

COPYWRITINGS: A EULOGY FOR AUTHORSHIP

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“ Where do authors get their ideas? The answer, of course, is mainly from other authors. If this is true, then we must ask ourselves, is it mere casuistry that distinguishes tradition from plagiarism?¹ It seems that the human plagiarism is the most difficult to avoid; for all authors, it is the plagiarism of ourselves.² Yet we still a brave guess at the authorship of Hamlet. But as far as the play goes, does it make any difference whether Shakespeare or Bacon wrote it? Would it make any difference to the actors if their parts happened out of nothingness, if they found themselves acting on the stage because of some gross and unpardonable accident? Would it make any difference if the playwright gave them the lines or whether they composed them themselves, so long as the lines were properly spoken? Would it make any difference to the characters if *A Midsummer Night's Dream* was really a dream?³

Copyright is, in a word, about authorship. Copyright is about sustaining the conditions of creativity that enable an individual to craft out of thin air a “Sun also Rises,” a “Citizen Kane.”⁴ Yet history shows that art, regardless whether contained in literature, poetry, drama, photography, sculpture, pottery, film, or computer game, does not appear out of thin air. Each work stands on the shoulders of giants⁵, on the shoulders of its peers.⁶ Art is the product of editing, rather than of authorship.⁷

There is a modern assumption that an author is a particular source of expression. We presume that each author is manifested equally well and with similar validity, throughout a text, in their letters, fragments, drafts, and so forth.⁸ There is a notion that proper attribution, the quotation of another's thoughts and words, is appropriate, and that plagiarism, on the other hand, is cheating. It may even break copyright law.⁹ Is there a claim to authorship in the difference between the almost right word and the right word?¹⁰ Is such a distinction qualitative, and if so, legally protectable? Must every work of art be either plagiarism or revolution?¹¹ ”

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¹ Bayley, Stephen. *Commerce and Culture*. London, Design Musuem, 1989.

² Proust, Marcel. “The Sweet Cheat Gone,” Remembrance of Things Past. A.&C. Boni.1930 (trans).vol. 11.

³ Mumford, Lewis. *My Works and Days*. Harcourt. 1979. ch. 2.

⁴ Goldstein, Paul. “Copyright.” 38 *Journal of the Copyright Society of the U.S.A.* 109, 110. 1991.

⁵ Disputed attribution. Earliest author: Bernard of Chartres, circa 1130. Further information on attribution history: <http://www.aerospaceweb.org/question/history/q0162b.shtml> (Accessed March 7, 2007).

⁶ Creative Commons. “Get Creative.” Video. <http://creativecommons.org/support/videos#gc>. (Mar.7 2007).

⁷ Wald, George. “The Origin of Optical Activity,” vol. 69, *Annals of the N.Y. Academy of Sciences*. 1957.

⁸ Foucault, Michel. “What is an Author?” *Language, Counter-Memory, Practice: Selected Essays and Interviews*. Cornell University Press. 1977. p 128-9

⁹ Wilson, Kenneth G. *The Columbia Guide to Standard Am. English*. Columbia University Press 1993.

¹⁰ Twain, Mark [Samuel Langhorne Clemens]. *The Art of Authorship*, George Bainton. 1890.

¹¹ Paul Gauguin. French artist. Quoted in Hunecker, *Pathos of Distance*, p. 128.