright. Warlick also advocated for the instruction of Creative Commons licenses. Librarian Lili Luo's survey of participatory digital platforms integration in information literacy instruction revealed various integrated approaches to teaching both copyright and copyleft: "The way information is created and distributed ... (e.g., many users of Flickr choose to offer their work under a Creative Commons license) is used to teach copyright from a positive angle."¹⁴ By situating copyright and copyleft instruction in familiar digital platforms, students may experience fewer obstacles to engaging with the topic at hand. Additionally, the participatory nature of these platforms can empower students to establish parameters for how others will be expected to cite and use their work.

Honors Forum Case Study

The course in question, Honors Forum (UNHP 1100), is a one-credit hour requirement for incoming honors students. As the course is only offered in the fall semester, most students are in the first semester of their first year. UNHP 1100 sections are taught by faculty and staff from various academic and administrative departments. Instructors submit course proposals outlining their theme and approach and are selected on a competitive basis. University of Memphis Libraries currently offer no credit-bearing courses; teaching UNHP 1100 provides an opportunity to work closely with students and cover topics of interest over the course of a semester. Rachel has taught the course in the fall semesters of 2015, 2016, and 2017, and invited her new colleague, Kenneth, who has expertise in copyright, to collaborate on a copyright and copyleft session. Rachel plans the introductory research class around campus history and addresses each of the six frames in the Framework. In the class syllabus, the relevant objective for the Frame Information Has Value was presented by asking students to value information by using it "ethically and with an understanding of its context."¹⁵ The syllabus also included a required statement on academic misconduct, which addresses the appropriate use of information.

Throughout the semester, classes would begin with a discussion of the relevant ACRL frame. This is done to promote transparency about learning goals and to solicit student input on the concepts. Very often, students offered a different perspective or examples from their own experience to

echo the frame. Rachel prepared a few questions for each class meant to facilitate conversation about the concepts behind the frame. The goal was to let students take control of the direction of the conversation. On the few occasions in which conversation was less lively, slides with definitions, examples, and applications of the frame were presented and discussed. The slides were always posted to the class web space and offered to students as a supplemental resource, should they need some support while writing weekly reflection essays.

Prior to the Information Has Value session, the class studied the Frame Scholarship as Conversation. One of the classroom exercises for that frame was a group analysis of the citations in a *Slate* news article. Students took turns discussing the source quoted or referred to and the ways in which the author engaged with the original source. By discussing what types of individuals and organizations were cited, this exercise led to discussions of how individuals may be excluded from participating in information creation or dissemination. The associated assignment for Scholarship as Conversation asked students to reflect on how they had incorporated others' information in their prior academic writing. The Information Has Value instruction targeted knowledge practices related to personal information and authorial responsibility that had not yet been substantively addressed in the course, but by making explicit the need to specify how others use and acknowledge one's own work, it also related back to previous instruction on Scholarship as Conversation.

The goal of the Information Has Value session was to impart what values are legally ascribed to information and to introduce students to concepts of copyright, fair use, patents, and the public domain. One knowledge practice associated with this frame, the importance of citing other's ideas and work, was reinforced throughout the semester with short assignments that required students to incorporate a few external sources into brief essays. Rachel has taught the course on three occasions and twice invited an attorney to speak with the class about the value of information from a legal perspective. One semester, the attorney focused on the 2015 Google Books decision and another semester he played several musical examples to discuss sampling and copyright infringement. Students engaged by asking questions about covering songs, differences between patents and copyright, and the necessity and role of Creative Commons licenses.

The introduction to the Frame Information Has Value states that “legal and socioeconomic interests influence information production and dissemination.”¹⁶ This concept is likely not something that incoming undergraduate students will have been explicitly taught in a classroom. However, students certainly may have begun to question the legal and ethical implications of downloading content without paying, for example. By explicitly asking students about their own experience with or concerns about ethical and legal information use, we acknowledged the knowledge students bring to the classroom. Accordingly, it was interesting to learn where and how students had encountered Creative Commons licenses online and what they had understood their purpose to be. Many students reported that the Creative Commons logo was indeed familiar, but none had specifically investigated what the Creative Commons license meant for their interactions with the content.

After exposing students to existing laws and discussing how the law constrains the dissemination of information, we wanted to provide the students with an opportunity to question the need for traditional copyright in digital settings. The goal was to develop an assignment that would facilitate discussion surrounding the conditions of information production, enable students to investigate copyright alternatives, and understand their rights and responsibilities as information creators. To this end, students were asked to select and embed a Creative Commons license in their work and to write a 500-word reflective essay on the decisions they made throughout the process. Students chose a previously created work in any format that they are willing to digitally share with the instructor. Some used Flickr and Google Drive to publicly share the content, but most content is unlikely to be found by people outside of the course. Work was broadly defined as anything they created. Students selected digital photographs, digitized artwork, song lyrics, other creative writing excerpts, previously submitted papers or class assignments, and other works. They used the Creative Commons website to select an appropriate license and then embedded the code generated in any online platform.

In their reflective essays, students posed several questions about the process of selecting a Creative Commons license. The questions of how and if other people could actually profit from their work was eye-opening for many students and opened the door for conversations about commodification of personal information, how websites generate funds from advertis-

ing, and other topics. Some students asked about the license option, “Allow adaptations of your work to be shared?” Although many acknowledged that they had adapted other people’s content found online, some could not fathom that their content would hold the same interest to others. Rachel provided written feedback to all students and indicated their relative openness using Creative Commons scale from the most open: CC0 (Waiver) to the most restrictive license CC BY-NC-ND. Perhaps empowered by the opportunity to assert their authorial control, many students opted for more restrictive licenses and none opted for a waiver. The newness of the concept Information Has Value was clearly depicted in the students’ reflections; the surprise that their ideas, words, or artistic work had value was a common theme throughout the essays.

By teaching Creative Commons, we advocate for enhanced student awareness of copyright and copyleft. Anchoring instruction in the ACRL Frame allows librarians to draw on several useful knowledge practices and dispositions. Where the Standards were previously employed to teach citation and ethical use of proprietary information, the Frame Information Has Value has helped Rachel ask questions that encourage students not only to respect others’ ideas and content but also to respect their own contributions. By asking students to apply a Creative Commons license to their own ideas and hard work, we reinforced the value of their own information.

Conclusion

The goal of this instruction is to empower students to shift from passive consumer and user of information to informed creator and intentional disseminator. We hoped that by demonstrating the utility of Creative Commons and encouraging students to appreciate the ways in which they contribute information, they would gain confidence to participate in the ongoing conversation of scholarship. Instead of limiting discussion to the financial incentives associated with information creation, students are encouraged to consider the value of information to educate, empower, inspire, and resist.

US copyright law has become increasingly pro-corporation and Creative Commons licenses provide one opportunity to discuss copyright’s restrictions. This perspective acknowledges the commodification of in-

formation but also broadens conversations surrounding the students' perceptions of the value of information. By exploring Creative Commons licensing options and comparing them to traditional copyright, students not only gain confidence to critically examine copyright but also to question corporate publishing models that they will continue to encounter outside of academia.

Endnotes

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3. Ian Beilin, "Beyond the Threshold: Conformity, Resistance, and the ACRL Information Literacy Framework for Higher Education." *In the Library with the Lead Pipe* (February 2015); Emily Drabinski and Meghan Sitar, "What Standards Do and What They Don't," in *Critical Library Pedagogy Handbook*, eds. Nicole Pagowsky and Kelly McElroy (Chicago: Association of College and Research Libraries, 2016); Nancy M. Foasberg, "From Standards to Frameworks for IL: How the ACRL Framework Addresses Critiques of the Standards," *portal: Libraries and the Academy* 15, no. 4 (2015): 699–717.
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5. 8 Anne c. 19, 1710.
6. U. S. Constitution, article I, § 8.
7. United States Code. Title 17, Section 107.
8. United States Code. Title 17, Section 302.
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10. Barbara Fister, "Practicing Freedom for the Post-truth Era," speech delivered at University of New Mexico (March 9, 2017), 14.
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