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VAST: Don’t Buy this Book

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A World That Copyright Forgot

Copyright emerged as a way to protect one’s own intellectual production; the fruits of mental labor. The conception of intellectual property was borne alongside the industrial revolution when new technologies allowed writing to become commodified. All of this played out on top of the underlying conception that an author’s work was his/her own work, produced from the uniqueness of the mind. However, this was not always the prevailing definition of author in Western thought. It would only take one diversion from history to allow that definition to continue to dominate the West well past its time.

For medieval Europe, the highest authority, and thus the only true authorship, came from God and the great myths of Christianity. As ultimate reality, only God had authority; priests and other devotees merely mediated His word. However, this displacement of authorship was not restricted to the theological realm. Like the Renaissance, medieval writers and thinkers studied texts of Roman and Greek antiquity as well as Christian texts. Whether theological or secular, medieval thought gave texts “truth and authority by dint of having been written long ago by famous men” (Pennycook 205). They found truth in the past: something to be replicated in the present, not changed or ignored. Thus, when writers took to the pen they in fact rewrote stories well known as old cultural stock. Though many medieval writers signed their work, the idea of having complete and entire ownership to the work was nonexistent. The valor of having re-contextualized an old text outweighed the desire for individual praise.

The concept of literature as owned property did not exist in medieval Europe, since the authority of anything written was beyond the writer. The subject of any prose or poetry written at that time belonged to someone in antiquity – pagan or Christian – and thus both authority and authorship of the subject belonged to them. Since writers in this time did not produce entirely new literature, they could not lay claim to their work as property. The roots of writing-as-property and copyright came in the 18th century when literary work began to be equated with production. The very text itself, the “precise form of words in which you express the idea,” became considered a property – a tangible thing capable of being created and possessed (Day 128). The writer assumed authorship for having been creative enough to make the text. The content itself was something unique; unlike the medieval writers, whose content came from sources beyond the self. This commodification of writing, appearing alongside an industrial age, occurred in a secular world. Without a God to lay claim to property, the creator by simple logic became the owner and controller of the creation.

To circumvent the belief behind copyright – that a person’s intellectual creation stems from his or her own individuality – the medieval idea of the individual’s relation to God would need to replace the secular notions of property. The first printing presses by Gutenberg began by reproducing and disseminating Catholic knowledge – the Gutenberg Bible. It was, after all, Martin Luther who challenged the authority of the Church by printing his own interpretation of the scripture. He challenged the authority of the Church, and in a way the authorship of the Bible, strategically by writing – by becoming an author. With this, the doors to authorship for the rest of Europe opened: theologians offered their own critique of the Church and of each other. Without Luther, central authority and authorship would remain in the hands of God and, practically, the Church. Those who wrote, then, would still be writing in the medieval context of rewriting through the annals of Catholic dogma.

The link between land property and intellectual property, expounded in the even greater challenge to religious authority during the Enlightenment, would never be established without Luther’s work. When intellectual production became coupled with the notion of property rights, individual ownership of ideas and language soon followed (Pennycook 205). The Catholic centered, inspiration concept of imagination gave way to the concept of imagination as intelligent, human production. However, in a world without Luther or challenge to the authority of the Church, all great thoughts would continue to be understood as emanating from divine inspiration, not human ingenuity. Thus, intellectual production would never exist and intellectual property (the possession of that production) would never follow. In practical terms, with the Church’s role in state affairs unchallenged, its stakes in land property would also be secure. Enlightened monarchs would not have begun the trend of asserting state control over Church property and affording property rights to individuals. Without a secular class of property owners, nor a conception of intellectual production, the two could never be coupled into a notion of intellectual property and ownership.

Although, even without the dramatic challenges to the Church by Luther and the Enlightenment, the Church’s power would have dwindled. Advances in technology and new uses of physical resources would require the secular state to overcome its dependence on the Church. However, since ideas about intellectual freedom never appeared, the secular state in the 18th-19th centuries would continue to dominate just as the Church had. Democracy would not appear, though the state might look like socialism or totalitarianism, depending on which way the country leant. Since the state would own all landed property, the core principle of copyright would thus be destroyed: that of a balance between public interest and private property (Rose 272). Writers would still be writing in the medieval paradigm of writing by inspiration; only, by this time writers would be inspired by the state instead of the Church. The state would own all copyright outside the public domain. Thus copyright would not be considered individual protection; intellectual property would be property of the state.

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