Chapter VI

Feminism and Copyright in Digital Media

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ABSTRACT

This chapter examines the relationship between hypermedia and feminist discourse, critiquing the role of copyright in controlling or suppressing such discourses. Hypertext and related media may lend themselves to relational webs of meaning rather than linear progressions of meaning. Given the importance of non-hierarchical, associative webs to feminist discourse, digital media may lend themselves to feminist modes of thinking or, at a minimum, challenge dominant textual constructions. However, current copyright doctrine assumes that works remain linear, hierarchical, and controlled. The exclusive rights conferred by copyright and, most especially, the right of adaptation lend themselves to authorial control over not only the text, but to a reader’s use of the text. This deterrent characteristic of copyright has appeared in several recent legal disputes involving hypertext linking and annotation. Thus, copyright remains hostile to non-traditional collaborative or relational user engagement. This hostility may ultimately frustrate copyright’s purpose of promoting the “progress” of knowledge.
INTRODUCTION

The confluence of feminism and hypertext, and its implications for copyright, is perhaps best illustrated by a short vignette, drawn from the first day of my first job as a tenure-track assistant professor. Accompanied by my spouse, I went to find the associate dean in order to procure the keys to my new office.

We found him in his own office, discussing with his research assistants the transfer of a textbook he had authored, from print media to an electronic version. The platform to which the textbook was being ported included full-text search capability, hyperlinking, and pop-up annotations. As we entered, he was in the process of instructing his assistants on adding pagination to the electronic version.

Being the technologically savvy brand-new assistant professor that I was, I pointed out that pagination was really unnecessary in a text that had so many other options for user navigation. He responded by articulating with some vigor his views on the need for page numbers, which led to a fairly animated discussion about the propriety of pagination in a hypertext document. Realizing that my view was unlikely to prevail and that provoking an argument with a senior colleague before I had even begun my new job was perhaps risky, I exercised the better part of valor, obtained the keys, and my spouse and I excused ourselves.

“He thinks like a man,” my spouse observed after we were a distance down the hall.

I admitted that this observation was likely correct, but queried as to what precisely she might have meant.

“He wants everything to be all linear — sequentially numbered,” she said. “As a woman, I actually feel much more comfortable making my own web of associations among the subjects in a casebook. Not adopting the order that someone else imposed.”

Surprised, because neither her professional training nor her taste in reading was likely to have prompted the feminist terminology entailed in that particular observation, I asked if the name “Carol Gilligan” meant anything to her. She replied that it did not, and we spent a pleasant hour discussing Gilligan’s metaphors of masculine “ladders” and feminine “webs” of meaning. But my spouse’s immediate association of hypertext, relational meaning, and linear thinking illustrates the associations that have similarly developed in the academic literature at the intersection of these topics.
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