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IN FOCUS: Fandom and Feminism

Gender and the Politics of Fan Production

Introduction

by KRISTINA BUSSE

When *Cinema Journal* asked me to provide a possible image for the cover of this issue, several came to mind. Yet trying to find an accessible, representative, legal, high quality picture proved difficult. In fact, my search for such an image metonymically illustrated many of the central concerns addressed in this In Focus. There are many amazing works of fan art and screenshots from fan vids (TV or film clips cut to music), but most of them require at least an understanding of the source text, if not the fannish context, to become comprehensible. Many of these images might not strike a casual reader as feminist because the feminist impetus lies in the way women manipulate and co-opt media representations. In addition, these images draw from copyrighted sources, so that most are on uncertain legal grounds, even as fans and scholars alike argue for their legality on transformative grounds.[1] Finally, the greatest—and possibly most telling—obstacle in obtaining a useful cover image is that of finding a source with sufficiently high resolution. Fannish art is grassroots and amateur, and predigital, third- or fourth-generation sources often produce deteriorated or low-quality images. Trying to showcase fannish creations is thus complicated by the very subcultural constraints that make it worth studying in the first place.

"Fandom and Feminism" offers a fruitful pairing that allows us to consider the work of feminism in popular culture and the role of media texts within feminism. The different contributors in this section all focus on various dimensions of what has been termed *media fandom.* In the late 1960s, a group of science fiction fans started focusing on television and film, foregrounding characters and narratives. These

1 Transformative works take existing artifacts and add to or alter them to create a new message or meaning. Fans circulating fan fiction, fan art, and fan vids rely on the fair use legal protection afforded to transformative works. See Rebecca Tushnet, "User-Generated Discontent: Transformation in Practice," *Columbia Journal of Law and the Arts* 31 (2008): 101–120, http://www.tushnet.com/law/usergenerated.pdf; Sarah Trombley, "Visions and Revisions: Fanvids and Fair Use," *Cardozo Arts and Entertainment Law Journal* 25 (2008): 647–685, http://www.cardozoaelj.net/issues/08/Trombley.pdf. All URLs cited herein were accessed on November 28, 2008.

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primarily female fans began creating stories, art, and videos that continued, expanded, and analyzed the narrative universes and transformed the visual stimuli, with *Star Trek* (NBC, 1966–1969), in particular, spurring the imagination.[2] This particular community, often called media fandom, has been extensively studied and is seen by many creative women fans as their predecessors. These fans feel a deep sense of community and are engaged in a complex subcultural economy—using work time to write about copyrighted characters, teaching one another how to use complex technological equipment to create zines for free, and so on.[3]

Recent scholarship on media fandom in particular has attempted to take into account the ever-growing diversity of fans and fan works, often focusing on a particular fandom or even a single fan work.[4] In fact, legitimizing fan works as objects of study in their own right, rather than merely products of an interesting subculture, may be one of the most important shifts in fan studies. Several of the essays presented here do just such close analyses: Francesca Coppa's reading of the Clucking Belles' "Fannish Taxonomy of Hotness" (2005) and Alexis Lothian's reading of Lim's "Us" (2007) both offer analyses of specific fan works even as they connect these to larger concerns. Both of these fan vids address many of the issues raised during my search for a perfect cover image: each draws from a variety of sources that may be familiar to a particular community of media fans but often are more obscure to other TV viewers. Explaining how and why a particular scene resonates for a fan may indeed rely on the shared knowledge of a story, vid, or central fan discussion. Both vids thematize the active viewing and manipulation done by fans. The Clucking Belles' vid foregrounds the repetitive use of tropes that illustrates how many woman fans appropriate and reinterpret these images; Lim's vid actively manipulates the visuals to indicate how fans change and transform the text. "Us" also directly addresses concerns over ownership by manipulating a famous *Batman* screenshot to show Batman gazing up at a copyright symbol.

The story of media fandom is one steeped in economic and gender concerns, from the beginning, when women began creating the narratives commercial media wouldn't offer—dominated as it is by male producers—to the recent founding of the nonprofit advocacy group for fan works, the Organization for Transformative Works: from the first woman asking about Spock's childhood to the current debates about gender

2 The year 1967 saw the first fanzine, *Spockanalia,* with stories, analyses, and drawings; 1972 saw the first specific fan convention; and 1975 saw the first proto–fan vid by Kandy Fong. For a history of early media fandom, see Jacqueline Lichtenberg, Sondra Marshak, and Joan Winston, *"Star Trek" Lives!* (New York: Corgi, 1975), and Joan Marie Verba, *Boldly Writing: A Trekker Fan and Zine History, 1967–1987,* 2nd ed. (Minnetonka, MN: FTL Publications, 1996). For an account of early fannish vidding, see Francesca Coppa, "Women, *Star Trek,* and the Early Development of Fannish Vidding," *Transformative Works and Cultures,* no. 1, http://journal.transformativeworks.org/index.php/twc/article/view/44.

3 Henry Jenkins, *Textual Poachers: Television Fans and Participatory Culture* (New York: Routledge, 1992); Camille Bacon-Smith, *Enterprising Women: Television Fandom and the Creation of Popular Myth* (Philadelphia: University of Pennsylvania Press, 1992).

4 For more recent studies on fandom that fruitfully expand on the work of the early 1990s, see Matt Hills, *Fan Cultures* (New York: Routledge, 2002); Cornel Sandvoss, *Fans: The Mirror of Consumption* (Cambridge, UK: Polity Press, 2005); Karen Hellekson and Kristina Busse, eds., *Fan Fiction and Fan Communities in the Age of the Internet: New Essays* (Jefferson, NC: McFarland, 2006); Jonathan Gray, Cornel Sandvoss, and C. Lee Harrington, eds., *Fandom: Identities and Communities in a Mediated World* (New York: New York University Press, 2007).

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concerns in fan studies;[5] and from Coppa's discussion of the revolutionary potential of the VCR in feminist viewing experience to Lothian's analysis of the ways such feminist textual productions instantiate a radical politics of digital reappropriation. Likewise, gender and economics are driving concerns in the conversations between Karen Hellekson, Abigail De Kosnik, Julie Levin Russo, and Lothian on the role of fannish gift culture and the potential values and dangers of convergence culture.[6] Some scholars posit that today all viewers are interpellated as fans, that they are invited to engage fannishly by creating content and engaging within an imaginary online community. Does this mean that the old subcultural stance of media fandom has become obsolete in the face of a general shift in media consumption? Moreover, if such convergence can allow fans to become parts of the media industry, should fans embrace these options? And how are these economic issues deeply gendered if predominantly female spaces embrace gift cultures while men are more likely to turn their fannish endeavors into for-profit projects?

At the beginning of the first essay, Francesca Coppa invokes the fetish, an object of excess attention and obsession, whether sexual, religious, or economic. Fandom and feminism may indeed be read against a history in which women *are* the fetish, in both the psychosexual and socioeconomic arenas: women (or at least parts of them) have often been fetishistic objects while also adding value to commodities, often without gaining capital themselves. Thus, when Coppa uses the fetish to interrogate women's desire and ability to transform visual texts into meaning-making creations of their own, she hints at the fetish's economic meaning. Underneath her analysis of sexual desire hides a more complex negotiation that touches on visual texts as commodities and cultural value systems.

In subsequent pages the contributors define and describe fandom as a space that ventures to invert subject-object relationships on any number of levels. The most obvious instance in which fans complicate established binary relations is when they return the gaze as they manipulate representations of (and by) men and actively edit in their own desires. At the same time, the authors illustrate how fannish creation and culture attempt to not only invert but also break down clear binaries: writers become readers and readers become writers; texts remain unfinished and become fertile ground for new rewrites; community interaction and creative production become indistinguishable as creative endeavors turn into commentary and criticism into fan works; commercial interests become complicated as a gift economy questions capitalist models of labor and exchange while nonetheless participating in them in various ways.

Fandom is always more complicated than the stories we tell about it, and scholars need to be careful not to create an imaginary feminist idyll. Simply inverting the gaze may keep subject/object relations unquestioned—a concern that has become especially important as queer and trans studies have complicated any naive feminist binaries that may have held sway during early years of media fandom. Likewise, as

5 See the summer 2007 blog debate on gender and fan studies hosted by Henry Jenkins at http://fandebate.livejournal.com/.

6 Henry Jenkins, *Convergence Culture: When Old and New Media Collide* (New York: New York University Press, 2006).

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De Kosnik and Russo illustrate, an unequivocal embrace of noncommodified fan work remains problematic within a world that requires paying the bills. What these essays show, however, is that media fandoms, which may appear parasitical, unimaginative, and juvenile to the uninitiated observer, indeed carry with them endless creative potential. They also contain a complex theoretical promise to interrogate and contribute to areas ranging from feminist media studies and film studies to feminist economics as well as new media studies and cultural theory. *

A Fannish Taxonomy of Hotness

by Francesca Coppa

In "Film and the Masquerade: Theorizing the Female Spectator," Mary Ann Doane claims that it is "extremely difficult, if not impossible" for women to be fetishists, that they do not have the requisite lack.[1] But for many fannish vidders, fetishism is not associated with lack and loss, but with surplus and pleasure. Take, for example, "A Fannish Taxonomy of Hotness (Hot Hot Hot!)" (2005), a fan vid made by the Clucking Belles. This vid invites its female spectator to a veritable orgy of scopophilia and stages, as its playfully scientific name suggests—sufficient emotional and visual distance to qualify as fetishistic. "A Fannish Taxonomy of Hotness" not only tells us about how some women watch television, but it also creates new conditions of possibility that recall other moments of successful female erotic spectatorship. *Vidding,* as an art form made through editing, also complicates the familiar symbolic characterization of women sewing and men cutting. Vidding women *cut,* slicing visual texts into pieces before putting them together again, fetishizing not only body parts and visual tropes, but the frame, the filmic moment, that they pull out of otherwise coherent wholes.

"A Fannish Taxonomy of Hotness" is part of the thirty-year tradition of fannish music video known as vidding. Practiced overwhelmingly by women (as opposed to fan filmmaking, which remains male dominated[2]), vidding is an art in which clips from television shows and

1 Mary Ann Doane, "Film and the Masquerade: Theorizing the Female Spectator," in *Feminism and Film,* ed. E. Ann Kaplan (Oxford: Oxford University Press, 2000), 425.

2 All the *Star Wars* fan films in Henry Jenkins's "Digital Filmography" were made by men, but there are few male vidders. See Henry Jenkins, "Quentin Tarantino's *Star Wars?*" in *Media and Cultural Studies: Keyworks,* rev. ed., ed. Meenakshi Gigi Durham and Douglas M. Kellner (Malden, MA: Blackwell, 2006), 575–576.

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movies are set to music to make an argument or tell a story. The song is used as an interpretive lens; the music and lyrics tell us how to understand what we see.[3] The vid makes a seemingly simple argument; it sets images from a wide-ranging number of popular movies and television shows to Buster Poindexter's dance hit "Hot Hot Hot." Both song and images play with what it means to be "hot": the Clucking Belles not only label various images as hot but also articulate the feelings they induce in the spectator—these visuals make *us* hot. In its original context, the song describes and gives voice to partygoers on a dance floor: "People in the party—hot hot hot." In "A Fannish Taxonomy of Hotness," the "party" becomes the broad spectrum of polymorphously perverse images offered up by the media, and the "dance floor" is the vid itself: a place where people from different backgrounds can meet and move to the beat. The vidders create this metaphorical dance party by editing images together in rhythm, paying close attention to frame composition and internal movement, so that characters from different television shows and films all seem to be at the same party and dancing together. The Clucking Belles are able to edit these discrete characters into a single party because so many films and television shows feature scenes in which characters go to clubs, dance, or drink; the clichéd nature of much mass media imagery means that a good vidder can slide easily between one visual narrative and another.

But while the Clucking Belles create a rhythmic montage of beautiful people, "A Fannish Taxonomy of Hotness" isn't about people; it's about tropes. Scenes of people dancing give way to more metaphorical kinds of dancing: montages of men shoving at each other, montages of swordplay, montages wherein characters defy the laws of gravity by floating in midair or swinging from ropes. In the swordplay section, the vidders cut from sword fighting in *Hercules: The Legendary Journeys* (syndicated [USA Network], 1995–1999) to Jackie Chan making a nearly identical move in *Shanghai Knights* (David Dobkin, 2003), and then to swordplay in *The Princess Bride* (Rob Reiner, 1987), *Master and Commander: The Far Side of the World* (Peter Weir, 2003), *Highlander* (syndicated, 1992–1998; film dir. Russell Mulcahey, 1986), *Star Trek* (NBC, 1966–1969), *Xena* (syndicated [USA Network], 1995–2001), *The Lord of the Rings: The Return of the King* (Peter Jackson, 2003), and others. Much circling, leaping, and twirling of swords is on display; sword fighting is obviously a form of dance. Less obviously, perhaps, the Clucking Belles reread the trope wherein one man grabs another by the lapels and shoves him up against a wall; now it looks like a form of close dancing as intimate as the tango. The clichés of mass media are reinscribed, and appreciated, as erotic choreography.

Other media tropes are brought within the fannish taxonomy as well, with each trope's near-identical performance by a series of actors only serving to reinscribe its formal quality as a gesture. The Clucking Belles catalog scenes of various characters touching the brims of their hats, lighting their cigars, and whipping off their eyeglasses. Seeing them one after the other means that the trope visually trumps any individual character or actor, which runs counter to the idea that female fans only identify with or desire particular actors or characters as whole and rounded representations. Here

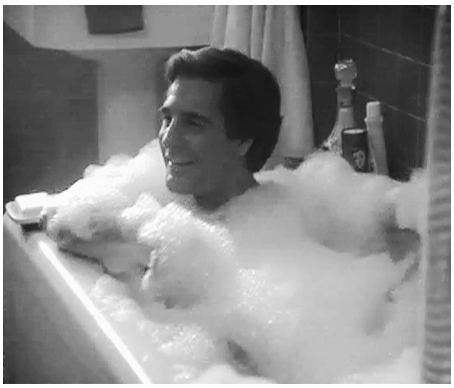
3 For example, the first known VCR vid, made in 1980 by Kendra Hunter and Diana Barbour, sets a single, wavering image from *Starsky and Hutch* to a song by The Who, "Behind Blue Eyes."

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we notice only parts—swords, hats, cigars, eyeglasses—the fetish gear of television and film. Black leather coats: Spike from *Buffy the Vampire Slayer* (WB, 1997–2001; UPN, 2001–2003) has one, Neo and Trinity from *The Matrix* (Andy and Larry Wachowski, 1999) do too, as do *Farscape*'s (Sci Fi Channel, 1999–2003) Aeryn Sun and John Crichton. We see tight black T-shirts and togas. Straitjackets are popular on television, if not in hospitals; similarly, characters in prison tend to be found literally behind bars. Other montages in the vid focus on skin shots: the hero gratuitously taking off his shirt or, better yet, his pants; the (often comic) episode in which a main character is ambushed naked in the bathtub (Figures 1–3).

The vid builds to a narrative and sexual climax. The end of the song features a frenzied call and response ("How you feeling?" "Hot, hot, hot!") while we see a montage of characters hung in chains and whipped—a pure erotic spectacle of beaten and bruised men (Figures 4–6).[4] In each individual storyline, the moment of beating is one of intense drama, but taken together—when the viewer can't help but realize how many mainstream television shows and movies regularly feature scenes that look a lot like bondage and domination—the inherent kinkiness of plain old broadcast television becomes evident.

This is the vid's point. It is staging a way of watching television familiar to most female fans and to all fan vidders: a selective seeing, or seeing







Figures 1–3. Bathtub imagery is strikingly similar across a range of texts (*Quantum Leap* [NBC, 1989–1993]; *Buffy the Vampire Slayer* [WB, 1997–2001; UPN, 2001–2003]; *Due South* [CTV and CBS, 1994–1999]) used in the Clucking Belles' fan vid, "A Fannish Taxonomy of Hotness (Hot Hot Hot!)" (2005).

4 They also evoke the potential identificatory figure of "The Wounded Man." See Christine Gledhill, "Women Reading Men," in *Me Jane: Masculinity, Movies, and Women,* ed. Pat Kirkham and Janet Thumen (New York: St. Martin's Press, 1995), 87.

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Figures 4–6. Vidders target the recurring sadomasochism of mass culture (*Blake's 7* [BBC1, 1978–1981]; *Buffy the Vampire Slayer* [WB, 1997–2001; UPN, 2001–2003]; *The Count of Monte Cristo* [Buena Vista, 2002]).

in parts. Film editing was historically open to women, as it was thought to be related to sewing,[5] but this emphasis on bringing things together may blind us to another important part of vidding: clip selection, which is isolating particular images and movements and cutting them from the whole. VCR vidders, who began vidding when home recording equipment became popular in the early 1980s, had a surplus of images from which to choose: as much videotape as they and their friends could record from broadcast television. Today's vidders have all the power of computer editing software and the picture quality of DVDs and high-definition digital AVI files. These vidders see parts—tropes, movements, frames—within larger narratives that are presented to them as unified and complete, and they reassemble them into coherent wholes of their own devising. Their vids reappropriate objects and turn them into sites of pleasure and surplus. This surplus is not just psychic but economic. Vidding is a nonprofit activity partly because there's no scarcity: the same footage can be used to make thousands of different vids.

All vidding requires obsessive rewatching as well as the ability to invest certain moments with meaning and separate these parts from the whole. In "Pressure" (1990), three vidders collectively known as Sterling Eiolan and the Odd Woman Out made a metavid of themselves vidding: selecting and evaluating clips from their vast collection of VHS cassettes. We watch them searching for, finding, and rewatching specific moments, timing sequences with a stopwatch, then judging each clip with a thumbs-up or thumbs-down (Figure 7).

While the ability to stop, rewind, and rewatch is essential for vidders, this is merely an extension of normative television viewing practices among female fans. While male fans have a reputation as collectors—comic books, action figures, information

5 Michael Ondaatje, *The Conversations: Walter Murch and the Art of Editing Film* (New York: Knopf, 2002).

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Figure 7. Vidders time clips in the metavid "Pressure" (1990), by Sterling Eoilan and the Odd Woman Out.

and other trivia—female fans collect images, VHS cassettes, and DVDs, just as they historically collected fan magazines, autographs, and still shots. It is common in fan communities for fans to create and share online galleries of screencaps—often referred to as "picspam"—which isolate particular frames of a favorite television show. These still shots typically feature the show's "BSO" ("beloved sex object" or "bright shiny object," depending on the community). BSOs include beloved, sexually objectified, and typically male characters like Fox Mulder of *The X-Files* (FOX, 1993–2002) or *Supernatural*'s (WB, 2005–2006; CW, 2006–present) Dean Winchester. Just as the Clucking Belles cut up and edited sexy tropes together in "A Fannish Taxonomy of Hotness," picspams can be dedicated to a BSO's particular body parts. Arms, necks, mouths, and bellies are popular visual subjects. Computers make creating and sharing picspam easy, but the power to pause, to stop time, and to frame one's own still shots came with the rise of the VCR.

The VCR is crucially important to the history of fandom and in the development of a female gaze that is, arguably, specific to vidding and the use of the VCR.[6] The

6 Although scholars have examined television's domestication of the viewing experience (Lynn Spigel, *Make Room for TV: Television and the Family Ideal in Postwar America* [Chicago: University of Chicago Press, 1992]) and the way that VCRs enabled women to time shift their viewing (Anne Gray, "Behind Closed Doors: Video Recorders in the Home," in *Media Studies: A Reader,* ed. Paul Marris and Sue Thornham [New York: New York University Press, 2000], 524–535), insufficient attention has been paid to the filmmaking powers that the VCR bestows. For histories of female fannishness, see Henry Jenkins, *Textual Poachers: Television Fans and Participatory Culture* (New York: Routledge, 1992); Susan Torrey Barstow, "'Hedda is all of us': Late Victorian Women at the Matinee," *Victorian Studies* 43, no. 3 (Spring 2001): 387–411; Miriam Hansen, "Pleasure, Ambivalence, Identification: Valentino and Female Spectatorship," in Kaplan, *Feminism and Film,* 226–252; and Barbara Ehrenreich, Elizabeth Hess, and Gloria Jacobs, "Beatlemania: Girls Just Want to Have Fun," in *The Adoring Audience,* ed. Lisa A. Lewis (London: Routledge, 1992), 84–106.

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VCR enabled women to stop and look—really look—at an image in the safety of domestic space. It also allowed women to pick and choose images and repeat the experience of those images. (The ability to look frankly, safely, and openly at the bodies of others and to repeat that viewing experience as often as they like recalls other historical moments of successful female spectatorship.) Indeed, as thrilling as "live" television watching is for the fannish female spectator, it is nothing compared to the pleasures of the VCR. As Dutch vidder Mary Crawford explains: "At home I would have my dad sitting at my shoulder, hmfing disapprovingly whenever I watched something I liked. Once I had my own student place, my own TV and my own VCR, I was QUEEN."[7] VCRs gave women the ability to pause and rewind within programs, changing the temporality within a given narrative, as well as the ability to time shift more broadly, thus beginning the long death of communal television watching within the family. This is often framed as something regrettable, but as Mary Crawford's experience indicates, certain kinds of spectatorship are impossible with patriarchy at one's elbow.

Technology has enabled the female gaze by giving women the same sort of control over visual media that they previously had over only a much older storytelling technology—the book. Years before the VCR, Isaac Asimov described the book as "the perfect entertainment cassette," noting, "We could imagine a cassette that is always in perfect adjustment; that starts automatically when you look at it, that stops automatically when you cease to look at it; that can play forward or backward, quickly or slowly, by skips or with repetitions, entirely at your pleasure."[8] We might revisit recent scholarship linking reading for pleasure and masturbation and consider reading and vidding as parallel elements in a history of female fetishism to be uncovered.[9] As Janice Radway noted in *Reading the Romance,* her foundational ethnography of women readers, one of the most provocative things about the woman who reads is how her gaze is turned away from her real husband, lover, or children,[10] but we have perhaps never properly asked ourselves what the reading woman is actually gazing at. Media fan fiction blurs the lines between text, body, and image in fascinating ways; I have argued in previous work that women use fan fiction to direct bodies in performance, typically the bodies of familiar, and fetishized, male actors. But women had access to the tools of writing before those of filmmaking; now, women are demonstrating this same agency vis-à-vis the image.[11]

The advent of home filmmaking technology has allowed women to look, judge, select, edit, and manipulate images without any of the physical or social dangers historically connected to the female gaze. Vidders then share their work with other female

7 Mary Crawford, personal communication, October 4, 2008.

8 Isaac Asimov, quoted by Harlan Ellison in "Revealed at Last! What Killed the Dinosaurs! And You Don't Look So Terrific Yourself," in *Sleepless Nights in the Procrustean Bed: Essays by Harlan Ellison,* ed. Marty Clark (San Bernardino, CA: Borgo Press, 1984), 51–52.

9 See, for example, Thomas Walter Laqueur, *Solitary Sex* (Cambridge, MA: Zone Books, 2003).

10 Janice Radway, *Reading the Romance* (Chapel Hill: University of North Carolina Press, 1991).

11 Francesca Coppa, "Media Fan Fiction as Theatrical Performance," in *Fan Fiction and Fan Communities in the Age of the Internet,* ed. Karen Hellekson and Kristina Busse (Jefferson, NC: McFarland, 2006), 225–244.

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spectators, whether on the big screen at fannish conventions like MediaWest, Escapade, and Vividcon, or by distributing them to female-dominated fan communities online. In either case, their audience is specifically constituted of women who have come together, not just as fans of the visual source texts, but as fans of the vidders and of vidding itself—this particular way of seeing. Julie Levin Russo suggests that "A Fannish Taxonomy of Hotness" should be read as an allegory for female fans themselves: "I think part of what [this vid is] saying in creating this largely joyous collection (there's a lot of dancing in this vid) is: 'Look how much fun we're having—we're really hot!'"[12] But if female fans are hot, they're hot in the sense of being turned on, and the fun they're having is explicitly the fun of watching, not of being watched. Fan activities such as vidding may be crucial to theorizing the social conditions necessary for female fetishism and the safe expression of female desire. ✻

12 Julie Levin Russo, notes on Media Fetish: The Vidshow, August 22, 2008, http://cyborganize.livejournal.com/24374.html. Accessed November 28, 2008.

A Fannish Field of Value: Online Fan Gift Culture

by Karen Hellekson

To the uninitiated outsider, media fandom as it's currently practiced online in blog spaces such as LiveJournal makes little sense: strange jargon with unclear acronyms and lots of punctuation sits next to YouTube or Imeem video embeddings. Perhaps a post announces part 18 of a long piece of fan fiction. In the comments someone has left the writer a gift: a manipulated image of her two favorite characters cleverly sized so she can upload it into the blog software interface and immediately start putting it up next to her name as an avatar to represent her. Someone else writes a short fic in response and hotlinks to it: "Come over here and look!" she invites. A third person uses the story as a pretext to write a detailed episode review to illustrate the show's shortcomings.

To engage is to click, read, comment, write, make up a song and sing it; to hotlink, to create a video, to be invited to move on, to come over here or go over there—to become part of a larger metatext, the off-putting jargon and the unspoken rules meaning that only *this* group of *that* people can negotiate the terrain. Within this circle of

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community—and in media fandom, women overwhelmingly make up this community[1]—learning how to engage is part of the initiation, the *us* versus *them*, the fan versus the nonfan. The metatext thus created has something to say, sometimes critical things, about the media source, but for those of us who engage in it, it has even more to say about ourselves.

This exchange in the fan community is made up of three elements related to the gift: to give, to receive, and to reciprocate.[2] The tension and negotiation between the three result in fan creation of social relationships that are constructed voluntarily on the basis of a shared interest—perhaps a media source like a TV show or, perhaps, fandom itself. Fan communities as they are currently comprised, require exchanges of gifts: you do not pay to read fan fiction or watch a fan-made music vid. They are offered for free (although circulation may be restricted and you have to know where to obtain them), yet within a web of context that specifies an appropriate mode of "payment." At the heart of this anticommercial requirement of fan works is fans' fear that they will be sued by producers of content for copyright violation. The general understanding is that if no money is exchanged, the copyright owners have no reason to sue because they retain exclusive rights to make money from their property.[3] The notion of the gift is thus central to fan economy as it currently stands, although, as Abigail De Kosnik argues in her essay in this issue, it may be time for the community to consider creating an alternative model that will permit women to profit.

Fans insist on a gift economy, not a commercial one, but it goes beyond self-protective attempts to fly under the radar of large corporations, their lawyers, and their cease-and-desist letters. Online media fandom is a gift culture in the symbolic realm in which fan gift exchange is performed in complex, even exclusionary symbolic ways that create a stable nexus of giving, receiving, and reciprocity that results in a community occupied with theorizing its own genderedness.

To Give, to Receive, to Reciprocate. The gifts that fans exchange, which Rachael Sabotini describes as "the centerpiece of fandom,"[4] require skill and effort to make. They may be artworks, as in vids (described in more detail in the contributions to this

1 See Sonia K. Katyal, "Performance, Property, and the Slashing of Gender in Fan Fiction," *Journal of Gender, Social Policy and Law* 14 (2005): 461–518; Helen Merrick, "'We was cross-dressing 'afore you were born!' or, How SF Fans Invented Virtual Community," *Refractory,* no. 6 (2004), http://blogs.arts.unimelb.edu.au/refractory/2004/06/17/'we-was-cross-dressing-'afore-you-were-born'-or-how-sf-fans-invented-virtual-community-helen-merrick/; Christine Scodari, "Resistance Re-examined: Gender, Fan Practices, and Science Fiction Television," *Popular Communication* 1 (2003): 111–130. All URLs cited herein were accessed February 22, 2009.

2 Marcel Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies,* trans. W. D. Halls (New York: Norton, 1990), 39.

3 Christina Z. Ranon, "Honor Among Thieves: Copyright Infringement in Internet Fandom," *Vanderbilt Journal of Entertainment and Technology Law* 8, no. 2 (2006): 423. For recent fan reiteration of the centrality to fan culture of not making money for fan labor, see Madeline "Flourish" Klink, "Tell the Man What You Want!" October 9, 2008, http://flourish.livejournal.com/250092.html.

4 Rachael Sabotini, "The Fannish Potlatch: Creation of Status Within the Fan Community," The Fanfic Symposium, December 20, 1999, http://www.trickster.org/symposium/symp41.htm.

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issue by Francesca Coppa and Alexis Lothian), podcasts, fan fiction, or manipulated images. But they may also be narrative analysis, known as *meta*, of the primary source or of a fan artwork. They may be fan fiction archives, bulletin board forums, screencapture galleries, fandom-specific wikis, or other aggregates of information. But the items exchanged have no value outside their fannish context. In fact, it is likely that they do not literally exist; fandom's move to the Internet means that the items exchanged are hyperreal and capable of being endlessly replicated. Erika Pearson, in her analysis of LiveJournal gifting, calls these gifts of time and skill "effort gifts."[5] To these she adds "object gifts," which can be physical objects or money. For the latter, fans may purchase from the blog source virtual online gifts, such as chocolate or flowers, or monetary gifts, such as paid time or extra user pictures, or they may send money to a fanfic archive to help defray the server costs, thus reimbursing someone for a financial outlay. Yet even in fannish commercial exchanges like this, gifting is the goal. Money is presented less as a payment than as a token of enjoyment.

The gifts have value within the fannish economy in that they are designed to create and cement a social structure, but they themselves are not meaningful outside their context. Anthropologist Marcel Mauss—the first to explain the gift's role in terms of social (rather than economic) exchange in *Essai sur le don* (1923–1924)—provides extreme examples drawn from his fieldwork of the anti-utilitarian nature of gifts meant to cement a social structure: specially created gift items are thrown into the sea or burned. The fan exchange is a metaphorical, symbolic extension of the literal destruction that Mauss describes. The items offered as gifts are not destroyed but are incorporated into a multivocal dialogue that creates a metatext, the continual composition of which creates a community, and the rhetorical stance of that dialogue is to create a gendered space. When the fan work is proffered, it is taken into the metatext. The individuality of that piece is lost; it becomes a part of something greater. The fan work is an element of symbolic exchange, which Jean Baudrillard, who coined the term, defines as the symbolic relation created through Maussian gift exchange.[6]

This symbolic exchange, according to Baudrillard, "defines itself precisely as something distinct from, and beyond value and code. All forms of value (object, commodity or sign) must be negated in order to inaugurate symbolic exchange. This is the radical rupture of the field of value."[7] On this renegotiated field that specifically rejects commercial exchange, fans engage with their metatext by presenting gift artworks, by reciprocating these gifts in certain approved, fandom-specific ways, and by providing commentary about these gifts. Writer and reader create a shared dialogue that results in a feedback loop of gift exchange, whereby the gift of artwork

5 Erika Pearson, "Digital Gifts: Participation and Gift Exchange in LiveJournal Communities," *First Monday* 12, no. 5 (2007), http://www.uic.edu/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/1835/1719.

6 Jean Baudrillard, *For a Critique of the Political Economy of the Sign,* trans. Charles Levin (New York: Telos, 1981). See also Andrew M. Koch and Rich Elmore, "Simulation and Symbolic Exchange: Jean Baudrillard's Augmentation of Marx's Theory of Value," *Politics and Policy* 34, no. 3 (2006): 556–575; William Merrin, "Television Is Killing the Art of Symbolic Exchange: Baudrillard's Theory of Communication," *Theory, Culture and Society* 16, no. 3 (1999): 119–140.

7 Baudrillard, 125.

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or text is repetitively exchanged for the gift of reaction, which is itself exchanged, with the goal of creating and maintaining social solidarity.[8] The generation of this metatext and of fan-generated underpinnings to the metatext are thus elevated to central importance.

Construction of a Gendered Community. Fandom's gift culture provides an example of Mauss's linkage of the gift and social cohesion. This symbolic field privileges the female-gendered task of maintaining social ties. In terms of the discourse of gift culture, fandom might best be understood as part of what is traditionally the women's sphere: the social, rather than the economic. At the most basic level, in terms of a gift economy, women are themselves gifts—indeed, gifts crucial to the maintenance of a (patriarchal) culture.[9] Further, women handle symbolic gifts that relate to "managing the emotional aspects of relationships."[10] In the realm of symbolic relations, where the market economy has been removed as a factor, all exchanges result in social cohesion. In female fandom's gift culture, gifts correlate to aspects of the self, such as time or talent. This sort of exchange turns one role of woman and gift on its head: the woman is still the gift, but now she can give herself. This permits women agency that they lack under traditional patriarchal models. They construct a new, gendered space that relies on the circulation of gifts for its cohesion with no currency and little meaning outside the economy, and that deliberately repudiates a monetary model (because it is gendered male). The goal of community-building transactions in online media fandom is the creation of a stable space set apart via implementation of rhetorical strategies that exclude outsiders, from what fans call "real life," to permit performance of gendered, alternative, queered identity.[11]

Women have created a system of exchange based on symbolic gifts that represent the self while constituting the community. Although fandom is hardly the only expression of this kind of exchange, just as social cohesion may not be the only goal (for example, Sabotini, following Mauss, argues that gifting is related to attempts to gain status within the community), it has been fanned into a flame by easy Web-based transactions, becoming ever more visible even as Web 2.0's focus on interactive, community-

8 On online-community gifting, see Markus Giesler, "Consumer Gift Systems," *Journal of Consumer Research* 33 (September 2006): 283–290; Peter Kollock, "The Economies of Online Cooperation: Gifts and Public Goods in Cyberspace," in *Communities in Cyberspace,* ed. Marc Smith and Peter Kollock (London: Routledge, 1999), 220–242; Pearson, "Digital Gifts"; Kylie J. Veale, "Internet Gift Economies: Voluntary Payment Schemes as Tangible Reciprocity," *First Monday* 8, no. 12 (December 2003), http://131.193.153.231/www/issues/issue8_12/veale/index.html.

9 Lewis Hyde, *The Gift: Imagination and the Erotic Life of Property* (1979; New York: Vintage, 1983), chap. 6; Luce Irigaray, "Women on the Market," in *This Sex Which Is Not One,* trans. Catherine Porter, with Carolyn Burke, in *The Logic of the Gift: Toward an Ethic of Generosity,* ed. Alan D. Schrift (1977; New York: Routledge, 1997), 174; Mauss, *Gift,* 14.

10 David Cheal, *The Gift Economy* (New York: Routledge, 1988), 5.

11 On gendered performativity, see Kristina Busse, "My Life Is a WIP on My LJ," in *Fan Fiction and Fan Communities in the Age of the Internet: New Essays,* ed. Karen Hellekson and Kristina Busse (Jefferson, NC: McFarland, 2006), 207–224; Judith Donath, "Identity and Deception in the Virtual Community: Communities in Cyberspace," in Smith and Kollock, *Communities in Cyberspace,* 29–59; Katyal, "Performance, Property"; and Eden Lackner et al., "Cunning Linguists: The Bisexual Erotics of *Words/Silence/Flesh,*" in Hellekson and Busse, *Fan Fiction,* 189–206.

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generated media has brought this kind of constitution of culture to everyone's attention. By exchanging aspects of itself, the fan culture preserves its own autonomy while simultaneously solidifying the group and permitting encoding of transactions by imbuing them with community-specific meaning.

There are several important repercussions of the gift model of symbolic exchange. Mauss speaks of artifacts, like cloaks or pieces of jewelry, that, in a gift culture, resonate beyond the thing itself. Similarly, in fan exchange, the text becomes a charged aspect of a larger metatext, with one goal—perhaps the ultimate goal—being female-gendered social cohesion. Each item, representing an expression of self, contributes to the larger whole. The metatext is not the pretext for the community; rather, its generation comprises the community and is its goal. Each proffered item represents an aspect of the giver: time, talent, love, desire. The result—"personally charged"[12] gifts, responses in kind—generates a female-gendered community, but the role of the individual within that community is equally crucial.

The Case of FanLib. When the rules of exchange are broken, the punishment is swift. One recent incident that exemplifies this was the attempt of (male) venture capitalists to profit financially from (female-generated) fan fiction. FanLib, founded by industry insiders Jon Landau (producer), Jon Moonves (entertainment lawyer), and Anil Singh (former Yahoo CEO), launched in May 2007 with $3 million in funds, sought to commodify fan fiction at a newly created fanfic archive site.[13] Although outreach included targeting and e-mailing fanfic writers and encouraging them to upload fic to the site in exchange for prizes, participation in contests leading to e-publication, and attention from the producers of TV shows like *The L Word* (Showtime, 2004–present) and *The Ghost Whisperer* (CBS, 2005–present),[14] FanLib's persistent misreading of the situation alienated fans, as did the draconian terms of service. One fan closes her analysis of FanLib's terms of service by noting, "It's perfectly clear—they get the bucks and we get the lawsuits."[15] The site closed down in August 2008.[16]

The FanLib debacle illustrates that attempts to encroach on the meaning of the gift and to perform a new kind of (commerce-based) transaction with fan-created items will not be tolerated. Henry Jenkins notes, "They simply hadn't really listened to, talked with, or respected the existing grassroots community which surrounded the production and distribution of fan fiction."[17] The site attempted to bypass the artwork-generating

12 David Graeber, "Give It Away," http://www.freewords.org/graeber.html.

13 David Kaplan, "Storytelling Social Net FanLib Launches with $3 Million in Funding," May 18, 2007, http://www.paidcontent.org/entry/419-storytelling-social-net-fan; Henry Jenkins, "Transforming Fan Culture into User-Generated Content: The Case of FanLib," May 22, 2007, http://www.henryjenkins.org/2007/05/transforming_fan_culture_into.html. For more on FanLib, see Abigail De Kosnik's article in this issue.

14 Henry Jenkins, "Chris Williams Responds to Our Questions About FanLib," May 25, 2007, http://www.henryjenkins.org/2007/05/chris_williams_respond_to_our.html.

15 AngiePen, "Browsing the FanLib TOS," May 14, 2007, http://angiepen.livejournal.com/38593.html.

16 Rafat Ali, "Fan Fiction Site Fanlib Closing Down; Disney Deal Nixed?" July 29, 2008, http://www.paidcontent.org/entry/419-fan-fiction-site-fanlib-closing-down-disney-deal-nixed/.

17 Jenkins, "Transforming."

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fan community altogether—a serious misreading of FanLib's audience. FanLib broke the rules of the community's engagement by misreading "community" as "commodity," and the site failed thanks to intense backlash, an expression of fannish defense of their field of value.

FanLib's example shows what happens when outside attempts are made to reconfigure the field of value in such a way as to attempt to control the community component without the community members' cooperation. One fan, in an open letter to a FanLib insider, says, "You do not understand us and our communities, nor do you respect us. . . . If you want us to participate in your endeavor then make it something in which we would want to participate. . . . You do not come to us as equals and that is your fundamental failing in this endeavor. You cannot build a new community at your site all nicely regimented and controlled because the community already exists and we will not be controlled by the likes of you."[18]

Conclusion. Fan community clearly cannot be constituted by anyone other than the fans themselves. This tenet remains central to the constitution of fan culture, just as it is continually renewed by the exchange of symbolic gifts. On a continually constituted and reconstituted field of value, women or the artworks they offer as stand-ins for themselves are not tokens to be exchanged, particularly for items that lack value within the community, like a FanLib T-shirt or attention from a producer of *The L Word*. Instead, they exchange personally charged aspects of themselves in a gift culture whose field of value specifically excludes profit, further separating their community from the larger (male-gendered) community of commerce. ✻

18 Chronolith, May 29, 2007, comment to Jenkins, "Chris Williams Responds."

Should Fan Fiction Be Free?

by Abigail De Kosnik

It seems strange, at the end of the first decade of the twenty-first century, that I should feel a pressing need to reiterate Virginia Woolf's argument from eighty years ago, that "a woman must have money and a room of her own if she is to write fiction."[1] But the need has arisen because the authors of fan fiction, who are predominantly women, have never, as a group, sought payment for their labor. This situation deserves scrutiny, especially because fan fiction is be-

1 Virginia Woolf, *A Room of One's Own* (New York: Harcourt and Brace, 1929).

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coming increasingly visible to non-initiates through major media outlets in the United States and the United Kingdom, indicating that the genre is moving away from the margins of American and British culture.[2]

FanLib. The mainstreaming of an alternative form of cultural production is nearly always synonymous with commercialization; some enterprising force realizes an opportunity for profit in a little-known but interesting subcultural practice. In fact, an attempt at commercializing fanfic already has been made by the company called FanLib, which was largely excoriated by existing fan fiction communities because, as Henry Jenkins wrote, it "didn't emerge bottom-up from the fan culture itself. . . . It was a business, pure and simple, run by a board of directors which was entirely composed of men. This last point is especially relevant when you consider that the overwhelming percentage of people who write fan fiction are women."[3]

FanLib shut down in the summer of 2008, although if rumors of FanLib's purchase by Disney are true, it may reappear in some new form.[4] But some recognized that FanLib will not be the last effort made to commodify fan fiction. One fan, almostnever, wrote, "I think [monetization] is coming whether we accept it or not."[5] In online discussions of future commercialization that took place in the wake of FanLib's launch, there seemed to be a consensus—rare in any fan debate—among fan fiction writers and readers that parties who do not currently operate in, and therefore do not thoroughly understand, fanfic communities should not be the parties who profit. For example, almostnever argues, "I'd rather it was fan-creators getting the benefit of the $$$, not some cutthroat entrepreneur who doesn't care about our community except as a market niche,"[6] and another fan, icarusancalion, stated, "While I don't mind the increasing public light being brought to bear on fanfiction, I do strongly object to people who aren't [in] fandom making money off it."[7]

Sugarhill Moment. However, fanfic writers have not yet mobilized to ensure that they earn the lion's share of any revenues to be made from the popular genre of writing that they are developing. Fan fiction is nearing what I call the "Sugarhill moment": the

2 Over the past year, fan fiction has been directly mentioned on ABC's *Ugly Betty* (December 6, 2007), BBC Channel Four's *The Friday Night Project* (March 28, 2008), and in the *New York Times* (Brian Stelter, "A Marketing Move the 'Mad Men' Would Love," August 31, 2008). Media fan wneleh compiles a weekly list of media references (http://wneleh.livejournal.com/) to fanfic and on average reports four or five references each week, in media outlets including the *Christian Science Monitor, Business Week, Popular Mechanics,* and *New York Magazine.*

3 Henry Jenkins, "Transforming Fan Culture into User-Generated Content: The Case of FanLib," May 22, 2007, http://www.henryjenkins.org/2007/05/transforming_fan_culture_into.html. For some of the many fan discussions that were highly critical of FanLib, see the bookmark collection of FanLib-related threads at http://del.icio.us/metafandom/fanlib. (All URLs referenced herein were accessed November 22, 2008.)

4 See Rafat Ali, "Disney Buying Storytelling Social Net FanLib; DigiSynd in Process," June 3, 2008, http://www.paidcontent.org/entry/419-disney-buying-storytelling-social-net-fanlib-digisynd-in-process/, and "Disney's Buyout of FanLib Still On; Will Focus on Company Shows," August 5, 2008, http://www.paidcontent.org/entry/419-disneys-buyout-of-fanlib-still-on-will-focus-on-company-shows/.

5 Cited by Jenkins, "Transforming Fan Culture."

6 Almostnever, "fanlib," May 14, 2007, http://almostnever.livejournal.com/572926.html.

7 Cited by icarusancalion, "Article summing up FanLib," May 20, 2007, http://icarusancalion.livejournal.com/626928.html.

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moment when an outsider takes up a subculture's invention and commodifies it for the mainstream before insiders do. In 1979, independent record producer Sylvia Robinson heard a DJ spin two turntables and rap over the breakbeats at a Manhattan club, and she decided to form a group that could replicate and record the sonic style that, until then, had been an exclusively live mode of performance: hip-hop and rap. Robinson's group, the Sugarhill Gang, made the single "Rapper's Delight," which put hip-hop on America's cultural map, rather than any work produced by DJ Kool Herc, Grandmaster Flash, or any of the other turntablists and MCs who had invented and developed the genre. Of the Sugarhill Gang's success, Steven Daly wrote, "Whenever the key players of hip-hop's 'old school' look back on the pregnant moment when the Sugar Hill label blazed a trail for rap, there remains among them the nagging sense that it all went down the wrong way."[8] Fan fiction authors are in some danger now of repeating what hip-hop's earliest DJs might call their error: waiting too long to decide to profit from their innovative art form, and allowing an interloper to package the genre in its first commercially viable format.

The Sugarhill example provides a particularly useful parallel to fan fiction, in that hip-hop, like fanfic, is a genre fundamentally based on artistic appropriation. Hip-hop's commodification may offer an illustrative model, however. Digital sampling, the incorporation of sections of prerecorded sounds and music into new recordings, is one of the twin components of hip-hop music; rap is the other. Over the past decades of sharing their transformative works, fan fiction readers and writers have generally felt wary of commodifying a form of cultural production that is essentially derivative and perhaps subject to copyright infringement lawsuits. However, hundreds of music producers have been sued for unlicensed sampling over the past twenty-five years, and despite several court rulings against sampling without permission, hip-hop has grown into a global cultural phenomenon, a multipronged industry that makes money for all who have a stake in the production of its various artifacts, with revenue streams flowing in nearly every nation.

Transformation and Commodification. Digital sampling stands as the clearest, but not the only, example of an appropriation-based genre becoming profitable for its practitioners. Japanese *doujinshi*, or fan-created comics,[9] are sold at conventions in Japan and in the United States as well as by Internet retailers. Lawrence Lessig estimates that more than 33,000 circles of *doujinshi* artists actively circulate their self-published works, which are based on manga (Japanese comics) issued by publishing companies. Lessig also claims that over 450,000 Japanese *doujinshi* buffs attend the twice-annual conventions dedicated to these fan texts, and that *doujinshi* conventions are "the largest public gathering in the country."[10]

In U.S. fan cultures, commercialization also occurs, although it's interestingly gendered: both fan filmmakers and game modders have succeeded in transforming their fan works into commercial entities. Some fan filmmakers have used their productions

8 Steven Daly, "Hip-Hop Happens," *Vanity Fair* November 2005, 250–266.

9 Anime News Network, *Doujinshi,* http://www.animenewsnetwork.com/encyclopedia/lexicon.php?id=16.

10 Lawrence Lessig, *Free Culture: The Nature and Future of Creativity* (New York: Penguin, 2005), 26.

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as "calling cards" in Hollywood, hoping that their fan works will demonstrate their ability to do professional work. A number of *Star Wars* fan filmmakers (all men) have received development deals or employment with major studios on the basis of their fan work. Another remix genre, game modding, has also produced professional game designers from its ranks. Some game mods have been purchased by the companies that made the source games and met with extraordinary commercial success. Jenkins notes that among participatory fan groups, "the modding community may be unique in having amateur-produced works taken up directly by commercial companies for distribution."[11] Jenkins mentions that this modder-industry cooperation goes the other way, too: start-up game companies may build products that are basically mods, then pay licensing fees to the companies that produced the source games so that they can distribute their games legally.

Gift Cultures. Digital appropriation artists have developed a number of monetization models: royalties, distribution agreements, reasonably priced licenses that permit remix practitioners to sell their appropriations legally, and small-scale compensation intended only to reimburse remixers for their outlay. Although fan filmmakers and game modders have experimented with these models, fan fiction writers have not conducted similar experiments in marketing their works. As Karen Hellekson notes in this issue, even when fanfic readers engage in financial transactions, they are not perceived as a form of purchasing but as a form of gifting: "Even in fannish commercial exchanges . . . gifting is the goal." Compensation for the authors, publishers, editors, or curators is not the goal.

This is so even though a large market clearly exists for fanfic-style writing. Over the last dozen years, revisions and expansions of preexisting literary texts have appeared in contemporary fiction. Anita Diamant's *The Red Tent* (1997), Sena Jeter Naslund's *Ahab's Wife* (1999), Linda Berdoll's *Mr. Darcy Takes a Wife* (1999) and *Darcy and Elizabeth* (2006), Alice Randall's *The Wind Done Gone* (2001), Isabel Allende's *Zorro* (2004), and Nancy Rawles's *My Jim* (2005) are books that all achieved critical acclaim and/or commercial success, and all retell well-known stories.

Although most of these derivative fictions were published without any legal danger, because the Bible, folklore, and nineteenth-century British and American novels are in the public domain, *The Wind Done Gone* did spark a lawsuit, filed by the heirs of *Gone with the Wind* author Margaret Mitchell against Randall's publisher, the Houghton Mifflin Company. In 2001, a federal appeals court overturned a lower court's injunction to block *The Wind Done Gone* from going to press, and the parties settled out of court for an undisclosed sum in 2002.[12] Fan fiction communities could have looked at the outcome of the Alice Randall case and determined that commodifying fanfic based on copyrighted material, although likely to lead to a legal battle with copyright owners, is possible. The federal appeals court in Atlanta found that Randall's book constituted fair use of Mitchell's book because it needed to cite the earlier work in

11 Henry Jenkins, *Convergence Culture: Where Old and New Media Collide* (New York: New York University Press, 2006), 165.

12 David D. Kirkpatrick, "Mitchell Estate Settles 'Gone with the Wind' Suit," *New York Times,* May 10, 2002.

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order to parody it. And although so far parody is the lone type of commercialized transformative work that has been deemed fair use by courts (in 1994, the Supreme Court ruled that 2 Live Crew's sampling of Roy Orbison's "Pretty Woman" was fair use on the grounds that parody "needs to 'conjure up' the original in order to parody it"[13]), Bruce Keller and Rebecca Tushnet point out that no "bright-line rule" states that only parody, among all genres of transformation, may be monetized under the banner of fair use. Keller and Tushnet argue that the Supreme Court based its "vision of transformative fair use" on Judge Pierre Laval's concept of "productive" use that "employ[s] the quoted matter in a different manner or for a different purpose from the original." The Supreme Court has also placed importance on the issue of whether transformation "risks substituting for the original or licensed derivative works."[14] A strong case may be made that, by Laval's definition, fan fiction qualifies as "productive" reworking of original material that does not threaten the marketability of its source works. If anything, fan fiction might be regarded as a form of sales promotion for its source texts.[15]

If a case involving fan fiction and copyright infringement ever results in a court ruling, that ruling may agree with this framing of fan fiction as productive and nonthreatening (or even promotional) rather than derivative and competitive. However, to date, no court case involving either printed or online fan fiction has yielded a judge's decision establishing whether this type of work constitutes fair use or infringement, or whether guidelines for licensing fees must be established before authors can sell appropriations of copyrighted works. Fanfic authors who think that selling appropriative art is always and absolutely against the law are mistaken. No such case law exists, and many appropriating artists make money from their work today without constantly encountering legal trouble.[16]

Why, then, do fic writers resist earning income from their output? Many scholars of fan studies claim that fan fiction is, and must remain, free—that is, "free of charge," but also "free of the social controls that monetization would likely impose on it"—because it is inherently a gift culture, as Hellekson describes in this issue. In fact, even the fan organization, the Organization of Transformative Works, one of whose goals is to redefine fan works as transformative and therefore legal, states: "The mission of the OTW is first and foremost to protect the fan creators who work purely for love and share their works for free within the fannish gift economy."[17]

Although I agree that what women seek in the production and consumption of fan fiction is a priceless gift, I argue that there are more aspects to the gift economy than the social engagement that Hellekson isolates. In *Reading the Romance*, Janice Radway

13 *Campbell v. Acuff-Rose Music* (92-1292), 510 U.S. 569 (1994).

14 Bruce P. Keller and Rebecca Tushnet. "Even More Parodic than the Real Thing: Parody Lawsuits Revisited," *Trademark Reporter* 94 (2004): 979–1016.

15 See Earnest Chu, "Fan Fiction and Copyright: Mutually Exclusive, Coexistable or Something Else? Considering Fan Fiction in Relation to the Economic/Utilitarian Theory of Copyright," *Murdoch University E Law Journal* 14, no. 2 (2007): 215–232.

16 See Rebecca Tushnet, "Copy This Essay," *Yale Law Journal* 114 (2004): 535–590.

17 Organization for Transformative Works, Frequently Asked Questions, http://transformativeworks.org/faq/index.html.

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describes how, for her interview subjects, consuming romance novels was a "special gift that a woman gives to herself."[18] Radway thus implies that romance novel culture is a gift culture, but the gift that a woman gives and receives is that of intimacy with herself, a quiet and private time that she can take for herself alone, an individual pleasure rather than a communal one. Fanfic, like the romance novel, is a genre of cultural production that many women consume alone, and their reading—and writing—of this fiction is a technique of self-pleasuring and solo enjoyment. Therefore, writing fan fiction for personal gain—financial, psychological, or emotional—aligns with the fact that self-enrichment is already inherently an important motivation for women to produce and consume fanfic. For some women, belonging to an affinity group or discussing stories with fellow writers and readers is not the primary reason for engaging with this type of fiction. The rewards of participating in a commercial market for this genre might be just as attractive as the rewards of participating in a community's gift culture; and the existence of commercial markets for goods does not typically eliminate parallel gift economies.

Some fan fiction writers and readers argue that because a great deal of the genre is sexually explicit and nonheteronormative, the genre is less likely to be a commercial success. "Synergy is all well and good until someone stumbles upon that Shrek/Gandalf/Harry Potter threesome BDSM [bondage-discipline/domination-submission/sadomasochism] fic and has an aneurysm," one writer remarked in a blog post entitled "Fanfiction, Monetized."[19] But the romance novel industry, whose works are sexually explicit to some degree, is enormously profitable.[20] If anything, sex sells fiction to women. That much of fanfic is smut would seem to give it a greater, not lesser, chance of becoming popular with female consumers.

If fans successfully professionalize and monetize fan fiction, the amateur culture of fic writing will not disappear. Professional and amateur versions of nearly every art and genre, from fiction to poetry, to painting to photography, to theater to filmmaking, coexist. Conventional wisdom holds that the best amateurs, after giving enough of their work away for free, prove that their output is worthy of payment. Although fans have legitimate anxieties about fan fiction being corrupted or deformed by its entry into the commercial sphere, I argue that there is far greater danger of this happening if fan fiction is not commodified by its own producers, but by parties foreign to fandom who do not understand why or for whom the genre works, and who will promote it for purposes it is unsuited for, ignoring the aspects that make it attractive and dear to its readers. FanLib was a failed attempt at co-optation, but unless fans seize their Sugarhill moment, another external force may succeed.

18 Janice Radway, *Reading the Romance: Women, Patriarchy, and Popular Literature* (Chapel Hill: University of North Carolina Press, 1991), 91.

19 Jim MacDonald, "Fanfiction, Monetized," *Making Light,* May 22, 2007, http://nielsenhayden.com/makinglight/archives/009020.html.

20 The largest romance publisher, Harlequin, printed 1,113 romance titles in 2002 (out of 2,169 total romance novels published that year) for revenues of $585 million and a gross profit of $124 million, a 21 percent profit margin. Edward Wyatt, "Chick Lit Is the Romance Novel's Newest Home Wrecker," *San Francisco Chronicle,* August 18, 2004.

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A Room of One's Own. However, an even greater danger than this is that fan fiction may not be monetized at all, in which case no one, particularly women authors, will earn the financial rewards of fanfic's growing popularity. Only the corporate owners of the media properties that fic authors so creatively elaborate on will see economic gain from these writers' volunteer work. Even though fan fiction is exchanged for free, the proliferation of this fiction works as advertising for mass-marketed media products, so media corporations are already making money from fanfic writers' labor. Similarly, the owners of Web site hosting services, to whom fic authors must pay a fee in order to publish and archive their stories, and advertisers whose banners and icons appear on such sites generate revenue from fan writers' energies.

As Alexis Lothian writes in her contribution to this issue, "Rather than fans stealing commodified culture to make works for their own purposes, capital steals their labor . . . to add to its surplus." Suellen Regonini similarly stated in 2006, "Media conglomerates, such as New Line Cinema and Universal Studios, have started to embrace fan input, giving them 'insider access' to advance information, but often at the cost of fans becoming unpaid marketing reps for the studios."[21] The gap in resources between large media conglomerates and communities of female fan creators, which Julie Levin Russo highlights in her essay in this issue, may never be completely closed; but if women can formulate a model for the monetization of their artworks, the gap will be narrowed.

Although the Organization of Transformative Works, founded and run by longtime fandom insiders, operates a repository for fan fiction called "Archive of Our Own" (http://archiveofourown.org), no group that publishes or archives fan fiction has (so far) demonstrated a willingness to experiment with payment structures that could endow its contributors with what Woolf insisted are the material prerequisites of fiction writing. In the absence of such experimentation, women writing fanfic for free today risk institutionalizing a lack of compensation for all women that practice this art in the future. Woolf asked of her forebears, "What had our mothers been doing then that they had no wealth to leave us?" Will our generation answer that we have been giving our talents away as gifts, rather than insisting on the worth of our work? ✻

21 Suellen Regonini, "'They aim to misbehave': A Case Study of Technology, Fan Activities, and the Prosumer Economy," paper presented at the 2006 Conference of the Popular Culture Association in the South and the American Culture Association in the South, October 7, 2006.

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User-Penetrated Content: Fan Video in the Age of Convergence

by Julie Levin Russo

Internet video has populated media ecology with remarkable speed and thoroughness. Although there has been video online since the late 1990s in forms such as QuickTime streaming, Flash animation, and downloadable files, YouTube's 2005 launch and the subsequent proliferation of similar sites represent a maturation of the broadband infrastructure and the embedded software required for social media. The resulting ease of posting, finding, watching, and sharing videos, along with the incorporation of Webcams and basic editing tools like Windows Movie Maker into standard computer bundles, have facilitated an eruption of user-generated media. At the same time, the digitization of mass media, including the compulsory conversion to digital television in the United States, has made commercial texts more readily available for appropriation and manipulation because these video files are now directly transferable between the devices formerly known as the TV and the computer. These conditions have contributed to the profusion and pervasiveness of various sorts of video mashups. This dynamism has in turn sparked increased interest by the media industry in harnessing some of this reservoir of creative labor for the purpose of making money (above and beyond the fact that YouTube and its ilk are ad-supported commercial enterprises), including exploiting it for promotional ventures. This encroachment provokes antagonism over the limits of participation; the legitimacy and perhaps even survival of forms of vernacular creativity may hinge on the degrees of poaching, hybridizing, and queering that processes of commodification are able to tolerate and incorporate.

Video's viral propagation is not unlimited. Its vectors are constrained by the lattice of power materialized in available technologies—not only technologies of media, but also more broadly technologies of law, commerce, and desire. As long as the infrastructure for video hosting remains prohibitively expensive, not to mention legally delicate, grassroots producers who wish to participate in the culture of streaming depend on commercial social media sites for distribution. YouTube and similar ventures face greater risks for hosting illegal content than for refusing to host content that is legal; they have every incentive to reduce these risks by complying with the industry's demands. This results in a lack of recourse for users. For example, YouTube is

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implementing automated filtering to flag potential copyright infringement, and it cites vague violations of terms of service to unilaterally suspend content that appropriates proprietary material. Such strategies make the derivative artworks hosted there vulnerable. In opposition, policy initiatives in support of fair use, including the Center for Social Media's "Code of Best Practices in Fair Use for Online Video,"[1] are making crucial interventions to protect the possibilities for queering both media form and media content. The compromises and constraints that structure the relationship between the media industry and fans are thus undergoing continual negotiation.

One subcultural practice embroiled in these emerging struggles is the tradition of fan song videos, or vids—montages of visual material culled from mass media source texts and set to music. This underground art form, which has been part of media fandom since the mid-1970s, was inaugurated with the use of slide projectors, developed through VHS technology beginning in the 1980s, and transitioned into the era of digital video in the late 1990s.[2] My concern is with the subsequent evolution of vidding as the boom in Internet video since the mid-2000s renders vids and vidding more accessible and visible than ever before, both inside and outside their fannish milieu. Vids are growing in number and diversity as the tools of their creation become increasingly widespread and sophisticated; they celebrate, critique, and de- or reconstruct mass media in what Anne Kustritz calls a "genre commensurate form,"[3] engaging the source via its own images (along with their webs of intertextual connotation) and visual language. In many cases, they render queer dimensions of these sources visible by telling stories of same-sex romance (known as "slash") through sophisticated viewing and editing techniques. Whatever their explicit themes and narratives, they represent a queer form of reproduction that mates supposedly incompatible parents ("original" media source and "original" creativity) to spawn hybrid offspring.

A test case for the ways in which the outbreak of online video can generate problems, as well as possibilities, for grassroots art comes when the hype propels some vids into the limelight while dislodging them from their interpretive landscape. One notable example is Killa and T. Jonesy's "Closer," a *Star Trek* (NBC, 1966–1969) Kirk/Spock slash vid that circulated through the blogosphere in fall 2006. Its widespread appeal can be attributed to the virtuosity of its account of Spock's losing battle with his sexual urges in the sepia-toned style of the original Nine Inch Nails video (Figure 1). However, the camp humor that new audiences seemed to appreciate in the vid rang false with what experienced vid watchers understood as a disturbing story about rape. In addition to the critical impoverishment that is a side effect of "decoupling amateur media from its original contexts of production and consumption,"[4] such mainstream

1 Peter Jaszi and Patricia Aufderheide, "Code of Best Practices in Fair Use for Online Video," July 7, 2008, http://centerforsocialmedia.org/resources/publications/fair_use_in_online_video. All URLs were accessed on November 22, 2008.

2 Francesca Coppa, "Women, *Star Trek,* and the Early Development of Fannish Vidding," *Transformative Works and Cultures,* no. 1 (September 2008), http://journal.transformativeworks.org/index.php/twc/article/view/44/64.

3 Anne Kustritz, "Productive (Cyber) Public Space: Slash Fan Fiction's Multiple Imaginary" (Ph.D. diss., University of Michigan, 2007).

4 Henry Jenkins, "How to Watch a Fan-Vid," September 18, 2006, http://henryjenkins.org/2006/09/how_to_watch_a_fanvid.html.

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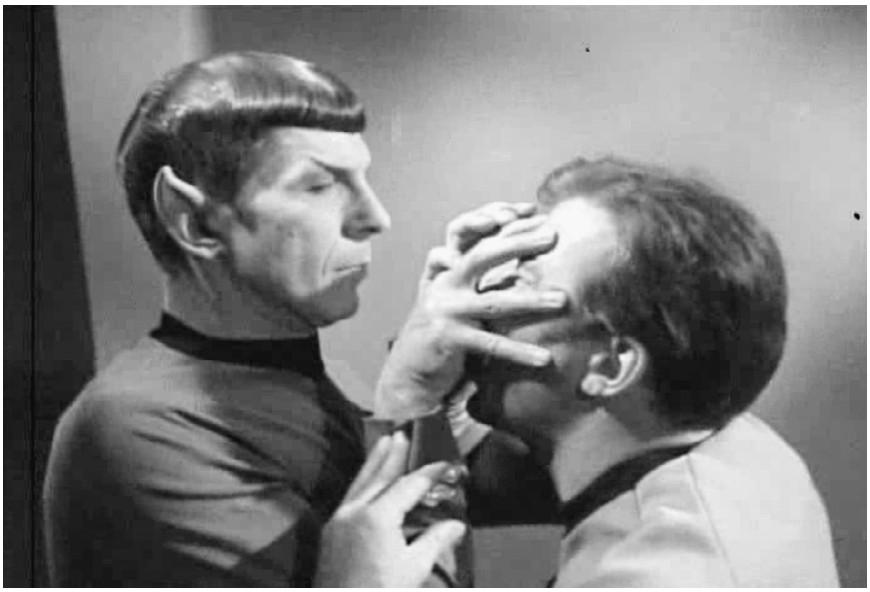


Figure 1. "Closer" (2003) by Killa and T. Jonesy visualizes the collision of sex and violence that *Star Trek*'s Kirk might face when Spock goes into Pon Farr.

attention can be directly threatening to creators because of the potential legal and personal repercussions of unauthorized and nonnormative appropriations of copyrighted media sources. Killa removed her vids from the Internet in response, but hers are not the only famous fan vids uploaded to YouTube without the artists' permission. Fan producers are no more able to control the dissemination of their texts than corporate producers, but they lack corporation-sized economic and legal resources for their protection.

Marketing campaigns that solicit user-generated content offer an instructive contrast to the horizontal creativity of vidders. Such user-generated advertising typically features a top-down arrangement that attempts, through its interface and conditions, to contain excessive fan productivity within proprietary commercial spaces. Video Maker Toolkit, for instance, is a promotion for the SciFi Network program *Battlestar Galactica* (BSG) (SciFi Network, 2004–2009) that relies on interactive engagement. Its instructions invite fans to "be a part of *Battlestar Galactica*" by making a four-minute tribute film, the best of which will be selected to air on television.[5] To "help give your videos the *Battlestar* look and sound," a menu of downloadable audio and video clips is provided, while the rules place a premium on an archaic ex nihilo model of originality by stipulating that the only additional material permitted is what "you created." The fact that these "tools" are limited to fewer than forty short CGI-based establishment and action sequences indicates that Video Maker's conception of sanctioned derivative filmmaking is extremely narrow, notably excluding the character-based dramatic scenes that make up the majority of the show.

5 *Battlestar Galactica* Video Maker Toolkit instructions, SciFi.com, December 11, 2007 (archived version), http://web.archive.org/web/20071211220625/www.scifi.com/battlestar/videomaker/instructions/.

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This format is influenced by a history of live-action fan films that is largely distinct from fan videos and, as Jenkins points out, "these rules are anything but gender-neutral": the "original" genres that enjoy legal and corporate sanction are disproportionately produced by men, whereas creative works that explore relationships between characters and "expand the universe" are the near-exclusive preserve of women.[6] Thus the transformative status that is so crucial to legal determinations of fair use is itself infused with ideologies of gender. Moreover, Video Maker's constriction is a by-product of at least two larger contradictions that embroil the project: first, its conflicting creative and promotional imperatives to pay homage to the show thematically and formally (by using its "look and sound") while generating a work that is otherwise wholly original and noninfringing; and second, television and the Internet's conflicting regimes of distribution and value, wherein the existence of a fan base skilled in Internet video production is assumed, whereas it is simultaneously expected that recognition by and on television is incentive enough to channel this artistic labor out of the Internet at large and into SciFi's walled garden.

Given the more than one hundred approved Video Maker submissions, however, we can assume that these contradictions did not cripple a project that became a vibrant occasion for and celebration of fan creativity. One of the initial pair of flagship videos, "Toaster Lover," adopts the format of a fake movie trailer, a parodic genre recognizable from YouTube.[7] Ordinarily, fake trailers combine an edited sequence of video clips with new or borrowed trailer audio to suggest a humorous reinterpretation of the source; one popular variant is the *Brokeback Mountain* (Ang Lee, 2005) spoof, which highlights the gay subtext between everyone from *Star Wars*' (George Lucas, 1977) R2-D2 and C-3PO to *He-Man*'s (syndicated, 1983–1985) title character and his sidekick, Man-at-Arms. As such, they are formally similar to fan videos but differ greatly in tone and context. "Toaster Lover" obeys the contest's stipulation of originality by using homemade rather than appropriated video (adeptly integrated with stock establishing shots from the Toolkit), but it includes the framing captions and voice-over of a trailer, as well as *Brokeback Mountain*'s famous line, "I wish I could quit you." Its imagined movie tells a tale of star-crossed love between a male pilot and a robot centurion (that is, one of the big metal "toasters" that were among the first Cylon models), with the tagline, "For years they were enemies, until the day that chance brought two lonely souls together." The fact that Video Maker's fan films reference fake trailers attests to the cross-pollination among moving-image mashups that the infrastructure for Web video sharing has enabled.

Song videos are likewise circulating outward, intersecting contiguous memes like the *Brokeback* parody and propagating on YouTube along pathways that don't lead directly to the customs and resources of the more established and insular vidding community. Concern over the decontextualization of fan vids such as "Closer" might appear hypocritical because the form itself relies on the possibility of multiple readings and on the selective repurposing of footage. However, what is at issue is not the

6 Henry Jenkins, *Convergence Culture: Where Old and New Media Collide* (New York: New York University Press, 2006), 155.

7 Margaux Luciano and Randy Giudice, "Toaster Lover," Spring 2007, http://video.scifi.com/player/?id=64712.

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prerogative of an intended meaning, but the ideological implications of the mutations such meanings can undergo when deracinated. Although both fake *Brokeback Mountain* trailers and slash vids edit appropriated sources to foreground gay subtext, they do so with very different orientations: parodic and public versus sincere and subcultural. I would go so far as to say that *Brokeback* parodies often embody a homophobic response to homoerotic outbreaks. A fan vid thrust into this milieu is likely to be read according to these prevailing conventions, falling into step with values hostile to those of its indigenous community. Here, queer politics intertwine with anticapitalist politics because the question of what interpretations can be visible is yoked to the question of what interpretations can be profitable. Without some degree of mainstreaming, vidders' rich ecology of queer viewing practices would be relegated to obscurity, ceding YouTube to gay caricatures. However, we must also ask what dimensions of this queering are available to be popularized or commercialized, and, by contrast, what dimensions might be lost or sidelined through these incursions into a relatively underground gift economy.

Meanwhile, corporate media itself is not immune to the contagions that online video brings. As the industry relies on the labor of fans to produce and promote the value of its properties with increasing openness, it becomes increasingly difficult to hold in place the distinctions between owners and consumers. This newfound permeability can jeopardize traditional practices on both sides as formerly binary conflicts and alliances become murky. And the promiscuous textuality spawned by today's transmedia approach to entertainment makes control of this intercourse progressively more difficult to maintain. For example, the SciFi Network deployed a promotional blitz for *Battlestar Galactica* preceding season three, headlined by a tie-in Web series, *The Resistance.* This project provoked a pitched battle between SciFi/NBC executives and creative personnel, with executives designating the Webisodes as promotional material not subject to additional wages, and creative workers contending that they were original content qualifying for union rates. BSG executive producer Ron Moore described the hostilities in a picket line interview in the early days of the industry-wide screenwriters' strike, a crisis that the antagonism over the Web series seems to directly prefigure. The issue of compensation for new media content like Webisodes, as well as residual payments for traditional screen works repackaged for digital distribution, was the principal deadlock of the labor dispute.[8] As the kinds of online video produced by professionals and amateurs converge across a continuum of platforms ranging from Web tie-ins (like *The Resistance*) to user-generated marketing (like Video Maker Toolkit) to commercial portals (like hulu.com, a joint venture of NBC, Fox, and, more recently, ABC) to the free-for-all on YouTube, existing corporate profit models are thrown into disarray.

The convergence of media as a result of digitization is a high-stakes issue and Moore emphasized it in his Writers Guild of America activism: "The notion that just because it's on your computer as opposed to your television set is . . . an absurd position for [the Alliance of Motion Picture and Television Producers] to take, but, you know, if they can pull it off, they're at the moment of a watershed change of how your media

8 Todd Leopold, "Changing Media Landscape Takes Center Stage in Strike," CNN, November 8, 2007, http://www.cnn.com/2007/SHOWBIZ/TV/11/08/strike.impact/index.html.

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is delivered to you. Your television and your computer are going to become the same device within the foreseeable future."[9] Official and unofficial authors were perhaps surprised to find themselves on the same side of the battle lines during the strike, allied as creative workers in the context of convergence. Participants in online fandom, who are uniquely equipped to realize the Web's status as a commercial platform, banded together to support television writers by picketing, educating, and fundraising. Meanwhile, fans too are wondering how they will be contracted and compensated in a media economy that increasingly attempts to harness and monetize their activities. It is the potential queerness of convergence itself—transgressing the accepted boundaries of media formations, which makes for strange bedfellows and hybrid offspring—that enables the increasing fertility of queer viewing, and these proclivities necessitate new negotiations and protocols on the part of the industry. "Toaster Lover" allegorically represents Video Maker's optimistic fantasy of a warm relationship between media producers and consumers: a romance between the monstrous automaton and the scrappy softy who find true love as war between their kind is waged around them. Vidders incarnate an alternative fantasy of kinship; collective, networked, and unsanctioned, they reproduce without a patriarchal center. It remains to be seen whether the constraints of sponsored initiatives such as Video Maker, with their intrinsic compromises and contradictions, can adequately channel fandom's procreative potential into one big happy capitalist family. *

9 Eric Goldman, "*Battlestar Galactica* Producer Talks Strike," IGN TV, November 7, 2007, http://tv.ign.com/articles/833/833633p1.html.

Living in a Den of Thieves: Fan Video and Digital Challenges to Ownership

by Alexis Lothian

Picture some scenes from an Internet video: shots from the movies *Batman Begins* (Christopher Nolan, 2005), *Pirates of the Caribbean* (Gore Verbinski, 2003), and *V for Vendetta* (James McTeigue, 2005) captured from DVD, edited in a graphics program, and set to a Regina Spektor song. It's a fair bet to assume that license holders would consider such unsanctioned use of image and music to be theft of their property and profit. But in the age of YouTube parody and viral reproduction, few amateur media makers would consider

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that a reason to stop. Such familiar acts of digital reproduction have much to say about copyright and its enforcement, about piracy and the penalties it incurs, and about how ordinary people's actions complicate conventional assumptions about such things. I use one semiotically rich piece of digital video art, the 2007 fan video "Us" by Lim, to explore the implications of everyday digital thefts at the capital-saturated scene of online media production and consumption.[1] When politics and technology meet to challenge received definitions of what it means to own or to create art, cultural production that appropriates and transforms copyrighted material might speak to larger transformations taking place both on the Internet and in the wider world.

Fan Art and Copyright. "Us" both embodies and comments on practices of digital theft that take place among artists who sample, remix, mash, rip, and burn. In particular, it commemorates the practices of online media fan communities: female-dominated networks that cohere around affective investments in media properties and that produce and share textual, visual, and video art that is based on "their" TV shows or films. The video celebrates this "den of thieves," as the song's refrain goes, with special emphasis on one trajectory of the so-called slash culture that centers around the creation of male homoerotic fan art.[2] Lim modifies captured images to make them look hand drawn in a visualization of the way fans write their own narratives over and around the media's narratives. Karen Hellekson's essay in this issue describes the gendered relations at play in this subcultural world.

In the closing image of "Us" (Figure 1), we see a young, bespectacled woman taking off a mask. She is a figure for the geeky fannish women who craft their own art with corporate media's materials, who are the "Us" the vid addresses and celebrates. And her practices are beginning to matter to more than her fellow slash fans in the "user-penetrated" ecology of digital media that Julie Levin Russo describes in this issue. The self-conscious tradition of the fan video-making (vidding) subculture is intersecting messily with public fights between big media companies over who will gain revenue from the expansion of digital video, mirroring the long-standing fights over musical appropriation that Abigail De Kosnik discusses in this issue.[3] Does Lim's geek girl pose a danger to the copyright regimes of the big media companies whose products she reinterprets?

For most vidders, valid fears of not being recognized as owning the product of their recombinatory labor—often, as in Russo's case studies, perceived as an undifferentiated feature of the online "public" domain—are of more concern than whether their disregard of copyright is likely to usher in new forms of digital ownership. Many valid arguments for the righteousness of Lim's artistic production leave intellectual property laws intact, insisting that the geek girl poses no threat. Putting transformed images to music

1 Lim, "Us" (2007), http://sublim.imeem.com/video/LQU2ToIY/lim_us/. All URLs cited herein were accessed on November 28, 2008. Thanks to Lim, Kristina Busse, Judith Halberstam, and Laura Shapiro for their help and engagement.

2 Lim draws on films and television shows that have large fan followings and that have been central to the history of science fiction– and slash-oriented media fan subculture, including *Star Trek* (NBC, 1966–1969) and *Buffy the Vampire Slayer* (WB, 1997–2001; UPN, 2001–2003).

3 For discussion of early conflicts over digital ownership, see Siva Vaidhyanathan, *The Anarchist in the Library: How the Clash Between Freedom and Control Is Hacking the Real World and Crashing the System* (New York: Basic Books, 2004).

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Figure 1. A young girl stands in for fandom in a digitally altered shot from *V for Vendetta* (James McTeigue, 2005) used in Lim's fan vid "Us" (2007).

in a new order creates a new artwork worthy of recognition, and (as Hellekson outlines and De Kosnik challenges) Lim does not profit from her production. These arguments have been publicized by the Organization for Transformative Works (OTW), a nonprofit organization of media fans who work for "a future in which all fannish works are recognized as legal and transformative and are accepted as a legitimate creative activity."[4] For OTW, being transformative positions fan art forms such as vidding outside the realm of theft and in the realm of artistic transformation. That permits them protection under fair use laws that allow media properties to be cited but forbid their wholesale reproduction.[5] I am a member of OTW and support their advocacy unequivocally. But it seems essential to me to recognize that fans' appropriative art is not necessarily complicit with legal and economic structures as they stand. It is worth determining who defines the use as fair, and what it might mean to place a value on unfair uses.

When the transformativity in "Us" extends to altering the semiotic content of an image, which happens only once, Lim does so to remind the viewer of the legally dubious status of fan production. As Spektor sings "though our parts are slightly used," we see a Bat signal transformed into a copyright symbol beamed into the sky (Figure 2). It is difficult to define where the stolen image ends and Lim's original artwork begins, but the music that accompanies it is borrowed with minimal adulteration. This audiovisual

4 Organization for Transformative Works, "About Us: What We Believe," http://transformativeworks.org/about/index.html.

5 Rebecca Tushnet, "Payment in Credit: Copyright Law and Subcultural Creativity," *Law and Contemporary Problems* 70, no. 10 (2007): 135–175.

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Figure 2. Batman's call sign morphs into a copyright symbol. Digitally altered shot from *Batman Begins* (Christopher Nolan, 2005) used in Lim's fan vid "Us" (2007).

moment reminds us that mashups, vids, and similar arts of juxtaposition challenge the idea that creative legitimacy relies on original ideas that belong only to those who initiate them. Will transformation be the new originality? Further, defenses on the grounds of transformation disconnect vidders from the other culture thieves on whom they rely: file sharers, for example, cannot declare their works transformative, and many of these are not only closely linked to, but may be the same people as, vidders. What does appropriative art imply if we don't try to justify it within the terms of existing legal systems, but rather use its potential illegality to imaginatively liberate music and images from structures of corporate ownership?

Freeing Culture. Henry Jenkins and other scholars of fan practices have compared fannish models of creativity to the cultural commonality of ideas, images, and plots that was considered normal before legal definitions of intellectual property were determined by corporate media interests.[6] The history of material and cultural commons and their enclosure is frequently invoked to make sense of the way in which digital copyright thefts—both more and less transformative—have come to function as unexceptionable cultural practices. Lawrence Lessig argues for the "innovative" benefits of nondepletable "resources held in common" online;[7] Creative Commons licensing has created a structure of licensing to encourage content producers to "Share, Remix,

6 Henry Jenkins, *Convergence Culture: Where Old and New Media Collide* (New York: New York University Press, 2006), 134–138; Tushnet, "Payment."

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Reuse—Legally."[8] In all these cases, the commons signifies a nonownership of ideas, words, sounds, and images within what Creative Commons describes as a model of "moderation" and "balance" between "anarchy" and "total control." Creative Commons licensing enables culture makers to dictate how others will steal their work, but they cannot account for the more anarchistic commonality of the den of thieves that nurtures "Us" and other artworks that are based on mainstream media properties for which "copyleft" licensing would be unimaginable. Some suggestive clip choices in "Us" hint at prospects—doubtless utopian, but nonetheless worth articulating—of a more radical vision for digital communality.

Images from the Wachowski brothers' 2005 film *V for Vendetta,* which portrays a masked revolutionary, V, instigating revolt against government oppression, punctuate the fannish history in "Us." In the film, V preaches popular democracy, reminding cowed citizens that "people shouldn't be afraid of their governments, governments should be afraid of their people." This is visualized when a crowd of ordinary people, given masks and incited to protest by V, show their faces at the film's close. Lim appropriates this scene to show that the V who is associated with creative destruction, piracy, and radical theft is the "us" of media fandom: her geeky woman is part of V's masked multitude, and she reminds us that if the world is changing, fans may have a hand in it. However, this gratifying narrative is complicated when compared to the darkly complex graphic novel on which the filmed version of *V for Vendetta* is based. The V of writers Alan Moore and David Lloyd aims not to involve people in government but to smash structures of governmentality, telling the people that "in anarchy, there is another way. . . . From rubble comes new life, hope reinstated."[9] Anarchy's hope here is also signified by a woman taking off a mask: Evey, the female protagonist who takes on V's role after his death—in print but not on film—pauses for a moment of respite before she moves to fight further for a dangerously material vision of an absolutely free political commons, "the land of do-as-you-please."[10] Ought we to imagine Lim's closing figure as a similar revolutionist? Even if neither Lim nor I subscribes to such a simplistic utopianism, V/Evey allows us to read "Us" in a way that suggests possible links between demands for cultural commons and claims to material ones that scorn law and ownership altogether in favor of the freedom to imagine differently, dangerously, and (perhaps) unrealistically that an anarchist politics allows.

Freedom is a slippery concept, especially when it comes to digital media. When we think about questions of copyright and digital ownership through cultural theft, freedom from domination lines up with freedom from having to pay—at least on the surface. Theft, piracy, and the commons are all concerned with getting things for free, and current configurations of online media and culture are hospitable to their insurrectionary modes of ownership. Online theft comes with comparatively few sticky logistic and ethical quandaries; with a little geek knowledge and some access to technology, one can

7 Lawrence Lessig, *The Future of Ideas: The Fate of the Commons in a Connected World* (New York: Random House, 2001), 23.

8 Creative Commons, *History,* http://wiki.creativecommons.org/History.

9 Alan Moore and David Lloyd, *V for Vendetta* (New York: Vertigo, 1990), 258.

10 Ibid., 181, 262.

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steal as much culture as one has access to bandwidth and has storage space. And yet, as Wendy Chun asserts in *Control and Freedom*, although it may be impossible to wholly enclose the traffic that passes through the ether and the Ethernet cables, the Internet and the files we find there are always already owned. Fiber optics, computers, and data that we send down wires are made by and belong to companies whose surveillance of users is as complete as they can make it. Chun reminds us that the "free" culture I have been glorifying is able to thrive because "*for now*, data is cheap and reproducible in ways that deny, rather than support, private property."[11] For now, regulation and enclosure of the Internet's commons is constantly increasing, and a few more technological upgrades paid for by those with property to protect could change the scene of theft culture dramatically. Even without the fears of surveillance and further enclosure (some more justified than others) that run rampant around digital traces, our experience of the freedom of the Web—the ads we see and the social networking sites we navigate—is constituted by capital's control even when we use that freedom to steal from capital.

Capital and Fan Labor. If every user of the Internet is complicit with capitalism, fans are by definition more complicit than most. Fans are, as OTW is keen to remind us, "great customers." In "Us," pirate captain Jack Sparrow tips his hat to viewers who embrace their subversive status as media pirates. But to join Jack's crew is, of course, to fuel the engines of capital even as it is to play with theft and rebellion. Disneyfied piracy is sold for profit and bought by fans; media piracy is (although not exclusively) a trespass of the privileged. "Though our parts are slightly used," goes the song "Us," "new ones are slave labor you can keep": although sharing stolen parts in a mutualistic and egalitarian manner suggests a delightfully subversive alternative to media enclosure, fandom also demands to be provided with the capitalist new on which to build. It wants to have its used parts and keep the new ones too, even if the globalized expansion involved in producing them requires slave-labor-like working conditions for some.

In recent years, media producers have explicitly sought to solicit fan participation as labor for their profits in the form of user-generated content that helps build their brand. Many fans perceive these developments as a desirable legitimation of fan work, but they can also be understood as an inversion in the direction of fannish theft. Rather than fans stealing commodified culture to make works for their own purposes, capital steals their labor—as, we might consider, it stole ideas from the cultural commons and fenced them off in the first place—to add to its surplus.

In Chun's paradigm of control and freedom, the two are "obverse," not "opposite."[12] I think that the same is true for vidders—and other digital media makers and commentators more and less political, including critical academics—undermining and supporting capital. I'd like to close by suggesting a refinement to the idea of appropriative online culture as a digital commons, one which allows for the simultaneous incorporation and resistance we see in Lim's use of the commodified Hollywood rebellion of Captain Jack and V. It may be productive to look on fannish labors of theft and

11 Wendy Hui Kyong Chun, *Control and Freedom: Power and Paranoia in the Age of Fiber Optics* (Cambridge, MA: MIT Press, 2006), 4; emphasis in original.

12 Ibid., 5.

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transformation as an *under*commons: an unofficial and transient space in which work simultaneously reproduces and undermines the structures that enable it.[13] Fans mobilize for a purpose that is neither radically disruptive of, nor fully incorporated into, the media industry's systems of ownership, but simultaneously supports and undercuts them while producing a collectivity of its own. And that collectivity, while it holds the media properties up, steals from them: abusing the hospitality of those who own the servers, the ISPs, the copyright, and taking its productions more seriously than they intended. In Lim's vision of fandom, vidders sneak in to rework images and songs, then do their best to disappear into a subcultural commons out of sight of the powers that be. In their hands V's disciple, the Bat signal, and even the figure of Captain Jack Sparrow have a chance to mean what they seem to say: these symbols of fictionalized rebellion briefly become what they can only pretend to be within their conditions of commercial production. This den of thieves, in all its ambiguities, shows us the occasional spaces that stealing culture makes within seemingly indomitable structures that ensnare all the more those who oppose them. Its very contradictions may offer a way to place possibilities, rife with vulnerability and interdependence, in those gaps. ✻

13 I borrow the term from Fred Moten and Stefano Harney, "The University and the Undercommons: Seven Theses," *Social Text* 79, no. 2 (2004): 101–102.

Kristina Busse is a fan and independent scholar. She is coeditor of the essay collection *Fan Fiction and Fan Communities in the Age of the Internet* (2006) and founding coeditor of the media and fan studies journal *Transformative Works and Cultures.*

Francesca Coppa is Director of Film Studies and Associate Professor of English at Muhlenberg College. She is also a founding member of the Organization for Transformative Works, a nonprofit organization established by fans to provide access to and preserve the history of fan works and culture.

Karen Hellekson is an independent scholar who works in the fields of science fiction and media studies. She is a founding coeditor of the media and fan studies journal *Transformative Works and Cultures.*

Abigail De Kosnik is an Assistant Professor at UC Berkeley in the Berkeley Center for New Media (BCNM) and the Department of Theater, Dance & Performance Studies. She is co-editing a volume of collected essays on soap operas in the digital age with Sam Ford and C. Lee Harrington, forthcoming from the University of Mississippi Press.

Julie Levin Russo is a doctoral candidate in Modern Culture and Media at Brown University, completing a dissertation entitled "Indiscrete Media: Television/Internet Convergence and Economics of Online Lesbian Fan Communities." She currently serves as a HASTAC (Humanities, Arts, Science and Technology Advanced Collaboratory) Scholar for 2008–2009.

Alexis Lothian is doctoral student in English and Gender Studies at the University of Southern California, where she is working on a dissertation provisionally entitled "Polytopia: Queer Futurity and the Politics of Science Fiction." She has published on fan cultures' intersections with queer politics.

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