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Historical Paper - Notes and Outline

Overview and Goals

Excited by my meeting with Eben Moglen last week, I'm becoming increasingly interested in the historical aspect of the project. This is fueled by the fact that I can see parts of this project beginning to take shape. I feel that if I can focus this subproject well, it has the potential to become the most complete and strongest single piece of the project by the end of the academic year. For that to happen, I need to find a way to focus my work in way that limits the breadth of my analysis--a problem I'm still struggling with. This more than anything else, is what I'd love feedback on.

Goals and the Larger Project

I want the to paper to provide a historical foundation that will support and imply my larger argument: that strong systems of control (namely strong copyright protection) restrict and conflict literary collaboration in a way that disadvantages both collaborators and the public. Toward this end, I am interested in making the following arguments[1]:

- Collaborative writing is not only historically precedented but historically *persistent*. Even strong control systems that trouble and complicate collaborative processes fail to reduce the importance or popularity of collaborative literary processes--they simply change the way they are articulated;
- Collaborative creative processes lead to different, essential, and often *better* pieces of literature. Not only does history show that many of the greatest literary works are the

1. I'm certainly not confident that I'll be able to make and support each of these points this year. They are larger goals. I wanted to mention them all here so you can see my thought processes. Also keep in mind, that organizationally, this not necessarily the way I'll be presenting my argument. It's not necessarily even the way I am currently planning or writing.

products of collaboration, but empirical evidence seems to support the idea that, in general, when human beings write together, they write better;

- The collaborative act of literary creation is powerful and essential democratic process that government should protect and foster in the interest of promoting both progress and democracy.[2]

With this set of justifications as groundwork, I will be in a position to make arguments about the nature of literary control systems in relationship to collaborative creation:

- Copyright is defined through the terminology of expression and (singular) authorship. Copyright's "authors" are a construction built on top of a Romantic coception of a creator. While this is mitigated by half-solutions like "works for hire", there's no real mechanism for articulating collaborative control of collaborative creations;
- As a result, copyright has forced collaborators into strained, awkward and ineffective collaborative relationships in the best situations and restricted or prevented collaboration altogether in the worst. Unsurprisingly, regimes of strong copyright protection have had this harmful and restrictive effect to a greater degree;
- My solution is a call for alternative or modified systems of literary *intellectual property* that reflect and foster collaborative literary processes.

Goals and the Historical Essay

My short paper described and took rudimentary steps toward comparing two major models of literary collaboration: creation through explicit committees as exemplified by the King James Version of the English Bible, and extensive collaboration between authors and editors as exemplified by Gordon Lish and Raymond Carver. It was merely an act of exploration within the subject but also acts as the first steps toward an argument for the persistence of collaborative creation.

Although I would certainly like to, I am not in a position to write a history of collaborative writing or a history of major historic collaborative models--the process is impossibly large in

2. This in particular is not an argument I will be tackling--at least not in the historical paper I outline below.

the context of this project. Instead, *I will use my historical paper to, in a rudimentary fashion, trace the way that the creation and steadily increased scope of systems of copyright has changed the nature of collaborative literary creation for the worse.* I will attempt to demonstrate that the institution and steady increase in the power and reach of copyright has hindered and restricted healthy collaborative relationships, forced them to articulate themselves through less effective models, and spawned a culture of unacknowledged collaboration.

Outline

In making my historical argument, a useful organization might involve charting the relationship between literary collaboration and control during different periods in the history of copyright. In all sections, I will support my arguments by describing texts for which their already exists a body of literature exploring their collaborative nature. In almost all cases, I will be using secondary literature describing the collaborations on particular works and will not be going to primary texts[3] .

If I follow this model, I might break the paper up a follows:

1. *Introduction;*

    There is context I will need to provide before my examination of the collaborations on individual texts proves useful. This background may be better spaced out throughout paper but it makes sense to note them here:

    - A introduction, brief discussion, and history of authorship and changing conceptions and attitudes toward the idea of an author;
    - An introduction, brief discussion, and history of copyright as a system of literary control;

2. *Before the rise of the copyright (pre-eighteenth century).*

    I want to demonstrate that before copyright, explicit and deep collaboration was the dominant method of literary creation. To highlight this point, I may call upon

3. Currently, I've listed more texts than I can realistically cover effectively. Help or suggestion in editing for scope is welcomed and appreciated.

histories of a diverse group of early texts that were collaborative by design in ways that later literature can not be. I'll These might include:

- the Jewish Talmud;
- the epic poems of Homer;
- Medieval glosses and annotations;
- the King James Version of the English Bible;
- popular forms like Renaissance drama;
- an overview or other major forms or works that help support my argument;

3. *During the early periods of copyright under weak copyright protection (eighteenth and nineteenth centuries);*

I want to demonstrate that under early forms of copyright, authors began re-configuring the role and articulation of collaboration in response to a new Romantic concept of authorship on which systems of copyrights were conceptually grounded. I want to show that collaboration had persisted but changed in nature and begun to become deemphasized in response to new regimes of control.

I may want to organize this analysis chronologically to facilitate a comparison of collaborative works and the increasingly large role that copyright played in literary control and the creation of the modern publishing industry. From my research so far, I feel that a convincing argument might mention:

- Collaborations between Samuel Taylor Coleridge and William Wordsworth on a number of works;
- John Keats who had help from friends and publishers on Isabella, Endymion, The Eve of St. Agnes among many others;
- Collaborations between Percy and Mary Shelly on a number of works;
- Theodore Dreiser's Sister Carrie which was the product of several hands;

- References to other works by author's including Charles Dickens, Emily Dickinson, Nathaniel Hawthorne, Jane Austen, Lord Byron, Mark Twain, Herman Melville and many more than I can even list.

4. *During the periods of growing and strong copyright protection (twentieth century, especially the second half);*

I want to demonstrate that while collaboration has persisted into the second half of the twentieth centuries, it has been reduced to awkward and ineffective forms or has been reconfigured to downplay its often central importance in the creation in a text. I will touch upon collaborations in the form of co-authorship (in the form of "as-told-to", "with", and "and"), editorship, and unacknowledged or intentionally hidden collaboration. Toward this end, I might harness the following examples:

- Collaboration between T.S. Eliot and Ezra Pound on Eliot's The Wasteland;
- Maxwell's Perkin's role in the works of several major twentieth century authors including, perhaps most notably, F. Scott Fitzgerald;
- Explicit collaboration on autobiographical works such as Malcolm X's The Autobiography of Malcolm X;
- The short stories of Raymond Carver and his editor Gordon Lish;
- The extensive role of collaboration in literary processes responsible for the creation of many popular works of fiction. There is good documentation of several high-profile cases that I may focus on;

5. *Conclusion;*

As much as possible, I want my historical analysis to imply my larger conclusions mentioned in the overview above. I will wait to make explicit conclusions, recommendations, and discussions of control and creativity in my legal/philosophical paper in the spring.