

I'm a professor of Canadian literature at the University of Toronto, and the author of two standard histories of Canadian literature. I gather from a recent letter to the committee from the ministers of Innovation and Canadian Heritage that you have been receiving "diverse and sometimes conflicting accounts" about educational copyright, with authors and publishers tending to support copyright and educational institutions in favour of fair dealing.

I'm a bit worried that you're not hearing from too many actual teachers, so I thought I'd offer my perspective. But first, speaking as a historian, you should know that the amount of material by living Canadian authors taught at Canadian universities is very small: some would say distressingly so, but that's another argument. The vast majority of assigned texts at Canadian universities are by foreign authors, mostly dead ones (the humanities), or living academics (textbooks in the sciences and social science). Even in English departments, the amount of works by living Canadian writers is just a small fraction of the works we teach. From my most recent book, *Arrival: The Story of CanLit* (2017): "At eleven of Canada's largest twenty universities, English and French, you can complete a major in literature without any of it being Canadian. (At all twenty you can earn a B.A. without ever reading a Canadian poem or novel.)" The point is simply that any additional returns to Canadian authors, especially, from weakening or removing educational copying from fair dealing is likely to be all but non-existent.

Speaking as a teacher, I can tell you that in sixteen years of teaching, I could count on one hand the number of times I have copied works of Canadian literature for my students, with or without permission. In almost every case that I can recall, I copied because the work I wanted my students to read was out of print and no longer commercially available. In all my classes, undergraduate and graduate, I assign and expect students to purchase *books*, including many books by living Canadian writers. I stopped using course-packs years ago: they're aesthetically ugly, and their digital replacements don't work well in classrooms. To the best of my knowledge my colleagues follow much the same practice.

That said, I can see sound pedagogical and economic reasons why teachers might occasionally want to introduce their students to a Canadian writer by giving them a few poems or a single story. Especially for newer writers who might not yet be represented in anthologies, I can see teachers wanting to copy that selection for their students rather than asking them to buy a whole book. And I can imagine situations in which that small taste encouraged the student to buy the book themselves, to make the move from student to fan or teacher themselves. As McGill copyright historian Eli McLaren says in his recent article about fair dealing, "Connoisseurs tend to be eager to buy a book, while uncommitted students tend to be loath. The current fairdealing provisions entice the latter without necessarily replacing the former." If you haven't already done so, I urge you to read Eli's essay, "Copyright and Poetry in Twenty-First-Century Canada: Poets' Incomes and Fair Dealing," published in *Canadian Literature* 233, last year, based on a survey Eli did of Canadian poets. Here's a link to the issue, courtesy of fair dealing 😊: <https://canlit.ca/article/copyright-and-poetry-in-twenty-first-century-canada-poets-incomes-and-fair-dealing/>

The cost of weakening fair dealing, including increased charges by Access Copyright, will be passed on to students. There is an argument to be made that writers' incomes in Canada is decreasing and that we as a society should do something about that. But it's unfair to ask students to pay for it. Fair dealing isn't the problem, and changing it is isn't the solution.

--Nick Mount, University of Toronto