
Rethinking Copyrights for the Library through Creative Commons Licensing

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ABSTRACT

Two recent and related social developments of note for libraries are an upsurge in cultural participation enabled by Web 2.0 media and calls in government policy for enhanced innovation through education. Ironically, these have occurred at the same time that increasingly stringent copyright laws have restricted access to cultural content. Concepts of governmentality are used here to examine these tensions and contradictions. In particular, Foucault's critique of the author figure and freedom as part of *the will to govern* within liberal democratic societies is used to argue for better quality copyright education programs in school libraries and library information science education programs. For purposes of teaching and research, copyrights are defined as agglomerations of legal, economic, and educational discourses that enable and constrain what can and cannot be done with text in homes, schools, and library media centers. This article presents some possibilities for renewal of school libraries around copyright education and Creative Commons licensing.

He [sic] who receives an idea from me receives instruction without lessening mine; as he who lights his taper at mine receives light without darkening me.

—Thomas Jefferson cited in Mitchell, 2005, p. 16

In the Web 2.0 world of user-led text cultures that exists so far, it seems, from that of school library media centers, one side of the coin making headlines in both the popular press and policy is the imperative for creativity and innovation. The other side of this shiny coin is copyright piracy and plagiarism. The irony here is that while the U.S. government is calling for young people to be “creative” and “enterprising” in order to be globally

competitive, recent changes to copyright law have created a context of constraint through fear of litigation around the flow of ideas and information. As librarians know full well, these ideological tensions are played out on a daily basis in school library media centers.

One reason for this inconsistency between national policy rhetoric and practice is that the emergence of *remix* and *mashup* text has complicated the notion of a single original author on which conventional copyright rules are based. The complication has, in turn, raised a host of questions for library practitioners and library and information science (LIS) educators and researchers. What, for example, are the implications of retooled, collaborative texts for copyrights and their application in school libraries? Or more importantly, and consistent with the theoretical framework of this article, what problem does the increasing regulation of the present cultural tsunami seek to solve through changes in copyright law?

The scholarly literatures of LIS generally have remained confined to library contexts through a focus on areas like information policy, collection management, children's (print) literature, information technology systems, and so forth. By contrast, this article extends the scope of inquiry beyond the walls of the school library to its social context. It does this by looking outside of the field to current ideas on political and social governance, and applying these to the *raison d'être* and pedagogical practices of school libraries.

Drawing from a social theoretical framework, Foucauldian conceptions of governmentality are used to examine discrepancies between government rhetoric and the reality of information access needed for libraries and citizens to meet the imperatives of innovation. It is argued that increasingly onerous copyright laws are a manifestation of global struggle as stakeholders squabble over the spoils of commodified information within so-called knowledge economies. My aim is to provide a theoretical lens for a critical reading of the actions of governments and the self as school library professionals in the ongoing work of creating learning spaces that are relevant, socially engaged, and productive. The paper calls for library professionals to seize the moment by riding the wave of emergent literacies through raising awareness of the role played by both conventional copyrights and new initiatives like the Creative Commons licensing framework.

THE NEED TO RETHINK COPYRIGHT IN THE LIBRARY

Thomas Jefferson's insight that ideas were non-rivalrous like fire, as expressed in the quotation above, was highly prophetic. When Jefferson penned this letter to his friend and colleague, Isaac McPherson, in 1813, it was as if he could see two centuries ahead to a time when ideas rather than things would drive national and international economies.

An understanding of the philosophical assumptions underpinning these developments is helpful here. In economics, a nonrivalrous good

is one that can be consumed without hindering consumption by others. Unlike a (rivalrous) apple that is destroyed in consumption, using non-rivalrous goods like fire, or an idea, frequently improves or extends them. Jefferson articulated this principle when he wrote that “ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man [sic], and improvement of his condition.” The philosophical framework underpinning this belief was the law of natural rights. That is, Jefferson argued that the principle was “peculiarly and benevolently designed *by nature*.”

Nature designed [ideas], like fire, expansible over all space, without lessening their density at any point, and like the air in which we breathe, move, and have our physical being, incapable of confinement or exclusive appropriation. Inventions then cannot, in nature, be a subject of property. (Jefferson cited in Mitchell, 2005, p. 16)

Jefferson’s faith in the perfection of natural systems is evident in the language used to frame the argument: namely, the language of the natural world (space and air). While the law of natural rights has been replaced as a framework for interpreting the social world, Jefferson’s understanding of the importance for society of the free exchange of ideas holds true.

For example, in an account of early U.S. copyright history, Ben-Atar (2004) shows how Jefferson’s approach worked for that fledgling nation, which built its strong economy largely on trade piracy. In theory the U.S. Constitution pioneered a new standard of intellectual property by granting Congress the power to “promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” In reality, however, America’s nineteenth-century economic prosperity was founded on a dual system that was inherently contradictory. On the one hand the Constitution espoused a commitment to intellectual property (IP) rights but, on the other hand, authorities lacked the political will to enforce the laws. In practice, widespread intellectual piracy occurred with the full knowledge of government officials who closed their eyes to industrial espionage and thereby facilitated the speedy take-up of industrial technology and innovation. This historical background provides a policy context for understanding what is happening with copyrights in the United States today.

In some ways, the situation today is the converse of nineteenth-century IP policy and practice. That is, a trend toward tighter IP and copyright control has occurred at a time when government policy is calling for cultural and scientific creativity to improve productivity. The pressures of a global economy are writ large, for instance, in the U.S. strategic policy document, *Tough Choices or Tough Times: The Report of the New Commission on the Skills of the American Workforce* (National Center on Education and the Economy, 2007). This document goes so far as to recommend opening

Personal Competitiveness Accounts at the birth of a child for the purpose of recording (i.e., making explicit and accountable) continuing education and training throughout an individual's lifespan as a means of encouraging and enhancing enterprise capacity. It is noteworthy also that Step 8 of the report's ten recommendations advocates development of skill in new literacies. As asserted below, copyright is integral to the take-up of retooled, hypermediated literacies.

A significant milestone in the social effects of copyright was the passing of the 1978 No. 98 law. This law did away with the need for registration of a copyright notice. Henceforth, copyright protection occurred in the moment that meaning was "fixed in a tangible form of expression." Any new work, including ephemeral text such as letters, e-mail messages, lecture notes, presentation slides, and even squiggling is copyrighted automatically. Further restrictions to access have occurred through the relentless extension of the period of copyright from the original fourteen years to the lifetime of the author plus seventy years after their death. This means that, under a conventional "all rights reserved" model, permission or payment is required unless the use is covered by exceptions such as the *fair use* or *fair dealing* provisions. Combined, these changes have meant that many cultural resources are consigned to the status of being "orphaned"; that is, copyrighted but without a locatable owner and, hence, unusable.

Content and copyright owners have used these changes to enforce protection of their rights and to increase profits at the cost of cultural participation. In the United States, in particular, intellectual property law has turned colors, smells, human genes, and musical renditions of silence from common cultural resources into private property (Perelman, 2002). Following this, the issue of the shrinking public knowledge domain has become a concern worldwide (see Atkins & Mintcheva, 2006; Bollier, 2003; Sell, 2003; Torremans, 2004).

Litigation for copyright infringement has become so prevalent that reference is made now to *linguistic realty*. This term refers to the trend toward the legalized ownership of words and phrases. A case in point is the attempt by the world's largest professional services firm, PricewaterhouseCoopers, to demerge and rename its consulting arm, *Monday*. In 2002 this global accounting firm spent a staggering US\$110 million seeking to rebrand itself as bleeding-edge by obtaining a monopoly on the word, *Monday*. Another example of linguistic realty is the commodification of factual information. Absurd as it may seem to the library profession, private firms in the U.S. database information industry that prepare weather forecasts for insurance companies consider their data proprietary (Bollier, 2005). What, then, will the copyrighting of phrases like "Mostly fine but a chance of showers" do to services provided by public agencies such as bureaus of meteorology? Along with many other examples of public goods that are

fast becoming private property, this would leave teachers, farmers, sports organizers, and entertainers literally “singing in the rain.”

In Australia, for example, since the signing of the 2004 Australia-U.S. Free Trade Agreement, copyright law has become increasingly restrictive and litigious (Rimmer, 2006). Changes include a further extension to the term of copyright and the introduction of offenses that move copyright infringement from the domain of civil law to that of criminal law. Neither negligence nor recklessness is considered a legitimate excuse. This means, in effect, that school children sharing retooled songs online can be classified as criminals. In response to international pressure to protect the interests of copyright holders, the Australian federal government has produced a wealth of legal and educational material (see, for example, House of Representatives Standing Committee, 2000). State education systems and boards of school studies too have published resources for teachers and students on copyright infringement and plagiarism (see Kapitzke, 2006a).

Indeed during the week that I started this article, the university institution where I work distributed an e-mail message to staff providing “advice” about copyright and the storing of music files on university networks. Faculty were reminded that music copied from purchased CDs could not be stored or played on university equipment without proof of permission from copyright owners and proof that the music was for purposes of teaching or research. The message informed faculty that network activity, *including activity off-campus*, was logged, and that representatives of Music Industry Piracy Investigations (MIPI) carried out surveillance of Internet traffic “looking for instances of illegal music use with a view to possible prosecutions.” The message closed with an ominous recount of how “three young Sydney men” were found guilty of criminal offenses for online music infringement even though no commercial gain was made from their activities, and that two of them had received prison sentences. It closed with the throwaway line that the music industry in the United States was currently taking legal action against the file sharing software program, *LimeWire*. As shown in the following section, many highly regarded legal specialists argue that this cultural logic of permission and punishment run counter to government rhetoric on the need for increased innovation and creativity.

The trend toward privatizing information through strong copyright law is also at odds with the eruption of creative self-expression afforded by social networking tools. Increased access to mobile media has eroded the longstanding divide that existed between the production and consumption of print text. Malleable digitized text lends itself to ongoing communal editing, and this has rendered existing copyright rules meaningless in the face of such collective creativity. Better communication through these networks has generated new textual genres built on communities

of interest and endeavor (e.g., Wikipedia). Commonplace examples of these genres include cooperative publishing with wikis and blogs, open source software in which communities of users modify and improve code, multiuser gaming where players contribute to the development and troubleshooting of software applications, and social networking environments such as Flickr and MySpace. Within a context of *prosumer-innovation*, as outlined by Tapscott and Williams (2006) in their book *Wikinomics*, networked peer-to-peer (P2P) collaboration is the means of potentially unlimited, bottom-up innovation.

Elsewhere, I have shown how national and international regulatory frameworks have disrupted the historical balance between access and use of other people's materials and diminished incentives for creativity (see Kapitzke, 2007). In the U.S. context, Doron Ben-Atar (2005) too writes that "in order to prevent 12-year-olds from downloading their favorite movie, the plaintiffs and their allies in the Justice Department are threatening our most cherished economic assets: the public sphere of knowledge and the conditions of intellectual exchange." As professionals working at the coalface of knowledge, technology, learning, and culture, school library media staff can make a difference to the way these issues unfold, for young people in their charge at least. With this belief in mind, the following section seeks to interpret these developments and to answer the questions posed above using contemporary social theory.

GOVERNING THROUGH THE AUTHORITY OF AUTHORSHIP

In a 1969 lecture titled *What Is an Author?* Michel Foucault (2003a) described the birth of the figure of the author, and showed how, since the early nineteenth century, this figure has regulated the social authority of meaning. Foucault's point is that the advent of a system of ownership of text—namely, rules relating to author rights, publisher relations, and rights of reproduction—established the "possibility of transgression attached to the act of writing" (p. 383).

Consistent with his notion of the individual as a social subject who constitutes and is constituted by discourse—imperceptible patterns of what can be thought, said, and done—the author does not precede the work, but is an effect of it. Rather than being a unique human being, Foucault conceived the author as a *principle* by which society "limits, excludes, and chooses; in short by which one impedes the free circulation, the free manipulation, the free composition, decomposition, and recomposition of fiction" (p. 390). Note that in this brief statement the word "free" is used three times. Further reference will be made to this below in discussion of open content licensing. Suffice it to say here, for Foucault the author was an ideological figure by which society "marked the manner in which we fear the proliferation of meaning" (p. 391). This is one of the many productive tensions intrinsic to the domain of copyrights.

Foucault conceded that society was unlikely to relinquish this commercially useful principle soon, but he also mused that there was no necessity for the author function to remain constant in “form, complexity and even in existence” (p. 391). Somewhat insightfully, he suggested that with the changes occurring in society currently, the author function would ultimately disappear. The question of whether this eventuates is really a moot point. What is at issue here is how user-led cultural participation is affecting longstanding questions around who speaks, and whether those words are, or indeed can be, “authentic” and “original.” This is the domain of copyright law and its application in educational contexts.

In an equally astute lecture titled *Governmentality*, Foucault (2003b) argued that the “art of government” changed in the nineteenth century when established practices for governing the family—known as “economy”—were applied at the level of the nation state. This shift of governmental focus from the person of the king and his territory to the wealth and welfare of citizens required forms of control that were as attentive to the minutiae of everyday life as the (male) head of a family was to his household and goods. Changing the mode of rule from the often-brutal imposition of sovereign law to ordering society through “the right manner of disposing things” (i.e., people and resources) generated the concept *population* and the *science of the state*, which was later called *statistics* (p. 238).

This new science of rule through a “governing mentality” entailed the formation of government policy as a form of policing and the application of law as techniques “to arrange things in such a way that . . . such-and-such ends may be achieved” (Foucault, 2003b, p. 237). This new and productive form of social power—“the conduct of conduct” (Foucault, 2003c, p. 138)—established the “freedom” of the liberal individual who governed himself by crafting “the good life.” This self-actualized life was fashioned from the governmental resources—including mass literacy, free schooling, full employment, public health, national identity, and so forth—provided by the modern state. Within this regime, social institutions and the professions of law, education, and medicine devised techniques of human classification and normalization that constrained social relationships and power relations in both positive and negative ways. School literacy, for example, meant that many were able to access democratic participation but it meant also that many were streamed into poorly paid jobs with low social mobility.

Following Foucault, a focus on the productive dimensions of power as well as the negative aspects opens a space for strategies of counterconduct that can be devised from and against the actions of administering others who exercise the will to govern. This conceptual framework affords a theorized approach to thinking about the ways in which recent copyright reforms take the ethical reconstruction of the copyright user as their central problematic. Copyright law is not an objective thing “out there” in the

world, and largely unalterable. Rather, for the purpose of this analysis, I define copyright as an effect of knowledge producing discourses and the powers these impute to those who give them expression.

That is, copyright rules constitute social practices with a technology of the law for the regulation of cultural expression within threatening conditions of abundance. Strong copyright protection solves two problems for governing authorities and those who lobby them (e.g., the copyright industries). First, it constructs a state of scarcity to keep prices high and, second, it drives the so-called information/knowledge/creative economy, which advantages advanced capitalist nation-states such as the United States and Europe.

Copyrights therefore can be conceptualized as agglomerations of elements around legal practice that are integrated by different discourses and material artifacts. Some of these elements are

- languages and vocabularies (e.g., legal jargon);
- texts and genres (e.g., government statutes);
- regulatory decisions (e.g., to extend copyright terms);
- material objects (e.g., judges gowns and gavels);
- architectural forms (e.g., law courts);
- social relations (e.g., creator/user; prosecutor/defendant);
- administrative measures (e.g., the auditing and keeping of photocopying records);
- pedagogical practices (e.g., educational programs on copyright);
- philosophical principles (e.g., natural rights and responsibilities);
- moral mandates (e.g., pronouncements on the immorality of “stealing” information);
- social subjects (e.g., the [un]ethical user of text).

The interplay of this array of elements generates a formation of expertise through official knowledge created to manage the regulation of cultural expression in and through text. Considering the political nonneutrality of copyright discourses and practices as is evident from this list, students deserve more than a functional induction into its legal mandates. Sophisticated information management tools and surveillance technologies are already micromanaging access to educational materials. Stanford University Professor of Law, Lawrence Lessig (2004, p. 295), claims that the purpose of this approach to access is primarily to protect existing information revenue architectures. Indeed, intellectual property proponents advocated a decade ago for establishment of pay-per-view structures of information access and for punitive scrutiny of copyright infringements (see Goldstein, 1994).

Clearly, commercial piracy of cultural materials is wrong and should be prohibited, but regulatory environments that prosecute young people for tinkering with text (language, image, or sound) by sharing digital re-

sources as part of their meaning-making universe are socially dangerous. In one of the few articles in *Library Trends* examining copyright, Rebecca Butler (2003) examined the challenges posed for libraries by Internet use and copyright law. Piracy and user privacy were two of many thorny issues discussed. The article concluded by asking “what should we do?” to turn difficulties associated with “copyright violations” into “win/win” and “learn/learn” situations without having to resort to policies of “copyright policing” (p. 315). The first of fourteen suggestions Butler provides was to educate library users through such means as copyright workshops. Following this exhortation, I turn now to discussion of some possibilities for this positive and proactive approach to copyright practice for school library media centers.

CRITICAL COPYRIGHT EDUCATION AND CREATIVE COMMONS LICENSING

Giving copyright education a higher profile than it has currently in school media center programs would go some way toward mitigating compliance to cultural regulation by assisting copyright owners—such as school students—and content users to negotiate the complexities of the law to their benefit. The conceptual framework used above to reframe copyright theoretically necessitates a critical pedagogical approach. A full consideration of the components of a critical copyright education program is not feasible here, but three possibilities are proposed as a way forward for school librarians and media teachers.

First is an appreciation of the changed political economy of text production and distribution within which libraries, teachers, and students currently operate. Bruns (2007) refers to the present textual terrain as characterized by *produsage* (“production” + “usage”), where traditional distinctions between producers and users no longer apply. Anyone with Internet access can edit and publish text. The reality that text is increasingly the result of collaborative endeavor has implications for how copyright is taught as teachers and students navigate their way through what can be a legal minefield. In contrast to the hierarchical taxonomies of centrally created and distributed conventions of “tagged” Internet content, Alexander (2006) refers to Web 2.0 networking as a form of “folksonomy” (“folk” + “taxonomy”) because nonexperts have a say in the creation of keywords. These changed text forms and relations need factoring in to school library curricula and LIS education programs.

A second possibility is awareness and support of alternate copyright frameworks that provide simple tools for licensing artistic and textual works. For those who are interested in open source software, GNU GPL (General Public License) of the Free Software Foundation is one example of a complementary approach to copyright (see Chen, 2007). Another that is more relevant to school contexts is the Creative Commons (CC) li-

censing initiative. As a worldwide philosophical movement and nonprofit organization, CC licensing seeks to sustain and extend the information commons by assisting copyright owners to license their creative products upstream through open content licensing protocols (Fitzgerald, 2006).

Similar to the free software movement's "copyleft" license, CC protocols use intellectual property rights to structure ongoing access to materials through the provision of more choice than the standard "all rights reserved" or "no rights reserved" (i.e., public domain) models of conventional copyright models. This range of rights includes four options for tagging creative artifacts:

- Attribution: Other people may use, modify and distribute the content as long as they give the original author credit.
- Noncommercial: Other people may use, modify and distribute the content but for noncommercial purposes only.
- No derivatives: Other people may use and distribute the content but cannot modify it to create derivative works.
- Share alike: Other people may modify the content and distribute derivatives but only on the condition that the derivatives are made available to other people on the same license terms. This term cannot be used with the No Derivatives term, because it applies only to derivative works. (Fitzgerald, Coates, and Lewis, 2007)

Young people's inventive use of mashup text utilizing "rip, mix, burn" (copy, modify, and share) techniques lend themselves to these simple protocols that are designed to ensure legality and downstream reusability of artistic works. It is estimated that some 300 million items variously licensed with CC rights are now available on the Internet (Phillips, 2008). In Australia, for example, a vibrant cultural commons of CC licensed materials has emerged as described in the book, *Building an Australasian Commons* (Cobcroft, 2008). A feast of creative innovation, this volume describes some sixty-five case studies of Creative Commons use across the sciences, industry, visual arts, museums, research, governments, and education. It stands as testimony to the emergence of a participatory culture enabled by the combination of networked technologies and smart copyright licensing.

A possible third dimension of a culturally and critically engaged school library program is the importance of critique within copyright education. This would entail the application of social theoretical insight to the teaching and learning of copyright opportunities and responsibilities. I am referring here not to critical theoretical approaches focusing on ideology critique and the quest for a more correct truth about copyrights. Rather, as Foucault (2003d) notes, ethical critique is not about exposing falsity or unmasking the unfair purposes to which copyright law has been put. Rather, following his methodology of studying the constitution and management of the social subject through disciplinary truths of, for example,

law and education, his conception of a “critical attitude” entails challenging the “arts of governing and sizing them up, transforming them, of finding a way to escape from them” (p. 265). Foucault calls this process a moral attitude, a “way of thinking,” an art of “not being governed like that, by that, in the name of those principles . . . by means of such procedures . . . *at that cost!*” (emphasis added) (p. 265). Critique, then, becomes a right to question truth on its effects of power.

While the research methodology Foucault outlines for achieving this may not be useful to nonresearching school library practitioners, the profession and LIS educators should at least be aware of their own location and function in this power-knowledge nexus. Whereas some would find the pedagogical approach suggested here confronting, my claim is that, because the nature of library work is so heavily implicated in the assignment, preservation, and dissemination of disciplinary knowledge and truths, then the question should be asked of that work, What kinds of student subjectivities (i.e., socially constituted ways of being) does the work construct, and are these desirable ones? How do these discursive practices enable certain forms of being in relation to culture and preclude others? How, for example, are the figures of the teenage copyright “criminal” and “pirate” produced, and for what social purpose? What social regularities and techniques of governing others and the self make these truths about access to textual meaning natural and acceptable?

Clearly, there is much research—and teaching—to be done in the area of copyrights as outlined above. This work requires practitioners and researchers who are interested, informed, and willing to engage in sometimes difficult dialogues. In a finely balanced argument tracing the history of library education since its inception in late nineteenth century United States, Lynch (2008) examines how and to what end curricular programs have and should focus variously on professional, vocational, and disciplinary content. She notes that a key issue generating sometimes “bitter” debate was that a focus on technical content—a vocational paradigm—comes at the cost of research expertise and capacity. In closing, Lynch rightly notes that libraries are not closing as predicted and that they require workforces to suit a changing social environment and public. I would like to suggest that, because copyright stands at the intersection of access to learning, literacy, culture, knowledge, and technology today, it comprises a site for the renewal and regeneration of school library media centers.

CONCLUSION

This article has noted tensions between possibilities for cultural engagement and the agendas of those with power to regulate them. Following the observation that government rhetoric is at cross-purposes with itself (i.e., “be creative” but within an increasingly onerous copyright permission environment), I have proposed that school library media center personnel

are a formidable force for advocacy on the part of young people and their literacy and learning needs.

Two major challenges face school library media centers within a policy context of No Child Left Behind. The first is relevance in the face of rapid social and educational change, particularly change in the literacy practices of young people (see Kapitzke & Bruce, 2005). The second is the need to resist the temptation to return to the compliant, safe spaces of conformist copyright education practices. The reality is that “thick” copyright protection impedes creativity because innovation depends on cultural experimentation and the free exchange of ideas. Freedom to be curious about culture and to fiddle with meaning in text is fundamental to being human. This is especially the case for young people who need room to push the boundaries of language, sound, and image for literacy learning (see Lessig, 2004, p. 47). Restricting access to the raw materials of creative endeavor is culturally shortsighted and counterproductive if society is genuinely to value enterprise and innovation in a global knowledge economy.

Notwithstanding this assertion, like conventional copyright, the notion of a critical copyright education should be understood as a governmental technology itself, one that may or may not emerge in the current historical moment through being taught to students. What is clear is that the digital future will unfold as stakeholders allow it and as educators and library professionals consent or dissent to the overt and covert directives of those constructing that future. Siva Vaidhyanathan is one such proactive player in this fluid field.

A critic of contemporary copyright law, Vaidhyanathan (2001, 2003) has described copyright as the canary in the coal mine of culture, marking the decline of democratic participation through free expression. The level to which society is currently self-censoring through copyright is an indication to him that corporate interests are winning this “war”—a term used frequently by scholars of copyright—at great cost to society. In a conversation I had with Siva, he placed the library profession at the heart of both the knowledge economy and a healthy democracy. As school librarians and LIS educators—a generative space where productive ruptures in practice can emerge—you therefore have cause for celebration because relevance is not a problem for you. Siva’s words provide a sweet note of affirmation and action to ponder upon:

Librarians should lead such a movement because . . . they are informed by ethics and a cosmopolitan sensibility. A movement by information workers is a good place to start conversations; political, ethical, and technological conversations. There is so much potential if we look at information workers globally. I think we can see an emergence of a new centre of potential power. (Vaidhyanathan in Kapitzke, 2006b, p. 452)

As Siva exhorts the profession, may it seize the day by capitalizing on these opportunities in that oldest of creative commons for young people, the school library.

REFERENCES

- Alexander, B. (2006). Web2.0: A new wave of innovation for teaching and learning. *EDUCAUSE Review*, 41(2), 34–44.
- Atkins, R., & Mintcheva, S. (Eds.). (2006). *Censoring culture: Contemporary threats to free expression*. New York: New Press.
- Ben-Atar, D. S. (2004). *Trade secrets: Intellectual piracy and the origins of American industrial power*. New Haven: Yale University Press.
- Ben-Atar, D. S. (2005). Hollywood profits v. technological progress. *The Chronicle of Higher Education*, 51(30), page B24. Retrieved June 23, 2009, from <http://chronicle.com/free/v51/i30/30b02401.htm>
- Bollier, D. (2003). *Silent theft: The private plunder of our common wealth*. New York: Routledge.
- Bollier, D. (2005). *Brand name bullies: The quest to own and control culture*. Hoboken: John Wiley.
- Bruns, A. (2007). Prodisusage: Towards a broader framework for user-led content creation. In *Proceedings of the 6th Creativity & Cognition Conference*. Washington, DC.
- Butler, R. P. (2003). Copyright law and organizing the Internet. *Library Trends*, 52(2), 307–317.
- Chen, S-L. (2007). Freedom as in a self-sustainable community: The Free Software Movement and its challenge to copyright law. In C. Kapitzke & M. A. Peters (Eds.), *Global knowledge cultures* (pp. 161–174). Rotterdam: Sense Publishers.
- Cobcroft, R. (Ed.). (2008). *Building an Australasian Commons*. Brisbane: Australian Research Council Centre of Excellence for Creative Industries and Innovation, Creative Commons Australia and Creative Commons International.
- Fitzgerald, B. (2006). Structuring open access to knowledge: The Creative Commons story. In C. Kapitzke & B. C. Bruce (Eds.), *Libr@ries and the arobase: Changing information space and practice* (pp. 271–280). Mahwah, NJ: Lawrence Erlbaum.
- Fitzgerald, B. F., Coates, J., & Lewis, S. (Eds.). (2007). *Open content licensing: Cultivating the creative commons*. Sydney: Sydney University Press.
- Foucault, M. (2003a). What is an author? In P. Rabinow & N. Rose (Eds.), *The essential Foucault: Selections from the essential works of Foucault 1954–1984* (pp. 377–391). New York: The New Press.
- Foucault, M. (2003b). Governmentality. In P. Rabinow & N. Rose (Eds.), *The essential Foucault: Selections from the essential works of Foucault 1954–1984* (pp. 229–245). New York: The New Press.
- Foucault, M. (2003c). The subject and power. In P. Rabinow & N. Rose (Eds.), *The essential Foucault: Selections from the essential works of Foucault 1954–1984* (pp. 126–144). New York: The New Press.
- Foucault, M. (2003d). What is critique? In P. Rabinow & N. Rose (Eds.), *The essential Foucault: Selections from The Essential Works of Foucault 1954–1984* (pp. 263–278). New York: The New Press.
- Goldstein, P. (1994). *Copyright's highway: From Gutenberg to the celestial jukebox*. New York: Hill and Wang.
- House of Representatives Standing Committee on Legal and Constitutional Affairs. (2000). *Cracking down on copycats: Enforcement of copyright in Australia*. Canberra: Commonwealth of Australia.
- Kapitzke, C. (2006a). Intellectual property rights: Governing cultural and educational futures. *Policy Futures in Education*, 4(4), 431–445.
- Kapitzke, C. (2006b). Cultural policy and copyright: A conversation with Siva Vaidhyanathan. *Policy Futures in Education*, 4(4), 446–453.
- Kapitzke, C. (2007). Intellectual property or intellectual (im)property: Toward a transcultural epistemology and ethics. In C. Kapitzke & M. Peters (Eds.), *Global knowledge cultures* (pp. 1–19). Rotterdam: Sense Publishers.

- Kapitzke, C., & Bruce, B. C. (2005). The arobase in the libr@ry: New political economies of children's literatures and literacies. *Computers and Composition*, 22, 69–78.
- Kapitzke, C., & Bruce, B. C. (Eds.). (2006). *Libr@ries: Changing information space and practice*. Mahwah, NJ: Lawrence Erlbaum Associates.
- Lessig, L. (2004). *Free culture: How big media uses technology and the law to lock down culture and control creativity*. New York: Penguin Press.
- Lynch, B. P. (2008). Library education: Its past, its present, its future. *Library Trends*, 56(4), 931–953.
- Mitchell, H. C. (2005). *The intellectual commons: Toward an ecology of intellectual property*. Lanham, MD: Lexington Books.
- National Center on Education and the Economy. (2007). *Tough choices or tough times: The report of the new commission on the skills of the American workforce*. Washington, DC: Author.
- Perelman, M. (2002). *Steal this idea: Intellectual property rights and the corporate confiscation of creativity*. New York: Palgrave.
- Phillips, J. (2008). *Creative Commons*. Retrieved February 4, 2009, from <http://www.scribd.com/doc/2364888/Creative-Commons-CC-Overview>.
- Rimmer, M. (2006). Robbery under arms: Copyright law and the Australia–United States Free Trade Agreement. *First Monday*, 1(3).
- Sell, S. K. (2003). *Private power, public law: The globalization of intellectual property rights*. New York: Cambridge University Press.
- Tapscott, D., & Williams, A. (2006). *Wikinomics: How mass collaboration changes everything*. New York: Portfolio.
- Torremans, P. (Ed.). (2004). *Copyright and human rights: Freedom of expression, intellectual property, privacy*. New York: Kluwer Law International.
- Vaidhyathan, S. (2001). *Copyrights and copywrongs: The rise of intellectual property and how it threatens creativity*. New York: New York University Press.
- Vaidhyathan, S. (2003). *The anarchist in the library: How peer-to-peer networks are transforming politics, culture, and information*. New York: Basic Books.

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