



RIP TO BURN OR BURN FOR RIPPING: PERSPECTIVES ON RE-USE

Julian Savage
Brunel University, United Kingdom

Abstract

This paper will address some of the key and often conflicting ideological debates concerning the re-use of audio-visual material, inclusive of both copyrighted and open source or copyright free content. With particular relevance to the educational context, I will outline some in-class strategies to highlight the complexities of economic versus human rights, (computer and web) access and the barriers to making clear aesthetic, ethical and social choices in regard to re-using content. This has relevance for media educators, students and practitioners alike.

A clerical note: Using Re-Use

One can say with some certainty that in the digital age a key aspect of the production and distribution of audio-visual documents is inherently linked to their *reproduction* and *re-distribution*. This has not been an exclusive practice of the new digitally immersed millennia, but the access to a surfeit of data, the means of production and the speed and ease of distribution has made re-purposing an inherent part of digital literacy.

Many concepts with distinct ideological overtones and historical trajectories are widely circulated and/or employed when discussing this phenomena. Ones like *détournement* (Debord and *The Situationists*) and appropriation (post-modern theory particularly in relation to the fine arts) are historically specific. Others such as remix or remixing with its link to 80s hip hop and mash-ups (again derived from DJ culture) are descriptive of a particular type of practice with artistic and/or commercial intentions. In the case of hip hop a combination of beat loops, vocal and instrumental sampling establishes an oscillation between reverence or homage and “freshness” or originality in the selection, combination and production.

Much of the academic writing concerned with this subject tends to focus on those artistic or politically motivated interventions that attempt to “undo” the intended meanings of the source material, to achieve what Eco terms an “aberrant decoding”. However, for the purpose of inclusiveness I will employ the concept of re-use to incorporate a wide range of styles, methods and aims that includes more varied practices such mash-ups distributed via social networking, commercial projects that free up material for viewers/users, student work, and so on.

Taking my cue from William Wees’ seminal study *Recycled Images: The Art and Politics of Found Footage Films* (1993), re -use, the act of using something again or more than once, carries the connotation of cultural knowledge being reusable, so would be inclusive of those project that recuperate & remediate as much as those that challenge and radicalise the raw data.

The State of “Play”: Practice in Practice

As the digital database swells with much of the worlds audio-visual catalogue and is then exchanged and re-used in a number of divergent realms – bought, sold and traded in the commercial, ripped, burned and shared with in the social, “found”, appropriated and politicised in artistic, academic and activist practices – the challenge for media educators to deliver relevant, engaging and nuanced learning around the notion and practice of re-use remains a daunting and crucial challenge.

Access to the much of the world’s media on-line combined with computers and devices with greater storage and software and applications that can download/upload, modify, and share has made easily available an extraordinary amount of media content that can be accessed, manipulated and re-distributed with little hindrance. As Horwatt notes “in the past, the economic difficulty for (often insolvent) artists to obtain film footage resulted primarily in the use of B-films, film waste and ephemeral materials as opposed to more expensive mainstream film prints”. Importantly, not only have the materials become ubiquitous but media re-purposing is no longer exclusive to an avant-garde elite, but whether it be doctoring photos, remixing music files or editing video, constitutes a significant aspect of the social networking phenomenon.

In an educational context film/video teaching materials have always been employed to assist in the learning process. Old film stock or video has always been used to in exercises to develop edit skills or other techniques. Many countries allow the use of copyrighted material in student assessments, which also aids the completion of assessments as often these projects are completed in very short time frames and resources are limited. The crucial shift in digitally oriented education is two-fold. Firstly, what was once only considered as an aid to learning – the practising of skills using previously generated material – has become the practice itself as media literacy now includes a wide range of techniques that employ re-use from video mash-ups, trailer re-edits, VJing, as well as the critical deconstructing of media content. Secondly the ease at which one can share or distribute material via portals such as You Tube and Facebook has made this practice readily visible. How to respond to the student who asks, A: Can we use copyright material in our projects? Followed by B: Can we put it on YouTube or Facebook to share with our friends? Presumably the answer to A should always be in the affirmative (more on this to come), but how to address the conundrum of the second question given the myriad ethical and legal questions at stake?

To consider an answer to this seemingly innocent, but fundamentally complex question we must, as any or all of educators, content creators and ethical members of society, embrace how the issues concerning re-use of media content are being addressed in international politics, in art, film and activist milieus and to try and understand what drives these practices. If the desire is for our students to make informed, critically engaged creative and ethical choices we can no longer simply fall back on traditional aesthetic or educational arguments. For, despite or in spite of the availability and potential of re-using media content there is a distinct schism between perceptions of how this data is accessed, circulated and used. The arguments concerning re-use tend to be polarised along the lines of either:

- A) Uploading, sharing and downloading (copyright) content is an illegal act regardless of how it is intended to be used and many governments have changed or are attempting to change internet legislation to:
 - i) Force Internet Service Providers (ISPs) to police uploading/sharing/downloading activity leading to prosecution of those deemed to have broken the law
 - ii) Introduce stringent penalties including cutting off internet access to recidivist “offenders”
 - iii) To prioritise the economic rights of big business specifically the music and film industries over internet users, which often jars with political rhetoric surrounding access and developing digital economies and knowledge based economies

Some examples include:

The French HADOPI law, which advocates a “three strikes” procedure, involves an initial email to an ISP provider who must monitor the user for further breaches leading on to a certified letter for a second offense and suspension or termination of access, as well as financial liability of the service. As at July 2011 over 470,000 initial emails had been sent¹.



The hotly contested SOPA (“Stop Online Piracy Act”) and PIPA (Protect IP Act) are bills in the United States house of representatives and senate, which are currently being rewritten, but originally proposed draconian measures to allow the shutting down of any site streaming or hosting copyright material.

The Digital Economy Act in Britain, which has included in a “throttling” clause, considered to be moderate in approach where broadband width is minimised as opposed to being cut. In conjunction with the encompassing ACTA (Anti-Counterfeiting Trade Agreement), a multi-lateral treaty intended to establish an international framework for prosecuting (amongst other things such as counterfeit goods, generic medicines) copyright infringement on the Internet and the ways in which the Internet is attempting to be governed is changing dramatically.

- B) Those who oppose legislation such as HADOPI, Sopa and the like advocate a liberal approach to access and champion an open and free Internet where people are not to be denied access unless under extreme circumstances. Recent proponents include:
 - i) The United Nations who has concluded “facilitating access to the Internet for all individuals, with as little restriction to online content as possible, should be a priority for all States.” The UN’s position argues that the Internet is a human right as it is an aid in combating inequality and accelerates development. The report also concludes that copyright infringement – typically equivalent to a minor theft charge – if not sufficient grounds for denying people access to education, networks, business opportunities that the net provides. The report cites recent events of the Arab spring, stating that:
“The recent wave of demonstrations in countries across the Middle East and North African region has shown the key role that the Internet can play in mobilizing the population to call for justice, equality, accountability and better respect for human rights. As such, facilitating access to the Internet for all individuals, with as little restriction to online content as possible, should be a priority for all States.”ⁱⁱⁱ
 - ii) Advocate groups such as Copyleft, Reporters Without Borders, Open Rights Group, et al argue that the Internet is “human resource” not governable, but driven by user generated needs and should not be subjected to disproportionate policing and criminalisation of use. Other critiques suggest that the entertainment companies, who alone have the lobbying clout and resources to make these demands, are relying on out-moded economic models and that they should be responsible for developing new strategies to elicit “legitimate” customers.

This places educators in an awkward position as to how to address these concerns in an educational context as:

- A) Arguing “just say no” does little to engage with the complexity of the issue, while it may satisfy government policy (and legal concerns). Conversely, advocating an open approach may be potentially damaging to student well being and perceptions of institutional learning.
- B) Relying on the exception that educators and students are “allowed” to repurpose copyrighted material under the rubric of education also circumvents the issue of distribution as the ease at which this material can be uploaded to Youtube or other video sites needs to be understood as inherent of any learning outcome.

Educators such as Henry Jenkins argue that re-use (“the ability to meaningfully sample and remix media content”) should be taken as a core media literacy skill. He rightly points out that “sampling intelligently from the existing cultural reservoir requires a close analysis of the existing structures and uses of this material; remixing requires an appreciation of emerging structures and latent potential meanings. Often, remixing involves the creative juxtaposition of materials that otherwise occupy very different cultural niches”^{iv}. His justification for teaching this runs along the lines of the aesthetic imperative – that no artwork is created *ex nihilo* – so that creatives (students) should be able to draw on pre-existing works. Whilst noble in its conception educators need to do far more if they are to provide students with the necessary technical, conceptual *and* critical tools. Included in this is the array of ethical choices one may consider when deciding to download or upload material and, further, if this material is to be re-purposed then to understand context and consequences of choices.

Wees succinctly writes that when producing critically motivated re-use films and videos “the critique involves extracting images from the spatial-temporal and narrative continuity in which they were originally embedded and through which they acquired their original, intended meaning(s) and placing them in new contexts shaped by new intentions and new, unconventional artistic techniques. Although the original contexts and meanings usually continue to be apparent, the images in their new contexts also produce new meanings, alternative readings, or, in semiological terms, “aberrant decoding” and further that the “appropriating and recontextualizing of mass-media images can challenge and offer alternatives to the conventions and clichés of the dominant media.”^v This level of sophistication, of being able to take and employ the materials and tools of media to comment on itself, is what we want our students to aspire to. To achieve this we will need to take a blended learning approach to transform the skilled advocate of social networking into critically engaged producers.

In Class Strategies for Teaching Re-use

Having outlined some of the key issues concerning re-use let me suggest some strategies for teaching the subject matter in a class-based context.

1. Finding Source Material: Limit the Scope

The first point to be made is that not all audio-visual material downloaded from the Internet is copyright protected. There is a vast amount of material that is available where copyright has either lapsed or never applied. Resources such as archive.org (which incorporates the magnificent Prelinger archives) are effectively audio-visual databases, replete with footage. Material can also be purchased commercially, but this is often prohibitive to student expectations. There are also a number of instances where footage has been made or is available by commercial companies or organizations. The most infamous example was linked to a commercial tie-in Chevrolet motor company had with the television programme *The Apprentice*. As Horwatt outlines:

“Chevrolet attempted a viral marketing campaign that gave internet users a platform to edit footage and music for a contest to design an advertisement for their new low fuel, economy large size SUV -- the Chevy Tahoe. Instead of a glossy new car ad, they were bombarded with satirical commercials, which flooded their website and the Internet with messages about the environmental irresponsibility of buying the vehicle. This was not just an example of viral marketing gone bad, it was symptomatic of a collision between digital technology, contagious media and remix culture”^{vi}.

In 2010 the BBC produced a series called *The Virtual Revolution*^{vii}, which traced the history of the Internet, interviewing many of its pioneers including Tim Berners-Lee. Under the BBC’s “permissive licence” a small amount of audio (interviews, soundtrack music), video (outtakes, coverage, interviews) and graphic material was made available to users to download and re-edit. Ironically, for a programme purporting to be all too knowledgeable about the zeitgeist of the Internet they suggest that you download the (documentary) to make a



documentary! I have used this as source material for a class exercise to illustrate that with limited (re)sources one can create a video with wildly differing views and perspectives. Students are given one week to complete a one or two-minute video and we then play the films in class with critical feedback. The exercise has the benefit of:

1. Illustrating that re-purposing material can be immediate and engage with current events.
2. Even with the same material available it can be manipulated in a myriad of ways and students can begin to understand how repurposing can shape ideological positions both in terms of the original messages and what the creative "intervener" wants to relate
3. In this instance the subject matter is highly self-reflexive in that it is specifically concerned with the nature of the internet and allows students to create their own views, which may be different from the assertions of the programmes "experts".
4. The advantage of using a finite source of information makes a focused, coherent project more likely. To ask a novice to "find some material on the Internet" is like being trapped in Aladdin's cave being dazzled by wonders that don't point to a clear path of escape.

Just as there are video resources there are also sound libraries available, but unlike a film that is shot with a pro-filmic event where all the artifice of cinema can be manipulated (exposure, lighting, framing, and so on) the process of making a re-use video is almost an inversion in that the filmmaker must seek out a pre-existing shot to "fit" in a sequence. This often requires extensive research, "finding" appropriate material, logging and capturing to compatible formats and extensive experimenting and refining in the editing phase of production. Once again the issue of time comes into play.

By restricting the source material and the turnaround for the outcome to be completed one can illustrate the key triumvirate of finding suitable resources, practicing technique and comprehending the crucial difference between intended meanings and those that can be achieved by re-purposing. This can then lead onto more ambitious and longer projects.

2. Speaking the (Filmic) Language: Trailer Mash-ups

One shouldn't expect students who have no or limited experience of watching or making re-use videos to understand all the nuances of the material they employ. Many may only be familiar with parodic mash-ups of the ilk found on thetrailermash.com. In these movie trailers are re-cut combining the image and sound from two or more sources. The general effect whether it is Pulp Fiction vs The Lion King or Jaws vs James Bond is one of defamiliarisation with comic intent – a violent or sexual scene is crossed with a source intended for "family" viewing. While many trailer mash-ups do not have a strong political agenda, Horwatt points out that they "have become increasingly sophisticated, leveling prescient critiques at films and how they are marketed, produced and politicized"^{viii}. They do this by employing the very tropes that attempt to dupe potential patrons of a film's relative merits and are therefore another viable option when considering an exercise where students can practice grappling with these ideas.

3. The Case For Test Cases: Obama Jokerize of & Planet of the Arabs

A useful way to consider the impact of re-use is to look at specific case studies and outline the impact that they have had and how specific techniques have been used to articulate a particular ideological position.

3.1 The Jokerisation of Obama

In 2009, a 20 year-old Palestinian-American student from the University of Illinois, Fasih Alkhateeb was taught a technique in one of his classes known as "jokerize". The process involved taking an image of the character of the joker from The Dark Knight film which be altered in Photoshop, transposing the make-up onto another image. Supposedly bored with no political agenda the student practiced the method using a 2006 Time cover of Barack Obama and then posted it on his Flickr account. An unknown person then took a copy and added the caption, "Socialism".



The image went viral and is considered as the "American right's first successful use of street art". Peter Bradshaw in the Guardian described it as "the single most chilling - and brilliant - piece of poisonous political propaganda I think I have ever seen"^{ix}, due to the image's racist overtones of the inversion of the "blackface" caricature. For his seemingly innocent act Alkhateeb had his Flickr account shut down and the image removed. Of interest in this context is how an anti-Obama saw the potential for the image that the creator had not. In this instance the student was had learnt the skills and technique, but not the power of the attendant meaning.



3.2 Planet of the Arabs*

A multi-headed beast is Jackie Salloum's epic film-historical video collage *Planet of the Arabs*, which reveals the "systematic racism towards Arabs and Muslims propagated in Hollywood films". She was "inspired by the book 'Reel Bad Arabs' by Jack Shaheen, where he documents over 1000 Hollywood films that have Arab or Muslim characters in which 12 were positive depictions, 50 neutral and the remaining 900 or so were negative"^{xi}.

Composed of footage from a wide ranging texts from the repugnant Chuck Norris in *Delta Force* to seemingly innocuous antics of Doc in *Back to the Future*, the video is arranged like a feature-style trailer, somehow injecting ironic humour into the disparaging and depressing unrelenting vilification of Arab people in American popular culture.

What is telling in this video is the sophisticated rhetorical effect of employing mainstream film tropes (the hyperbolic promotional trailer) to expose a casual and persistent practice inherent to the very "system" that the film critiques. This is a salient example of an informed and skillful application of appropriation, where the creator clearly understood the intended messages and how she could radically re-calibrate those meanings emphasizing repetition and juxtaposition amongst other rhetorical devices.

Conclusion

Digital learning tools are a necessary aid, as they enhance the ways in which communication is evolving in social, work and even institutional settings. Working with re-use in an educational context can be a hugely rewarding and gratifying learning process. Students can not only heighten their understanding of the mechanisms and structures of media language and how it can be altered and manipulated for very different means, but also put this knowledge into practice. It is the hope that with adequate guidance they are able to evolve from passive receptors of media to critically engaged, active user-generators with the ability to decode and remix media. Given the ubiquity of the materials and tools and the ease of distribution it is the sorting, filtering, ordering and editing that remain the greatest pedagogical challenge. Comprehending the subtle shifts and flows in cultural meaning when creating video bricolage and understanding the difference between intended meanings and those that alter with changes in context is still crucial to grasping the effectiveness of re-use. Being aware of the social context and the rapidly changing political landscape is also essential.

Endnotes

ⁱ Horwatt, 2009:76

ⁱⁱ <http://torrentfreak.com/france-tracks-down-18-million-file-sharers-110714/>

ⁱⁱⁱ La Rue, 2011:21

^{iv} Jenkins, 2009: 57-58

^v Wees, 2002:3

^{vi} Horwatt, 2009: 76-77

See: http://www.youtube.com/watch?v=XA6dLFrAFII&list=PLD52BD242C8855525&index=3&feature=plpp_video

http://www.youtube.com/watch?v=4oNedC3j0e4&list=PLD52BD242C8855525&index=2&feature=plpp_video

^{vii} <http://www.bbc.co.uk/virtualrevolution/archive.shtml>

^{viii} Horwatt, 2009:82

^{ix} <http://www.guardian.co.uk/film/filmblog/2009/aug/19/obama-joker-heath-ledger-poster>

^x The video can currently be found at:

http://www.youtube.com/watch?v=M1ZNEjEarw&list=PLD52BD242C8855525&index=7&feature=plpp_video

Like many remix videos that are critical of commercial cinema they are subject to regular takedown notices, so this URL can hardly be considered reliable.

^{xi} Artists statement found at: <http://infocusdialogue.org/artists/jackie-salloum/>

References

- Debord, Guy and Gil J. Wolman (1956) A User's Guide to Détournement, trans. Ken Knabb (2007), *Situationist International Anthology*. Berkeley: Bureau of Public Secrets, pp. 8-13.
- Eco, Umberto (1986) *Travels in Hyperreality*. New York, Harcourt.
- Eisenstein, Sergei (1949) *Film Form*. New York: Harcourt, Brace & World, Inc.
- Horwatt, Eli (2009), "A Taxonomy of Digital Video Remixing: Contemporary Found Footage Practice on the Internet", in *Cultural Borrowings: Appropriation, Reworking, Transformation, A Scope eBook* (online Journal of Filma and Television Studies)
- Jenkins, Henry (2009), *Confronting the Challenges of Participatory Culture: Media Education for the 21st Century*, Cambridge, Massachusetts: MIT (digital edition)
- La Rue, Frank (2011), *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, Human Rights General Assembly, United Nations
- Russell, Catherine (1999) *Experimental Ethnography: The Work of Art in the Age of Video*. Durham: Duke University Press.
- Wees, William C. (1993) *Recycled Images: The Art and Politics of Found Footage Films*. New York: Anthology Film Archives.
- Wees, William C. (2002) The Ambiguous Aura of Hollywood Stars in Avant-Garde Found Footage Films, *Cinema Journal* 41 (2), pp. 3-18.