





Culture  
vs.  
Copyright

A Diary of a Naïve Philosopher



ANATOLY VOLYNETS

# Culture vs. Copyright

## A Diary of a Naive Philosopher

Chapter 1. First Graders on the Magic Planet  
Chapter 2. Inquiry on the Nature of Art  
Chapter 3. Arts and Personality  
Chapter 4. Culture beyond Arts  
Chapter 5. Discrepancies between Two Worlds  
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*To my mother Sofia  
and father Genrikh*



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The late Cookie Holley, founder of bNg Records (the site is not working any more, but the mailing list [bumpNgrind@yahoo.com](mailto:bumpNgrind@yahoo.com) still does) and an enthusiastic, artistic, absolutely unique personality of a unique fate. Cookie was able to invoke the highest sense of personal responsibility while being wise and gentle. She was another driving force in my quest. It is truly tragic that she is no longer with us.

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## Cultural Interlocutors

While I have been inspired by the ideas of prominent philosophers, psychologists, philologists, artists, and poets—Vladimir Bibler, Mikhail Bakhtin, Lev Vygotsky, Josef Brodsky, Osip Mandelstam, Diego Rivera, Thomas Jefferson, etc.—I have rarely quoted any of them directly. This is intentional—I just wrote as I understood the subject matter of the book, and thus I take all responsibility for it. I also want this book to be readable and understandable not for philosophers only, but for everyone. I think that it is necessary because it is nearly impossible to find a person unaffected by copyright or patent-related turmoil nowadays. However, if some bits of the book seem too philosophical, you can skip them at the first reading and come back later.

I am compelled to pay particular tribute to the first thinker on my list, Vladimir Bibler, a Russian philosopher of Jewish descent who felt that ancient Greece was his cultural motherland. I was lucky to communicate with him for years. Vladimir Bibler developed a vision of the culture of the twentieth and twenty-first centuries, “The Dialogue of Cultures.” The Dialogue of Cultures is interrelated to “Dialogics,” the logic of thinking and communication, and “Paradox-logic,” the logic of the transmutation of ideas. A special application of this triad to education gave birth to the concept of the “School of The Dialogue of Cultures.” Vladimir Bibler passed away in 2002. He left books and articles, written and published in Russian, which are not that easy to understand but are impossible not to accept. I believe Vladimir Bibler is one of the greatest philosophers of the twentieth and twenty-first centuries and of humankind. His ideas were what mostly guided my quest.

## Two More Notes

While this book has been prepared for publication I have learned that several ideas contemplated, more than probably, echoed some perspectives from a 1994 essay in *Wired* by John Perry Barlow called “The Economy of Ideas.”

I also recalled that idea that a part can be greater than its whole was expressed by a friend of mine Gregory Sapirsteyin when we both were very young.

# *Preface*

Culture vs. Copyright just happened to me, and maybe because of that it is neither a strictly scientific investigation nor a purely fictional, political or autobiographical work. I cannot determine its genre. It is what it is. If I wanted badly to label this book, I would call it the diary of a naive philosopher. “A diary of what events?” you may ask.

## **Version I, Somewhat Real**

It all started when Russian researcher Dmitry Sklyarov was arrested by the FBI in 2001. He gave a presentation on digital security using the example of a flaw in Adobe e-book encryption. But Adobe did not thank Sklyarov. Instead they accused the researcher of violating DMCA and put him in jail. The software development community around the US was outraged. Programmers staged street protests and started on-line discussions. My son Ilya participated in the protest in front of the Adobe headquarters, and this got me involved in the discussions. This is how this book came into being, piece-by-piece. It explores different aspects of culture, its relationship to human beings and to the human condition, to civilization in general and to economics in particular. The explorers here are five first-graders and their teacher, the naive philosopher. The issues they are focused on revolve around exclusive rights. The teacher gets inspired by the discussions, writes down his own thoughts, has doubts and new ideas, brings those back to the kids, discusses them and writes again.

## Version II, Somewhat Fictitious

It all started accidentally. I was talking to colleagues and happened to mention an educational experiment I had participated in, in the past. It was related to the *School of The Dialogue of Cultures* (SDC). The theory of SDC has been developed cooperatively among philosophers, scientists, and educators in the Ukraine and Russia. The foundation of that School's educational process is dialogue and is comprised of at least two elements. First, a subject is presented to the students not as the firm and absolute truth but as a source of questions. Second, teaching is not done in the traditional manner but organized through dialogue and exploration. These ideas may sound pretty casual to the modern ear, but when specifics were considered the theory and practice of SDC appeared rather unique, effective, and appealing to my colleagues. They were intrigued by experiments I described. For instance, I told a story of first graders enthusiastically debating the human soul with Plato and Aristotle. And there were many examples of the kind. That conversation with colleagues started a chain of events which culminated in another experiment with five Bay Area first graders who had dreamed of becoming famous writers. During after-school activities we agreed to work on "exclusive rights." Because exclusive rights are important to writers, they and their parents enthusiastically agreed to participate. The experiment, in turn, resulted in this diary, where my thoughts alternate with slightly edited shorthand records of our discussions.

I have not used the debaters' real names here, but refer to them with letters of the Greek Alphabet. I do so for several reasons. First, the kids and their parents did not want the real names published. Second, I follow a tradition of certain philosophical texts. Third, real participants do not fit exactly in the characters of the book. Finally, as the author it just feels right to me this way.



## Version III, Somewhat Poetic

This book is written many times  
At once.  
That is,  
A scrupulous reader  
Will easily extract  
Every idea  
Many times  
From chaotic dialogues, that  
Five wonder kids conducted  
And  
From deliberations  
I have done, as well.  
What do I want?  
It's to remind you  
What you already know  
About life in some respect.  
And thus, I want to ask  
Why don't we put  
Two and two together ? ! .

And now, on to our dialogues with the first graders!



Kids, left to right: Alpha, Beta, Gamma, Kappa, and Delta

## *First Graders on the Magic Planet*

Once, as I was sleeping, I had a dream. There was a strange planet. Something magic happened there every time an artist created new work. At the very moment the artist took his work out of his house, it became as widely known to the public as it was brilliant. There was a law there also: nobody was required to pay the artist while using, in any imaginable way, his work.

Amazed, I woke up and tossed and turned for the rest of the night, trying to grasp if there was any way for an artist to make money there. I could not wait to bring this up with my first graders. They do so love magic! So the next morning, I asked them about it, and look at what I got.

### **Who Gets Money and Why?**

*Alpha:* There is nothing to talk about here. If nobody has to pay an artist, then nobody will, no matter how famous he is. I say, the more famous an artist is, the more money he loses on that stupid planet.

*Beta:* He ain't losin' money because nobody gets money there.

*Gamma:* How come?

*Beta:* If nobody has to pay for the use of artwork, then everybody may copy it and have it for free.

*Delta:* Yeah, except for the money spent on copying.

*Gamma:* So somebody does get money? The copy machines! Ha ha ha!

*Kappa:* And somebody owns those machines.

*Beta:* People could sell or rent copy machines and other things you need, right? By the way, if copying takes money and time, then people may come along and do it for others, right? What are those people called, that copy for others?

*Teacher:* Publishers?

*Beta:* Publishers.

*Alpha:* So what? The artist still gets nothing. Only your “publishers” and the factories that make those copy machines. . . . That’s not fair!

*Beta:* Hmm, this is interesting. . . . This planet by magic momentarily makes a work as famous as it is good, right?

*Delta:* Right. So?

*Beta:* If it is known, then people want it . . .

*Delta:* Hey, hey, I’m starting to get where you’re heading. The more people want it, the more those publishers get, right?

*Beta:* Right, and they start to compete.

*Delta:* Yeah! . . . To make people buy more copies!

*Alpha:* What baloney! How can they have a competition if the work is the same for everybody?

*Beta:* How? How do they always compete? Some put lots of ads on TV—that’s how they compete. Some sell their copies cheaper—that’s how they compete. Some make their books in hardcover—that’s how! Everybody understands that!

*Alpha:* OK, OK. Publishers get money. They compete and steal each other’s business. . . . All right, who cares? They don’t bug me. What about the artists?

*Beta:* What about them? Use your imagination, Alpha.

*Alpha:* Use yours.

*Beta:* I am. They all live there and know how it works . . .

*Alpha:* We know too. So?

*Beta:* So? Publishers know. The very moment a work leaves the house, it becomes available for everybody.

*Alpha:* Yes, and you don’t understand, Beta. That’s the catch—the artist loses it right away!

## What Does an Artist Get?

*Delta:* Careful there! To become famous for your work does not mean to lose it! It is the best thing that can happen to an artist!

*Alpha:* I love it! Everybody gets money, and the artist gets famous and hungry! What luck! Thank you sooo much!

*Gamma:* Hold on. Let Beta finish his train of thought. He was on to something.

*Beta:* I still am. And we are close . . .

*Delta:* I know, I know! I used my imagination! I got it—the publishers will line up in front of the artist’s house to get the next work first and have an advantage on the market!

*Beta:* And?

*Delta:* And they will pay to access it before it gets out of the house! They will fight and try to kill each other to get it today because it will be for everybody tomorrow!

*Teacher:* Well, not quite. Remember, it only becomes as popular as it is brilliant.

*Delta:* Yes, yes, I got it. The more talented it is, the more fierce the competition!

*Alpha:* Oh yeah, exactly! I wouldn’t stay in this line. No publisher would! What are the conditions for business here? No, thank you!

*Gamma:* Nobody would do publishing?

*Alpha:* Nobody!

*Beta:* Great! Does anybody know where to buy a ticket to fly there?

*Alpha:* Are you that stupid? What are you going to do there?

*Delta:* I know—he is going to be the very first and the only publisher there! Right, Beta?

*Beta:* You bet.

*Delta:* He will become a multibillionaire in one month and hire all of us! Hey, Beta, do I deserve a good salary?

*Beta:* You bet. Everybody does, even Alpha.

*Delta:* What for?

*Gamma:* What for? I’ll tell you. Who was igniting all of the talk? It’s worth paying for!

*Delta:* Igniting? Do you mean like a car?

*Beta:* Yeah, like a fire.

*Alpha:* You’re all crazy. I’m not going.

*Kappa:* All right, get serious.

*Alpha:* Yeah, I’m still wondering whether the artist really gets paid.

*Gamma:* Wasn’t it convincing—that long line of publishers under the artist’s window?

*Delta:* It actually was. . . . They will line up, 100 percent . . . after they learn that Beta bought a ticket and is going to cut them off!

*Alpha:* Hey, we wanted to be serious, didn’t we?

*Beta:* We are, Alpha. And we haven’t finished yet.

## What Does a Publisher Get?

*Gamma:* Hold on, all of you. I want to ask Alpha what was wrong with this picture? Can you put forward some argument and keep the exclamations to yourself?

*Delta:* Gamma, you always sound so smart.

*Gamma:* I was watching the news with my parents last night.

*Beta:* Well anyway, I don't mind the exclamations, but I would like to get some more logical "ignition," as well.

*Delta:* Me too. Say something, Alpha.

*Alpha:* What, you can't remember? I told you—nobody will pay an artist, all right?

*Gamma:* But how about a fat publisher that can pay to be the first?

*Alpha:* I don't buy it.

*Gamma:* That's all?

*Alpha:* All right. But he won't pay much because any advantage expires at the moment that the work gets out!

*Beta:* Hey, Alpha, if you understand business so well, why don't you use your imagination a bit more?

*Alpha:* I take that as an insult.

*Kappa:* Cool down, guys.

*Delta:* Hey, hey, I get it! The publisher may pay the artist very well so that he keeps the work inside!

*Alpha:* So what? It gets outside when it gets published anyway!

*Delta:* So what yourself! The first is the first! Customers value that! This is how a brand develops! It pays, all right.

*Alpha:* So what? So your fat publisher develops a brand. Oh, he makes money all right, but what about the artist?

*Delta:* Are you nuts? Who can't remember now? How does the publisher gain all these things? He pays the artist, remember? He has to pay very well, remember!

*Kappa:* Cool down, guys.

## Some More for the Artist

*Beta:* I have some more for the artist.

*Alpha:* More baloney, I'm sure.

*Kappa:* We are listening, Beta.

*Beta:* Yeah, listen and judge for yourselves. First of all, that fat publisher will print on the cover that he paid for the work, that he didn't get it for free like others.

*Delta:* I know! I know! Hurray! Beta, you are a genius! All artists of all ages from around the world should pool money together to raise a monument to you! I will personally donate a few bucks.

*Alpha:* Oh yes. I'll put in a few more to have all of your names carved in the pedestal along with the inscription "This is for a few stupid kids who wanted artists to starve and art to die."

*Kappa:* Delta, why don't you step down from your desk? Alpha, you complain, but are the first to insult others.

*Gamma:* Delta, what did you want to say?

*Delta:* Don't you get it? Any publisher can pay the artist to write it on the cover!

*Gamma:* Why should they? They have it for free!

*Delta:* They sure do. But then why does the first one pay? Whoever wants it for free, can use it for free. Whoever wants to develop a brand will pay! Get me? They pay for marketing anyway. Paying the author will be just one out of many marketing strategies. I would even say that any publisher would want to pay the author to have it on the cover that they paid. Only those who cannot afford it won't pay the author. Get me?

*Gamma:* Are you saying that any publisher can reprint the same work and the author will get paid by *each* of them?

*Delta:* Yeah, and the work spreads like crazy. The author gets exposure at unimaginable heights!

*Alpha:* Yeah, unimaginable. That's the word. Good fantasy.

*Kappa:* I like that magic.

## What if It Is Not Magic?

*Beta:* Actually, now I do not understand why that magic was even necessary.

*Gamma:* Why? Beta, what's come over you? How was that artist initially exposed? Remember all the nifty stuff they just got! All the riches, the champagne pouring from the sky! If it were not for the magic, then there would be no publishers in line, no money for the first sale, not the slightest interest in proudly putting on the cover "I sponsored this author!" Nothing, Beta, nothing, just empty pockets!

*Delta:* Hmm . . . well, actually, if an artist is not known to the public, there is no way for him to get paid on any planet.

*Alpha:* How do they get rich then?

*Beta:* Frankly, I don't care how it happens down here. . . . By the way, I've heard many times that only a handful of artists get considerable money. The great majority of them are starving artists anyway.

*Alpha:* So? A talented one gets money, untalented—does not. What's wrong with that?

*Delta:* What's wrong with it is that it ain't true. As simple as that. My father says that it is a rare coincidence when real talent gets real money.

*Gamma:* This is not the case on the Magic Planet! I am dying to learn how Beta was going to provide the magic without magic!

*Alpha:* I'm not. All you fantasized before wouldn't work! And anyway, it's impossible.

*Delta:* Oh, that's clever. You do not want to hear what Beta is up to because you think it wouldn't work?

*Kappa:* It is too early to judge. Beta, what was it that you wanted to tell us?

*Beta:* Look, can you imagine that publishers and others who want to use a work of art are free to do so? . . .

*Delta:* Like on the Magic Planet!

*Kappa:* Delta, do not interrupt, please! You'll never hear the answer!

*Beta:* OK, I'll continue. Everybody is free to use it but is obliged to attribute the work to its author.

*Alpha:* So?

*Delta:* Ah . . . the author gets exposed with every single use of his work.



*Gamma:* Hmm. Let me see. . . . If artworks were not free to use, each publisher would have his own stack of books.

*Teacher:* Oh yes, that's true on our planet. Publishers feel safe with their portfolios.

*Gamma:* Yeah, but if it's free to use by anyone, no publisher feels safe with his own "portfolio" and has to search continually for more good stuff . . .

*Alpha:* So?

*Beta:* So, any new work gets attention, no matter what!

*Delta:* Yes, yes! If it is downright brilliant, there is always someone to grab it and show it off!

*Kappa:* Delta, get down off your desk, please. Why are you getting excited so easily?

## A Flaw in the Common Perception

*Alpha:* I don't understand why they are free to use a work. Why shouldn't they pay the author? It is so simple and reasonable.

*Gamma:* Is it? That's what I thought yesterday too, but now I'm not so sure.

*Beta:* Why should they pay if it works anyway?

*Alpha:* . . . An author can be granted exclusive rights for publishing and trade them off . . .

*Beta:* And how does he get exposed then?

*Alpha:* Listen, Beta, I'm not calling you nuts now, but you don't understand the simplest things. The author sells his rights, the buyer advertises and sells the work. Is that so complicated to you?

*Beta:* It isn't, except it won't work for the author!

*Alpha:* Why on the earth won't it!

*Beta:* Because, with your scenario, the author depends entirely on that one buyer, his capabilities, intentions, and good will. The author's fame is limited and cannot be anywhere near that fame he could enjoy from the entire competing publishing community!

*Teacher:* We can say "exposure" instead of "fame."

*Beta:* OK, "exposure." The author's exposure is limited in Alpha's scenario.

*Alpha:* I don't buy it!

*Kappa:* That's easy to say, Alpha.

## Word to the Reader

Well, my first graders did not make exceedingly clear points, but who expected them to? I was intrigued. I started to ask myself what I honestly knew about the subject and where to dig for these not-so-simple answers. All of a sudden, I realized that we were discussing pretty strange things, things which are totally different from material objects. . . . But I only found slight reference to this subject in all the commotion around copyright-related issues. Finally, I found myself thinking about this question: What is the nature of art?

## *Inquiry on the Nature of Art*

### **Should We Obey the Laws of Nature?**

A short note before we start. This chapter lays out the philosophical groundwork for the ideas expressed in the book. If you feel it is too heavy, it can be skipped and read later just as well.

Sometimes I use the terms *culture* and *art* interchangeably. This is because the arts are the most typical representation of culture; therefore I use art to explore culture itself; and vice versa, whatever we can say about culture in general, naturally applies to the arts.

Now, on with our subject. The concept of copyright (the right to make copies) and related laws, practices, and institutions are different elements of a certain attempt to govern culture. This attempt has been going on long—for about three hundred years. My question is thus: Has it been a success? Or let us put it another way: Has culture been properly governed? The issue is extremely contentious and distressing nowadays, and the right answer is vital. But how can we judge? I insist that the only proper answer is one that is based on culture itself. What do I mean?

The ancient Romans said, *Natura parendo vincitur*, that is, “Obeying nature, one wins.” In other words, we get the best fruits of nature if we obey its laws. And nothing but harm comes from trying to impose our wishes on nature, to act against its laws. Sounds reasonable, does it not?

I want to ask then, what about culture? Should we try to obey culture’s intrinsic laws? That is to say, should we follow the nature of culture, while attempting to govern it? Or can we take laws derived from other areas and apply them to culture? Witnessing what is going on today, any reasonable person would doubt this, willingly or unwillingly.

Now, let us have a close look at this subject.

## A Work of Art Equals a New World

What is the nature of culture? Let us narrow down the question to: What is the nature of art? And let us start with something one can point to—a work of art. What is it?

Let us take an example, say, *The Lord of the Rings*. What happens when we read it? At least two things. First, we accept another world, one built by J. R. R. Tolkien, as if it is ours. We identify with the heroes; we love and hate; we get scared, triumphant, sad, happy, impatient, avenged, etc. It is as if we are living and acting there—we take whatever happens there close to our hearts. Again, their world becomes, in a sense, ours. Second, it is a different and strange world. That is why it is interesting to us.

And so, here we can sum up the first definition of a work of art: it is the paradox of a new, strange world accepted as our own—an alter ego of our world.

This alter ego, in a sense, is less real, yet, in another sense, more real than the physical world. It is less real because it is virtual. You can enter and exit at any time, at will. However, it becomes more real when it affects you, evokes strong feelings, and influences your decisions to a greater extent than the physical world.

One could say that this definition was deduced from just one specific example, one of fantasy. What about other genres?

They are all the same. Let us take an example that is close to physical reality—a newspaper article. Try to extract a list of pure facts from the article and compare it with the article itself. Which one is more real in terms of influencing the reader? The list or the article? Which one is more likely to get noticed? Which one is more likely to get genuine attention, understanding, and empathy? The answer seems obvious; it is the article or, in other words, the list of facts *processed* by the journalist (thus presenting a conditioned world), which is more visible and understandable. How has this reality been achieved? The journalist has turned the physical reality into “more ours” (so it became touching) and, at the same time, “more strange” (so it became interesting).

Once again, in a piece of art (whatever it is: painting, novel, poetry, song, sculpture, drama, dance, etc.), the artist creates a new world, a strange and real one. However, this new world is not the only phenomenon created. Necessarily, other things never seen before emerge:

- New forms of expression
- New elements of human language
- New human attitudes
- New understanding of human dignity
- Generally, it is a new layer of humanity.

At the same time, the artist recreates his own alter ego (one that understands all of the above listed). Furthermore, he creates a new audience (the people who will understand all these new things).

To summarize, every artwork creates a new layer of humanity consisting of a new world (less and more real than the physical one), a new author (capable of creating that world), and a new audience (capable of understanding, believing in, accepting, and enjoying all of the novelty) with all their new forms of behavior, thinking, and speaking.

## **A Work of Art Equals a Message**

And so, a piece of art addresses an audience, which, in turn, is supposed to understand it. This means that the piece of art bears another duty and, hence, another definition: it is a message to be heard, understood, and responded to, which means, furthermore, that true artwork appears when the artist has something to say. Obviously, this must be something that touches the author personally.

One could point out that art-on-order or art-for-hire does exist. Indeed it does, but this changes nothing. The artist's talent has the capacity for the understanding and empathy that other people could and should truly feel. Otherwise, the outcome does not amount to real art.

## People-to-Art Relations

So, a work of art is a message. Now, what happens on the audience's side? It is a fact that we love, hate, feel compassion for, and fear the heroes of a work. As we already said, this new world is a real one. It is unique; it is unusual; it is specific; it is virtual; and it is real. We engage in this reality if we allow ourselves. And for those who do not, art simply does not exist. Despite the fact that we are free to engage and disengage the world of a piece of art, when we are engaged, everything that happens to its heroes touches us. That is, we develop real human-to-human relationships with heroes from virtual worlds. The only difference is the consequences. Have you ever been afraid when a movie becomes too chilling? Have you ever cried when listening to music? Have you ever had deep feelings, tempests of thoughts, while reading? These are all very human feelings, are they not? And these feelings are directed at and invoked by images shaped by the artist, writer, singer, or composer.

Interestingly enough, the same thing happens when it comes to real people and events we are not directly engaged with. They become truly real for us if they are "processed" by art. For example, earlier we saw how information in a newspaper may pass unnoticed by the public, yet the art of journalism makes a real event truly realistic. The art of journalism makes a factual event so captivating that we notice and accept it as important, that we become engaged in human-to-human relations with the characters of the article.

## Personal versus Consumer Attitude

Having said this, we can understand another dimension of individual relations with a work of art. Let us turn to our example again. Say, one day you discovered *The Lord of the Rings*. You may have borrowed it from a friend or taken it from the library. You read it and decided that you wanted this book on your shelf so that you can reread it, talk to its heroes, and listen to them. You want to enjoy their adventures, be afraid of their dangers, and discover new countless details, possibilities, beauties, and challenges time and again. Then

you went to a bookstore and did not find it. Would you say to yourself something like, “Well, they don’t have *The Lord of the Rings*, so I will buy something else”?

Although the above attitude is possible, this would not be normal here. If you want *The Lord of the Rings*, then you want *The Lord of the Rings*. It is personal by nature! It is not the same when you are going to buy a car. In the latter case, you need something to drive. Even if you want a very certain car, it can be substituted. *The Lord of the Rings* cannot be substituted. Another book will never be the same to you, in the exact way that a loved one cannot be substituted by just any person.

This last point is extremely important. Let us deliberate on a few more examples. One can say something like:

- I need something to eat.
- I need something to drive.
- I’d like something to read.
- I want to marry.
- I need to talk to somebody.

Or one can say something like:

- I want rack of lamb, Irish style.
- I want a blue Cadillac.
- I need to read *The Lord of the Rings*.
- I love Miriam and want to marry her.
- I miss Tom and want to talk to him.

What is the difference between the two groups? The first one contains indifferent, impersonal statements, which represent, generally speaking, a “consumer” attitude. The second one consists of personal statements which represent a passionate “humane” attitude. But this is not all.

The “consumer” attitude in some of these statements should be taken with a grain of salt. Even when you just want to marry, you normally foresee individual human-to-human relations; so even though this wish is expressed in general terms, it is not necessarily a consumer one. The same story happens with the wish to talk to

somebody. This normally implies that someone will listen to, understand, and probably help you in some personal, caring manner. Further, if you want to read something, normally you anticipate human-to-humanlike relations with a book's heroes, and this is exactly what attracts you.

Now, the personal statements in the second group should also be taken *cum grano salis*. When you say "I want to drive a blue Cadillac," you personalize a functional thing which has no soul. Engaging in human-to-humanlike relationships is not in the nature of a car. Nothing about it is supposed to invoke *love* or *hatred* or any other purely *human feeling*. It is only *functional, powerful, comfortable*, and so forth.

To sum up, a human being can develop a personal attitude toward anything or may treat other human beings like consumer goods (an extreme case, for instance, is slavery). The question is: What is natural here? When you wanted to read *The Lord of the Rings*, that was personal by nature, like wanting to meet another person. This is not an irrelevant or surprising analogy at all.

If a work of art presents another real world along with its own heroes, events, and laws, and if this other world talks to your soul, then you cannot treat it like food or even a tool. It is different from these in principle, in nature. You *do* feel a personal engagement, much like one with other people. It is this human-to-human aspect that makes artwork vital for both individuals and society as a whole.

## Form in a Work of Art

To return to one of my premises, a piece of art is a message. It travels from the author to the audience and is about the author's true feelings, ideas, and indispensable inventions. How is this message built? We know already that message paradoxically presents a new virtual world that is strange (and therefore interesting) and, at the same time, is ours, understandable, and touching (and therefore important).

What makes a piece of art the projection of a new world? The work consists of ideas which are organized and expressed in some aesthetic form. Obviously, the ideas simply listed (remember a



newspaper article!) would attract only philosophers and would not necessarily invoke any feelings. However, there are many pieces of artwork which are deeply engaging even though they contain ideas that are insignificant for us. For example, I adore the movie *Chicago* but can barely list any ideas in it. Why do I adore it then? Why do the few ideas contained within it become significant for me? How does art purify matters and assign meaning to issues for us, in general terms?

We can assume that the aesthetic form plays the principal and essential role here. It is this form that organizes details, tying them together in virtual space-time as an aspect of a new world built by a work of art. Indeed, it is this aesthetic form that brings a sense of reality into the newly created world, and it is this form that makes this new world engaging and interesting. It is through this form that ideas emerge and speak to us.

Now let us recall that an author's intrinsic feelings must be at the center of an imagined world and dictate its aesthetic form.

## Rules for the Creator

Now, if feelings dictate then the author has to obey, although this may sound strange. What can we derive out of this? We have learned a few things about a work of art, but is art something comprised entirely of "works?" Or is there such a thing as "art itself?"

The first answer is easy to formulate, it is "yes and no." Why "yes?" When we say "sculpture," we refer to a general notion, which in turn defines a work of art as a sculpture in our eyes. Likewise, it becomes this in the eyes of its creator. Most importantly, it was a sculpture in the creator's mind before it was created. What about some other phenomena reflected in such diverse general terms as *baroque*, *comedy*, *Antiquity*<sup>\*</sup>, etc.? There appear to be some general patterns working beyond artworks. Thus, we can definitely say that art in and of itself does exist.

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<sup>\*</sup> Here, and throughout the book, I refer to "Antiquity" meaning Classical Antiquity, i.e. the ancient Greek and Roman civilizations which developed approximately from the 8th century BCE to the 5th century CE.

Why “no?” These patterns exist and develop only in works of art. While talking about art, we have no substance to look and point at other than works of art. Art does not exist beyond works of art. Art in itself is a paradox, and this paradox is the exact reason that art develops through its own laws.

Let us make the ideas behind the “yes” more concrete. The patterns mentioned above translate into the more or less articulated rules that an artist has to obey. This, by the way, returns us to another issue: whether or not there are laws of culture that must be obeyed in order for culture to be at its best. Yes, there are laws. They are employed in works of art, and they are developed within works of art.

An artist obeys and develops at least three sets of rules. We may call them “Generic Set,” “Canon Set” and “Work Set.”

The first set of rules is concerned with categories of art (genres, media, etc.). Obeying these laws is one of the conditions of molding a piece of artwork into a perfect form. Let us take a look at movies based on books. Simply rewriting a book as a script cannot work because things that have to be said in a book can simply be shown in a movie. Inversely, things that can be explained in a book cannot be shown in a movie. For this reason, some movies based on the Bible are not convincing at all. *The Passion of the Christ* serves as a counter example because Mel Gibson adhered to the laws of his medium.

The second set of rules is concerned with canon. From ancient Greek tragedy and sculpture to medieval poetry and classical music, the arts have always been developed through a cycle: invention of a canon, development within the canon, offshoot of a new canon. You either learn an existing means of expression, or you invent a new means yourself. But you still have to follow some rules so that your creation will fit into a cultural context. This makes your work readable, visible, understandable, recognizable, and so forth.

The third set of rules is really mysterious. It is concerned with the “dictatorship” of the author’s own work. That is, this set represents a unique world that is implied in every single work of art. No matter what it is—a novel, a short story, a song, a play, a painting, a poem, etc.—it is a whole new and different world. To reiterate, it is new and it is real. Importantly, it becomes real when all its elements play

together without a single false note. Again, the new world is real if it is shaped in a perfect form.

We always recognize a false note when it is played; we always notice when a painter makes a wrong stroke; in general, we feel it when an author breaks the rules of the world he has created. That is, we can always feel it when an aesthetic form is broken, when its perfection is undermined. I remember a very compelling example—*The Chronicles of Narnia* by C.S. Lewis. It happened when, I think, Lewis started to worry that his message of Christian love was not clear, so he turned to direct preaching. In my view, he destroyed the beautiful world he created; he effectively broke away from its esthetic form for the sake of religion and morality. What should Lewis have done to keep Narnia alive? He should have followed her rules. He should not have preached directly but instead kept Narnia's form unspoiled.

This may seem contrary to the idea that authors' feelings dictate form, but it is not. That form must represent the author's feeling. It follows then that the virtual world should be free to dictate its own rules. The more talented an author, the better he is able to follow the rules of the world of his creation. We can even put it this way: the more talented an author is, the more independently his creation acts. If we agree that an imagined world is, in a sense, a living one, then we see it as independent—independently acting and independently developing. In short, the main rule for a creator is paradoxical: be free to follow your creation!

## Creating as Dialogue

All right, a talented author allows his creation to live according to its own laws. Now, let us recall that a piece of art is a message. Thus, the talent of a creator consists in allowing his creation to speak for itself. This illustrates and highlights another side of the real logic and psychology of the creative process.

The author relates a message when creating, and this means the author is talking to somebody while creating. From the outside, it might seem like the author is talking to himself. But what is happening on the inside? That is the same thing that happens to all of us while

we are thinking. When one is thinking she or he is talking to someone else in her or his mind, in her or his inner speech. This can be one's father or mother or teacher or friend or loved one or enemy or a hero of a book, etc. Of course, those interlocutors may be more or less unrecognized, so we do not quite clearly realize who we are talking to, but this is a matter of psychology and is not crucial for our subject. (Normally, an adult is under the impression that he is talking to himself.) What is crucial for our subject is that an author is conversing with his potential audience and other authors.

Obviously, an artwork itself means nothing until somebody sees it, listens to it, etc. A work of art represents culture at the moment that it emerges as the subject of inner or outer dialogue. Remove dialogue, and art becomes a piece of canvas, some ink, a tape, etc.

Interestingly, if we remove art—and thus novelty—from dialogue, it turns into banal, senseless, animal-like communication.

When do you talk? When you want to be heard, understood, and responded to. You write (film, sing, etc.) to be read (watched, listened to, etc.), understood, and responded to. And while on the outside a new creation invokes new understanding in other people, the same amazing thing happens inside, in the creator's inner dialogue: all of the author's inner interlocutors develop an understanding of the new creation. The author talks to his inner interlocutors about this new world. That actually means he develops his own new understanding, his new alter ego, or more precisely, a new face of his alter ego, with every single work.

Free human communication or dialogue is the most general mechanism in the development of the arts and all creativity, generally speaking.

Actually, art is a dialogue. Its very fabric is produced at that very moment when a writer is writing (that is, he is talking in his mind), when a reader is reading (is talking in his mind to the author, friends, enemies, etc.), when a person is thinking (is talking in his mind to his alter ego), etc. All of this occurs in the realm of ultimate freedom and only there. Let us always remember that.

Freedom of inner speech is one of the main conditions required and, at the same time, is the motivation to create. It is another law of

the nature of culture! Even if an author creates for some superficial reason, like money, fame, or fear of punishment, these affect him on the surface only. No external reasons add talent to a work of art, but free inner speech or dialogue does. Again, the freedom of the author's inner speech is crucial for the creative process. A creator is as talented as he is free.

## **Culture: Sum of Works and Beyond**

We already touched upon the question of whether or not there is an “art” as such, i.e., art beyond works of art. We assumed there must paradoxically exist some generic thought patterns, some ideas representing art. They exist, but one cannot point at such a pattern in reality. They work as engines, producing new elements of humanity such as thoughts, ideas, forms of expression and even new human behavior. They cause an audience to become newly curious and understand these new elements. How does this happen?

Let us explore some more phenomena. Ideas become developed and refined when they are fixed into a form, a “work.” After that, they may play an “instructive” role, either by becoming examples to follow or even by being taught. But the most crucial role of a work of culture is not to be an example. It is to provoke another creator to create. It could incite a desire to understand, follow, go further, argue or criticize—generally speaking, it induces dialogue. All this relates to the audience as well.

Let us take, for example, the so-called “culture of groups.” Whatever their art forms are and at whatever level they exist, it is necessary to stress that these forms have been and are being created. After the creation, the “added culture” spreads into the vernacular, becomes fixed in the written language, rituals, clothes, meals, and so forth and, sooner or later, “fires back”—that is, new works of art appear. These new works reflect the new stage of the group and promote new forms of life. Novelty is a characteristic of culture, and because of that, culture is exclusive purview of humanity.

Once again, culture is born of works of art, and gives birth to works of art but is not the same as the sum of those works. Even if we add ideas, names, literary personages, genres, theories, methods,

schemes, etc. the result will not add up to the entirety of culture. This is so simply because many different works may represent the same culture. For example, the works of Aristotle and Plato belong to the culture of Antiquity. But what is the culture of Antiquity? It is one represented by works of Plato, Aristotle, and many others. How can such different works represent the same thing? Culture appears to be an engine producing works, which, in turn, develop the culture. We revolve within this and other paradoxes of human ways all the time. We can neither avoid it nor change it.

The paradox between culture and its works is analogous to the paradox between thought and speech. Thought and speech are not one and the same, because you may express the same thought in different ways. On the other hand, there is not a thought beyond speech; that is, you have no means to comprehend the thought without verbalizing it. Both halves of this paradox have been brilliantly grasped by Russian poets:

*I have forgotten the word that I desired to say  
And a fleshless thought returns to a hall of shadows.*

-Osip Mandelstam

and

*The thought that has been said is false.*

-Fyodor Tyutchev

## **Culture and Humanity**

We concluded in the very beginning that every work of real art actually creates a new layer of humanity. Let us list a few points which have been developed thus far and some of the obvious offshoots thereof:

- If a work of art represents a new world and this new world speaks to us, then it invokes new feelings, new language to express ourselves, new views on our relations with one another, etc. Thus, artwork creates new layers of the human way of life or, in other words, new insights on humanity itself.

- It is significant that the relationship of people to works of art is essentially the same as the relationship of people to one another. This means that arts bring about new ways of life.

- In these new ways of life, the arts disseminate ideas which are exclusively human. These ideas are ingrained in material objects and relate to desire, value, interest, hate, affection, encouragement and so forth.

- Moreover, art fosters ideas in an exclusively human way, via aesthetic forms, thus developing the human ability to perceive.

- The virtual world of an artwork must be recognizably ours and intriguingly strange in order to work for the audience. Thus, a work of art develops curiosity, empathy, and reflection, fundamental features of human nature.

- A work of art directly enriches the personalities of its author and audience because it develops new “faces” of their alter egos. These faces are able to understand that new work, its language, its new aesthetics and new interpretations of human-to-human and human-to-universe relations.

- The arts develop the spectrum of the simplest human senses via the development of new genres and kinds of art.

- The arts continuously further and deepen the basic sensations of space, time, and movement.

- The arts develop the sense of historical time and universal space, which translates into the sense of the total unity of humankind throughout time and space, particularly beyond national boundaries.

- It is the arts which develop the basic of all basics of the human way of life—dialogue or free communication.

- It is through art that people develop, employ, and reveal creativity and freedom, their most powerful and fundamental abilities.

If we were to go farther back in time to when there was virtually no art, we would find that no human way of life had yet developed. The arts create humanity, amount to it, and vice versa—no humanity emerges beyond the arts. It is noteworthy that humanity is measured in all possible dimensions here: ethics, aesthetics, feelings, thoughts—all that make a human being specifically human.

## The Reality of Art and Civilization

And so we can see that if it were not for the arts, civilization would never have developed. We concluded that virtual worlds of art are more real in certain respects than the physical world. Virtual worlds and the physical world do interact and influence each other. Real tensions within the physical world instigate creators to reflect them in imagined worlds. These are imagined in new and different ways every time they and an audience interact. This is how works of art promote perceptions and understandings of new ways of life and thus change society. It is up to civilization to accept or deny what culture generates. Acceptance and denial both have occurred throughout history.

Mostly, the two fight each other. Culture questions civilization. Civilization, in turn, denies what culture brings in. Civilization fight creations in different ways for different reasons. It punishes creators, disseminators of art, and the audience. It stages obstacles for them all. The first thought that comes to mind when we think of such fight is censorship. This, in turn, makes us think of tyranny. However, the same can be said about copyrights and other culture-restricting laws, perceptions, and practices. Granted, there are differences in motivation between censorship promoters and copyright promoters, but there are hardly any differences in results. Moreover, some cultural phenomena fall under more than one kind of restriction. For instance, *The Adventures of Huckleberry Finn* had the bad luck of falling under two kinds of restrictions: copyright and censorship.

Some of these restrictions are lifted when society is ready to accept a cultural phenomenon. For some that time never comes. At any rate, it is impossible to imagine and measure all the harm done by civilization to culture and, consequentially, to civilization itself due to all the mentioned and unmentioned restrictions.



## Culture and Creativity

After all that has been said, it is obvious that culture and creativity are inseparable. Surprisingly, the interrelations between culture and creativity are not that clear (beyond this book). This can be seen by looking at many dictionary definitions of culture, such as these taken from the *OneLook* ([www.onelook.com](http://www.onelook.com)), which, in turn, takes entries from a great deal of other dictionaries, such as Merriam-Webster Online Dictionary, Cambridge International Dictionary of English, and others:

### *Quick definitions (culture):*

- **noun:** the tastes in art and manners that are favored by a social group
- **noun:** the attitudes and behavior that are characteristic of a particular social group or organization (e.g., the developing drug culture)
- **noun:** a particular society at a particular time and place
- **noun:** all the knowledge and values shared by a society
- **noun:** a highly developed state of perfection; having a flawless or impeccable quality

All the above definitions of culture lack a most notable point—its development. Development is necessarily “part and parcel” of the very idea of culture and, thus, must be reflected in its definition. For example, “culture is the *development* of the tastes in art and manners that are favored by a social group” or “culture is the *development* of the attitudes and behavior that are characteristic of a particular social group or organization” or “culture is the *development* of a particular society at a particular time and place,” and so forth. In other words, all of the stated above definitions are related to the current subject at hand (the culture of humankind) in the sense that they were born within culture and continue to give birth to other forms of culture. If we disregard the continuous process of development as an aspect of culture’s nature, all that will remain will be nothing more than complex forms of behavior. Culture and creativity are interrelated

and interdependent; they are practically synonymous. Culture is the embodiment of the novelty of human life in all possible dimensions. For example, we noted earlier that an author creates not only a work but also a new alter ego and a new audience. If this novelty were to stop, all the culture that has developed thus far would immediately turn into forms of mere behavior and, as I said, essentially would not differ from some complicated forms of animal life. Likewise, if thinking were to stop, speech would lose any sense and would not differ from animal communication.

We can summarize all the above in a paradoxical way (the only right way to do so): culture is the creation of culture.

One more fundamental dimension in the culture-creativity tandem bears repeating: author-to-audience relations. Remember, a single piece of art represents culture in general when it serves as a medium for dialogue, provoking an act of free human will when it is read, watched, listened to, empathized with, feared, thought of, discussed, etc. This means that culture presumes, encourages, promotes, develops, and depends upon a creative audience.

## **Who Owes Whom?**

### **Creator and Audience**

We remember that a work of art is a message, that it is a form of communication. A work of art develops a new way of free human communication or dialogue and vice versa. Dialogue is a creative process. Many of us can recall times when ideas popped up in a friendly conversation or in an unfriendly quarrel totally unexpectedly, out of nothing. The question is: Who owes whom in that case? The same thing happens in inner dialogue, whether a person is arguing with oneself, or with another person in ones mind. And the same question pertains to that case: Who owes whom?

The fact that thinking is actually a dialogue is especially evident when an outer conversation transitions into an inner one. Two people may have a conversation or an argument and continue pondering it long after the conversation is over. They continue discussing and arguing

with their absent opponents; however, if we observe them, we can see that they are actually talking to themselves. Who owes whom in this case?

This is what happens with a creator. His inner and outer interlocutors are always clandestine coauthors in any work of art. Once more, who owes whom?

The author is as much a contributor as a recipient in both the outer and inner dialogues. In fact, the hidden interlocutor is representative of the audience in general. The author and the audience have equal positions in the creation of the artwork. The more creative a work is, the more it implements others' ideas. Over and over—who owes whom? Each owes the other.

## **Creator and Culture**

So mankind and the creator are on par. This means the creator and culture are on par, and this tells us something about both.

Richness of culture is not measured by the quantity of the works produced. On the contrary, it is first and foremost measured by the different voices presented. This is an obvious assertion now, based on the fact that the universal mechanism in the development of culture is dialogue. Interlocutors bearing different views have something to tell each other and, in doing so, develop their views. For example, it was crucial for the Antiquity to produce Plato and Aristotle, who were radically different in their approaches to philosophy. Because of this difference, they caused tremendous advancement in the ancient Greek and other cultures. Naturally, it would not be nearly as beneficial to the development of culture if there were many "Platos" and no Aristotle.

On the other hand, if they are so tremendously different, what does it mean that their contributions belong to the same culture? We have encountered this paradox a few times already. We know that there are some ideas and thought patterns that are specific to a certain culture. We also know that these ideas are represented by works within this culture. However, we know that these ideas do not coincide with these works. In Antiquity, for example, we can point out one such mainstream idea or thought pattern: "What is true? That which is beautiful. What is

beautiful? That which has perfect form.” This view of the *truth* led, for example, many philosophers in the fifth century BCE to believe that the Earth was a sphere simply because the sphere was considered to be the most perfect form! This is an example of an idea at work which propelled the thinkers of Antiquity and was developed by them. But what does it mean that the idea “was developed?” This means two things: the author is representative of his culture, and, at the same time, he is different from his predecessors, peers, and followers.

The mainstream ideas of a culture rouse dialogue among authors, and thus, culture is developed. Therefore, a creator owes culture just as much as culture owes him.

## Culture and Freedom

Having said this, what is our understanding of culture now? We saw it defined by paradoxes when culture’s different faces were revealed. These faces present the development of human ways of life or ways of thinking, dialogue, creativity, and freedom. This last feature is the one I want to concentrate on now.

Culture and freedom presuppose one another at all dimensions. I mentioned already that an author must feel utterly free to build a new world. This is true with respect to ideas, emotions, art forms, techniques, genres, personages, events, chunks of other works of other authors, use of language, etc. A work of art represents a new world and, at the same time, is a form of dialogue. Therefore, it requires ultimate freedom in the same way that people require and are entitled to freedom of speech. Art represents new ideas or a new assembly of ideas or a new manner of expressing those ideas, which amounts to the seed of an entirely new virtual world. Art represents new dimensions in understanding the human way of life, humanity itself, and let us add now, human freedom. Why?

A human being is innately free. Freedom is one of the definitions of humanity. It is common knowledge that humans value freedom above all else. We know from history about people who have sacrificed their property, health, and even lives for the sake of freedom. We feel compassion and empathy for them.

People constantly try to reach beyond all boundaries of life, no matter how well they have adapted to current circumstances. That is, an essential aspect of human life is the struggle against adaptation, and we can blame culture for this detrimental feature. A real work of art, that very cell from which the ever-growing organism of culture is built, always takes us from our world (to which we have adapted) to a new one (where we have to adapt from scratch). This requires us to be free and courageous to explore, to stand up and go, and reach new horizons. This is why all kinds of tyrants and tyrannies cannot come to terms with culture; they hate and fight it. A Nazi said once: “When I hear the word *culture*, I reach for my Browning!” Creators and people of culture have put themselves on the line all throughout history. We saw that people create regardless of reward or punishment. Likewise, people try to attain freedom regardless of reward or punishment. Freedom and creativity, in and of themselves, produce rewards and punishments despite ulterior circumstances. In this sense, culture, creativity, humanity, dialogue, and freedom are all synonyms.

## **So, What Is the Law? Freedom!**

I have articulated, implied, hinted about, and developed this idea throughout the pages of my diary. The fundamental law of the nature of culture is freedom. Freedom is the only natural soil from which culture grows and flourishes and vice versa. That is: “freedom grows from culture and culture from freedom.” A creator must be absolutely free to be inspired and create. A creation must be absolutely free to circulate among, communicate with, and influence people. The audience must be absolutely free to access the creation.

Culture is the realm of ultimate freedom. This is the law of the nature of human life.

## *Arts and Personality*

*Culture, art, work of art, message to humankind, new world, dialogue, creativity, humanity, freedom*—these faces of cultural phenomena were presented in Chapter Two. It is interesting though, to see how all these ideas translate into everyday life. Luckily for me, there were five smart people, my students, who were able to help me in further exploration. They proved already that I should not worry about finding the right question to start with. I had thought I should worry about keeping the conversation going, but I was wrong, for neither took much effort.

Well, first things first. The next time I entered the classroom, I announced my question, “Why do we read books?” Silence and blank looks were all I got at first. . . . But not for long.

### **Why Do We Read Books?**

*Alpha:* Isn't it obvious? Books teach us to behave.

*Beta:* Yeah, like Tom Sawyer in that Sunday school.

*Kappa:* Tom Sawyer is a good boy.

*Delta:* Who said he isn't?

*Gamma:* I didn't.

*Beta:* Me neither.

*Kappa:* I am not even sure I don't like what he did in Sunday school.

*Alpha:* Well, you may like him personally, but he didn't serve as a particularly good example.

*Kappa:* So? You don't always serve as an excellent example, do you?

*Beta:* Hey, Kappa, do you like Alpha because of that?

*Kappa:* Come on, I'm serious here.

*Delta:* You're always serious.

*Teacher:* So, what about books? Why do we read them?

## Are Arts to Teach Us?

*Beta:* Can't we think about looking at paintings too?

*Delta:* What about theater?

*Gamma:* Music?

*Kappa:* Movies!

*Alpha:* Fashion shows, heh heh.

*Teacher:* Actually . . .

*Delta:* I don't think it matters!

*Alpha:* How is that? A book clearly teaches you. You understand it. However, when you listen to music, you can imagine whatever you want!

*Beta:* Alpha, what have you learned from Tom Sawyer?

*Kappa:* How to tease and beat boys in clean clothes, ha ha.

*Delta:* How to court girls.

*Gamma:* To paint fences.

*Beta:* To take a friend's punishment.

*Alpha:* See? You guys only look at the dark side of what Tom was doing!

*Kappa:* Come on, Alpha, we do not.

*Alpha:* Why do you mention the bad things then?

*Delta:* To make you think, Alpha.

*Alpha:* Make yourself!

*Beta:* We are trying. Seriously though, I feel like we're not quite on track yet.

*Kappa:* Interesting. I have always liked Tom Sawyer from the very moment I got to know him. And I knew, of course, about all these awful things he did, and I've never even thought of criticizing him!

*Alpha:* You fell in love with him, didn't you?

*Kappa:* Something like that.

*Delta:* Yeah, girls love him.

*Alpha:* I was teasin', Kappa.

*Kappa:* But I'm serious.

*Delta:* You're always serious.

*Kappa:* Stop it, Delta. This is different.

*Beta:* You know what? I'm kinda surprised. I feel like Tom Sawyer is becoming alive in my mind right now.

*Alpha:* What is he doing? Knocking at your skull?

*Delta:* Yeah, Alpha, so that you can learn that from him and repeat after him.

*Kappa:* Guys, what's come over you today?

## Getting on Track: Art Influences Us

*Gamma:* We went to a concert yesterday, my family and I. And I just listened to the music and liked it mostly and didn't like some. And then we left, and I forgot it and was thinking how I would play *Freeciv* at home. Dad was discussing the concert with Mom, and my aunt started to argue, and all that was pretty annoying, but I jumped in at some point, I don't know why. We were arguing all the way back to our house, and I almost got in a fight with my kid sister Becky, and we all couldn't stop. Mom wanted to calm us down, but Dad couldn't stop either. In the end, all of a sudden, I felt a huge drive to go back and listen to it again! It's like Beta said, I felt like it had become alive in my mind! I mean, all those things I was imagining—while I was arguing—people, feelings, actions, you know. They kind of crowded my mind while I was trying to make my point, . . . maybe because of that, . . . I don't know.

*Alpha:* I don't follow you. What does it have to do with today's question?

*Kappa:* I know how that feels! That's exactly what happens every time we go to a movie! We always argue afterwards, and my kid brother Jimmy always argues with me because he likes to tease me, and Mom tries to calm us down, and Dad jumps in. Dad tries not to take sides, but he can't help it. And then we go to watch it again sometimes, not the entire family, but whoever can or wants to, you know, and we often buy the video as soon as it comes out. And I am starting to understand now, all of this argument is the best part of it. I think I wouldn't pay much attention to many of those movies, if not for this argument! But I can write books about them now!

*Alpha:* Wow, what a story! A family fight! How does this relate to our subject?

*Gamma:* Don't you see? It's all the same.



*Alpha:* No, I do not! It's all different! In a movie, you see what you see.

In a book, you can't see it but have to imagine all of the heroes, and landscape, and action. Everyone imagines it in their own way! It's like everyone is reading a different book although we are all reading the same *Adventures of Tom Sawyer*. And when you listen to music, you don't even know whether you think of it the same way the composer does. How can you say it is all the same?

*Teacher:* If I ask now, why do we read books, watch movies, listen to music, will your answers be different?

*Alpha:* . . . Well, that's not what I meant. I don't know why we do all those things. My point was that they are different, that's all.

*Beta:* Thus, you don't know any more?

*Alpha:* What do you mean?

*Delta:* Beta is reminding you that you had the answer about books, remember?

*Alpha:* I think that books, and movies, and music . . .

*Kappa:* And fashions?

*Gamma:* Hold it!

*Alpha:* . . . do the same thing to us. They teach us, but in different ways.

And everyone learns what they see or can see or . . .

*Delta:* Or want to see?

*Beta:* Well, say, you learn from Tom Sawyer how to defend your girl, and the other guy learns to smoke, and someone concludes that Indians are bad guys because there was a bad Indian Joe there. . . .

How do we really know that books teach us?

*Alpha:* I told you, everyone learns what they see.

*Delta:* Listen, Alpha, if books are supposed to be used for learning, then are writers teachers?

*Alpha:* So?

*Delta:* Is that a yes or a no?

*Alpha:* Come on, we're not in a courtroom.

*Delta:* Why don't you answer?

*Kappa:* OK, OK. Suppose they are to teach us, what is your point?

*Gamma:* Delta is just taking up what Beta is getting at. If authors are teachers, but everyone learns different things, then what do authors teach? Did I get it right, guys?

*Beta:* Well yes, you're even getting ahead of me now.

*Kappa*: Well, I don't know what Mark Twain was trying to teach us, but

I was never the same after I read *The Adventures of Tom Sawyer*.

*Beta*: I have a feeling that I'll never be the same after this discussion.

Teacher: Me too, I think.

*Alpha*: What are you guys talking about? Are you going to paint fences from now on?

*Gamma*: Oh, very funny, Alpha. Everyone is laughing.

*Alpha*: Gamma, you may cry if you want to.

*Gamma*: Well, thank you! Now I feel like I live in a free country.

*Kappa*: Oh, here we go again.

*Delta*: But we were being all deep about these ideas, and I don't get why Alpha has to play it down like that.

*Alpha*: Oh, so Delta can be serious too!

Teacher: Can we do a little summary now? It won't look like final answers, and I cannot even say we have some answers, but certain things were definitely said.

## The First Summary

Teacher: First, books, movies, music, etc. do affect us in similar ways; Gamma and Alpha came close to that. Second, arts do this in different ways; Alpha stressed this. Third, arts change us; this was Kappa's point. Fourth, argument magnifies the influence of art; Beta, Gamma, and Kappa all touched on that.

## Arts and Reality

*Kappa*: You know what? I realize now, I argued a lot with many different people while I was reading *Tom Sawyer*!

*Beta*: Do you mean Aunt Polly or Sid?

*Kappa*: No . . . well, yes . . . Well, I don't know. It was like, say, I didn't like what Sid did, but, at the same time, I felt like it was my brother Jimmy, you know . . .

*Gamma*: Actually, when you are deep in a book or music . . . you forget yourself in a way. I realize very clearly that I felt as if I were with Tom Sawyer . . . and on all of his adventures . . . I was there.

And it felt as if my folks were with me in some way, you know? Sometimes it felt like I was talking to my dad or mom or Becky, I mean my sister. And when it was about Tom Sawyer, then for me it was like talking to . . . some other boy.

*Delta:* I agree. I never thought about it, but I agree. Other people, those you know, are like shadows that are always there, wherever you are, either in a real place or a book.

*Kappa:* And they can be heroes from other books too!

*Alpha:* Yeah, Pinocchio fighting with Tom Sawyer! Guys, get real! We do not live in books.

*Kappa:* But it's true! If you love Tom Sawyer as much as a real person, you talk to him a thousand times a day; he is there wherever you go!

Delta is 100 percent right! . . . And Gamma . . . It's totally like that!

*Alpha:* Hey, someone's a little too excited here, don't you think?

*Kappa:* Wait, Alpha, don't you understand? This is just fantastic! You always have your folks with you! Real ones and art heroes! You always have them!

*Teacher:* Actually, when you say "real ones," you don't mean . . . "physical ones," do you?

*Beta:* Wow!

*Delta:* What?

*Gamma:* I got it.

*Kappa:* What?

*Alpha:* People, it is all your fantasy and has nothing to do with real reality. I'm telling you, get real. After all, we got the question to answer—why do we read books? I don't feel that we are one step closer to an answer.

*Beta:* Wow! Wow!

*Alpha:* What? Cat got your tongue?

*Gamma:* I am saying *wow* too.

*Teacher:* Thank you, students.

*Kappa:* What is this? Say something already!

*Gamma:* Wait, I am thinking.

*Beta:* Oh, that is cool.

*Kappa:* Come on, both of you! Let us in on it!

*Gamma:* All right. Do you know, who is your president?

*Kappa:* Our president today?

*Gamma:* Yes.

*Alpha:* So?

*Gamma:* Is he a good guy or a bad guy?

*Alpha:* How should I know?

*Beta:* But you have to have some attitude, some understanding, some feelings about him, don't you?

*Kappa:* I do. I don't want him for a second term.

*Gamma:* Good! Tell us what made you think that?

*Alpha:* I see where you are heading. It is all the newspapers, TV, radio, Internet. . . . So?

*Kappa:* Ah! It is all artificial! The president is as real to me as Tom Sawyer! And all my likes and dislikes relate to stories I read, movies I watched, music I listened to, and so on!

*Teacher:* Well, something was done by real people like me or your loving parents or your smart classmates or even your president . . .

*Kappa:* But now I don't even know who did what and who did more.

*Beta:* All our lives . . . this happens. . . . We don't know what we are made of. Is it our parents who read us tales, or is this the tales that were read to us by our parents?

*Delta:* Is it that the president is cooked up by a journalist, or is it the journalist writing about his president?

*Gamma:* Is it music written by a composer, or the composer who makes the music?

*Alpha:* OK, I can play this game too. Tom Sawyer or Mark Twain, right?

*Beta:* Or yourself, when you read it.

*Teacher:* Or the classmates you are arguing with.

*Beta:* Or ideas we are arguing about?

*Gamma:* Told you! Wow!

*Kappa:* You sure did! Wow!

*Alpha:* Everyone—one, two three: Wow!

*Delta:* So you join in, don't you Alpha?

*Alpha:* Join what?

## The Second Summary

*Beta:* Hold it, hold it! I have a question. Our minds are like plays where images of real people and heroes of artistic works act out their roles. Can we sum it up like this?

*Teacher:* That is an intriguing summary!

## Author, Character, Audience

*Beta:* OK. Now, I read a book and feel compassion toward a hero. Let's say Tom Sawyer again . . . or wait, . . . a thought is sneaking around. OK, give me a second . . .

*Alpha:* And what are we going to do while Beta is chasing his sneaky thought?

*Kappa:* I'm tired.

*Beta:* Actually, I'm ready. Remember the last thing I said, that we don't know what really affects our minds, whether it is the person who is arguing in favor of an idea or the idea *itself* affects us?

*Delta:* Well, it was not exactly that, but in a sense, yes, you said that.

*Alpha:* Huh? So it's not enough for you all to treat literary personages like real people! Now you want an idea to be like a person too?

*Teacher:* Let's call it a quasi-personality.

*Alpha:* Are you serious?

*Gamma:* Let Beta tell us his new story.

*Beta:* Thanks. Quite frankly, it is not that clear to me yet.

*Teacher:* That's all right. Go on.

*Beta:* OK. As I said, I don't have a theory, just a kind of a feeling.

*Kappa:* Go ahead.

*Beta:* Say I read *The Adventures of Tom Sawyer*. I feel like Tom Sawyer. I relate to other characters. I feel compassion toward some of them, anger at others. I get scared, make up my mind about something . . .

*Alpha:* Those are not new discoveries.

*Beta:* No, they are not. I am trying to grasp a theme here. And I understand that Mark Twain likes this boy and makes us like him as well.

*Kappa:* Yes, exactly! He does not teach us a thing! He just makes us like him! That's it. That's precisely it. He makes us feel something!

*Delta:* Does Mark Twain like Sid?

*Gamma:* I'm not sure, but it seems to me that an author cannot dislike his characters.

*Kappa:* Thus, Mark Twain likes Sid and Indian Joe?

*Gamma:* I believe so.

*Kappa:* Do *they* like him?

*Alpha:* What? People! You've gotten completely derailed.

*Beta:* Why? Remember, I said I felt like Tom Sawyer was coming alive in my mind. He still is. The more we talk, the more alive he becomes.

*Alpha:* Ah, I remember. He was knocking on your skull. He did succeed, I admit.

*Delta:* Well, Alpha, if he did succeed then he is alive after all?

*Kappa:* All right, is everyone done joking? I am not sure Beta finished his idea.

*Beta:* I didn't. . . . Where did I stop?

*Teacher:* You said Mark Twain made us like Tom Sawyer.

*Beta:* Oh yes, I remember. Now, when I said that ideas affect us like people do, I did not actually know what I meant. It just jumped off my tongue. But now, I'm starting to see it better. I want to move on to *The Adventures of Huckleberry Finn*.

*Alpha:* Just the same . . .

*Beta:* Not quite, but I want to single out one moment—the time when two crooks sold Jim back into slavery for forty bucks. I felt as if I was going to cry along with Huck!

*Alpha:* OK, slavery is evil. What's your point?

*Beta:* My point now is closer to yours in a way. It is not that Mark Twain taught me that slavery is bad, but he made me feel really, really, really bad about slavery at that moment. I felt despair. So now, I do not just love Huck, but I started thinking about slavery, and believe me, it still bothers me.

*Gamma:* I think I owe you all another summary now.

## The Last Summary

*Teacher:* Go ahead, Gamma.

*Gamma:* Look, uh . . . remember how we were talking about the president and how his journalist-made image is real to us while we know nothing about the physical man? I now think that everything we love or hate in this life is clarified and taught by the art.

*Alpha:* Told you.

*Gamma:* No, not like you said. It is not about teaching, exactly. Huckleberry Finn made us feel kind of guilty about the enslaved Jim. Do you see the difference?

*Alpha:* Between what and what?

*Kappa:* Between knowledge and feelings! Understand?

*Teacher:* So, Gamma, are you ready for your statement?

*Gamma:* Almost. It feels kind of scary. Let's talk a little more.

*Alpha:* Are you scared of your own fantasy?

*Gamma:* You bet. OK, we are sure now that arts do have a big influence on us. They form the way we think and the way we feel.

*Beta:* They actually form the *way* itself.

*Delta:* What is the *way*?

*Beta:* It is *talking*. . . . It is the process of talking both to others and to ourselves.

*Kappa:* The arts transport actors into all our conversations.

*Beta:* And ideas also are transported.

*Gamma:* And scenarios too.

*Teacher:* Do you think you have proven this?

*Beta:* No, we have not, but these ideas have just emerged! And I can't put forth anything else.

*Gamma:* OK, I get it. Our minds are entirely shaped by the arts.

*Teacher:* Wow!

## To My Reader

I had planned to summarize the ideas that my first graders would come up with. I had wanted to stress the “right” points, underline unanswered questions, provide some extra logic. But in the end, I saw no reason to do this. All the time I listened to their conversation I wanted to jump in. The subject began to become slightly clearer to me, and at the same time, my head was on fire. I felt a lot of energy and desire to continue, discuss, think, write, and read. This was the best thing that happened to me. I went on writing but did not get too far by the time we had our next conversation. Here are just a few notes.



## Two Notions from Child Psychology

These topics were not discussed by the students. Still, they obviously are closely related to our last conversation.

### Child Greediness

There is a certain phenomenon in child behavior commonly regarded as “greediness.” Children have a hard time sharing things they are attached to. This attachment can appear suddenly, like love at first sight. Often parents regard this behavior as greediness, so they try hard to disapprove of and “fix” it. In reality, what happens is that adults damage the normal psychological development of the child. The phenomenon we are discussing herein is entirely different. It is not an ethical issue but one of the pure “construction” of the child psyche. In the early years, consciousness is not the same as that of an adult. It is constructed primarily from “one’s things”: habitual clothes, toys, furniture—all the familiar things surrounding the child. When adults try to remove something “accepted” by the child, they plainly damage the child’s consciousness. If the child gets used to letting go of things easily, he or she will never be a normal person capable of “attachment” to other people, ideas, and values. What results is a person with, in a sense, a reduced soul.

### Child Aping

There is another phenomenon in child behavior regarded by some as “aping,” i.e. mimicking, repeating, mocking. Children tend to copy each other. This is often regarded as something not quite positive while in reality it is just another vital part of child development. It is a way of acquiring ideas, expressions, activities, skills, etc. There is no way for the psyche to develop normally without “aping.”

## *Culture Beyond Art*

My deliberations on the nature of art as a branch of culture were both difficult and easy. They were difficult because the subject is quite mysterious, and they were easy because the arts are the most typical representative of culture. Moreover, the peculiarities of the arts reveal a lot. Now the question is: What about *other* areas of human life and activities? Can culture reside in any of these?

The first answer I can offer is that because culture is defined as creativity and dialogue, we come face to face with culture whenever we encounter these. Let us see how this really works.

Thinking about the subject, I once surprised myself when I found that creativity may emerge even in the least creative case, such as production of some simple, well-known goods. When you produce something, you use materials, spend time, and implement ideas. Even in a case where you produce, or participate in the production of, an article created by others, your own ideas are still utilized. Why? Because creativity is a necessary element of any human activity unless this activity is totally automated. Even in less creative processes, you can and normally do use your own ideas. Lots of ideas from different people have been collected over the course of history and implemented in even the simplest of contemporary products.

This sounds reasonable. . . . But can creativity be part of a non-creative process? . . . This sounds weird. Although I did not get too far in my analysis of the subject, I did not need to worry. My fellow researchers had developed considerable muscle in the course of our previous conversations. Hence, I decided it was possible to start with a direct generic question.

## When Do People Create?

*Teacher:* When do people create?

*Beta:* What do you mean “when”?

*Kappa:* Well, sometimes we do, don’t we?

*Delta:* And the question is “when?”

*Beta:* I’m thinking we need to clarify the question.

*Teacher:* That never hurts.

*Gamma:* We are not talking about time, are we? We’re talking about situations, right?

*Teacher:* Of course.

*Alpha:* I know! It’s like when someone hasn’t prepared for a test. One should be ve-e-e-ry creative!

*Teacher:* Could be. Can you elaborate?

*Gamma:* Could it be that one has to reinvent some scientific data in that case? Is that what you mean?

*Alpha:* If people are not prepared, they guess. Nothing else.

*Kappa:* But some people guess better than others.

*Alpha:* “Creative guessing!” Ha ha ha!

*Kappa:* Why don’t we turn to the arts?

*Delta:* It’s too obvious. Of course people create while making art. That’s got to be true by definition!

*Teacher:* Not necessarily.

*Delta:* I got it. If a painter is just copying the unique work of another artist, he is not creating, is he?

*Teacher:* Not necessarily.

*Gamma:* I watched a movie, *The Moderns*. A very talented painter got a commission to make copies of some of Matisse’s paintings because a woman wanted to steal the originals away from her husband. Then she robbed the painter because she didn’t want to pay him. But she mistook the copies for the originals. And the painter was really proud afterwards that he was able to make such perfect copies!

*Alpha:* OK, he was proud. What does that tell us?

*Beta:* Well, he was talented, and he was proud he could do it. It does tell us something.

*Alpha:* What?

*Delta:* I believe that not every painter can make a precise copy of a great work. He has to be talented to be up to the job.

*Alpha:* If someone is a talented copier, does this mean he is creating while copying?

*Teacher:* Good question!

*Beta:* I wish I had a good answer.

*Kappa:* Is it maybe like understanding other people? Don't you think?

*Delta:* You mean, seeing all of the details of one's painting and reproducing them?

*Beta:* Look, what are we talking about here? If exact reproduction requires creativity, then *inexact* reproduction, when you substitute an author's details with yours, is *not* creativity!

*Gamma:* Wow! How can that be?

*Alpha:* Wait, wait, who says it can? Who says that reproduction requires creativity?

*Beta:* No one does, so far. I said "if."

*Gamma:* So, is it possible for brilliant work, even copying, to not be creative? What is talent for?

*Alpha:* How about photography?

*Beta:* I got something. Look, a photograph depicts something real, exactly how it is, right?

*Gamma:* So? There are riveting and telling pictures out there, and there are many that are good for the trash can only. How is this possible?

*Beta:* That's where I was heading. When you take a picture and get what you wanted, how you wanted it . . .

*Delta:* You mean, when you intend to capture something, or what?

*Alpha:* My uncle is a photographer—a very good one; everyone says that. He says you have to be ready for a quick shot. It is not as if you have to have some goal.

*Beta:* I understand, you have to be prepared . . . but that is also a goal, isn't it?

*Alpha:* It's different.

*Kappa:* Alpha is right. . . . And Beta is right . . .

## Summarizing Questions

*Teacher:* Don't we have something for the first summary?

*Delta:* A bunch of questions.

*Kappa:* It is something. We wanted to clarify our problem, remember?

*Teacher:* I remember. Would you like to try, Kappa?

*Kappa:* OK, but you all help me.

*Delta:* Count me in!

*Beta:* I'll join in.

*Gamma:* I'll do my best.

*Teacher:* Alpha, are we in?

*Alpha:* I'm not sure we've got enough material for all helpers. . . . I'll let you know if you miss something.

*Teacher:* It's a deal. Go ahead, Kappa.

*Kappa:* OK. We have got, so far . . . first, could someone be creative in taking a test one is not prepared for? Does this question stand?

*Alpha:* Baloney.

*Delta:* Continue, Kappa. You got one.

*Beta:* Generally, if you don't know an answer, then a simple question becomes a complex problem to resolve . . .

*Kappa:* OK. The second question is: could it be creative guessing?

*Alpha:* But that's the same question!

*Delta:* I believe guessing is part of any creation.

*Alpha:* But this doesn't make any sense!

*Teacher:* Alpha, we shall discuss this, but let us do the summary first.

*Alpha:* We were going to sum up questions, but the first one is obviously not a question at all, and the second one is the same as the first one.

*Beta:* I wouldn't be so sure about both. You can never predict what pops up in a discussion.

*Alpha:* All right, I'll keep silent regardless of what you say.

*Delta:* You can't, Alpha. You promised to let us know if we miss something.

*Alpha:* That's enough! Do you want to discuss me or our topic?

*Teacher:* Our topic. And I assume everyone is ready to continue.

*Kappa:* If someone does not like a question, we can reformulate it, right?

*Teacher:* Acceptable.

*Kappa:* OK. Do we have the correct question about test taking, or is it better to leave the general question about guessing only?

*Gamma:* Why can't we discuss both?

*Delta:* I agree. We don't know what to do, anyway.

*Alpha:* Exactly.

*Delta:* OK. We don't know what to do anyway, so we need as many questions as possible.

*Alpha:* And to stay here overnight.

*Gamma:* That's destructive!

*Alpha:* What?

*Gamma:* What you are doing now is destructive.

*Alpha:* And collecting a thousand questions to solve a single problem is constructive?

*Gamma:* Do you really hope to solve it today?

*Alpha:* Why did we even start if we didn't want to solve it?

*Beta:* Who said we didn't?

*Kappa:* We've counted two questions so far. The third one would be whether making art is always a creative process.

*Alpha:* Who questions that?

*Teacher:* I do.

*Alpha:* Why?

*Teacher:* Why don't we finish with the summary first?

*Kappa:* The fourth one will be: . . . "Could copying be creative?" The fifth one: "If a copied work is brilliant, was creativity involved in copying it?"

*Teacher:* An excellent formulation.

*Kappa:* The sixth question: "Is the copying of a painting similar to the understanding of an idea?"

*Beta:* I have another one. Is the copying of a creative work the same as understanding its author's way of thinking?

*Delta:* Why the same? How could it be the same?

*Gamma:* Kappa said "similar to."

*Kappa:* Aha. Can we put it like this: Is copying generally like understanding?

*Delta:* Of course! You can never repeat something if you don't understand it!

*Beta:* Yeah, I agree. This doesn't mean that repeating and understanding are the same.

*Gamma:* What *does* that mean?

*Beta:* Now I think they are related.

*Alpha:* Come back, guys. You are disrupting the accounting process.

*Kappa:* All right. So the seventh question could be: How does copying and understanding relate to each other in general terms?

*Teacher:* Perfect!

*Delta:* I got the eighth one. Is seeing a creative process?

*Gamma:* Where did that come from?

*Delta:* I asked earlier whether a person who makes copies is creative because he is seeing all of the details.

*Gamma:* I have an example of when seeing all the details relates to creativity: investigation.

*Beta:* Hey, a good example. Sherlock Holmes is a creative guy.

*Alpha:* What does he create?

*Delta:* A picture of a crime.

*Alpha:* That one was created by a criminal.

*Teacher:* The crime, not the picture.

*Gamma:* Sherlock Holmes doesn't know the criminal's plan and actions, thus, he has to invent them from scratch and check them against the evidence, right? It is a creative process.

*Kappa:* Ha, look, we got it again. A bad investigator cannot recreate the picture—how it was in reality—and amends it with invented details. So he happens to be less creative at the same time. Wow!

*Teacher:* Have we recalled all of our questions?

*Kappa:* There were a few more, I think . . . one about photography. . . . Does creation relate to some goal?

*Beta:* I want to ask another one. Does seeing something unusual mean being creative?

*Kappa:* Seeing again?

*Teacher:* All right, we've got a pretty decent list. I would add one last question. Do all creative features of human activity apply equally to arts and non-arts? Or better yet: Do all of our questions apply equally to arts and non-arts?

## Creativity and Goals

*Beta:* We've touched upon this problem many times.

*Kappa:* Actually, we were on track many times, but were interrupted.

*Alpha:* Don't blame me.

*Kappa:* It was not you . . . well . . . not only you. We interrupted our discussion to proceed with the list.

*Alpha:* Aha! Thus a goal can be disruptive!

*Delta:* Maybe there could be different goals?

*Alpha:* Look, like I said, suppose you go out to take a picture of your friend, OK? Then you see a beautiful flower, OK? But you pass it by because you have another goal and you miss . . .

*Beta:* I believe that picture you are going to take can be as beautiful . . .

*Gamma:* And so that flower can be forgotten, right?

*Kappa:* Alpha is right. A creator has to be ready . . .

*Beta:* Actually, yes, you don't know for sure what happens in the end; it wouldn't be creation otherwise.

*Gamma:* But this equally applies to both pictures! You don't just "take a picture" if you want it to turn out well.

*Delta:* Thus, there has to be some sort of goal.

*Kappa:* OK, suppose you know what you want, I mean a picture. . . . OK, you have a goal. . . . You may even have two goals.

*Delta:* I know. Goal number one—to get something special on film. Goal number two—to make it beautiful.

*Alpha:* Here we go! Goal number three—to make it quick!

*Beta:* Of course—to catch the moment when one and two meet.

*Kappa:* Let me finish, guys. . . . Actually you helped a lot. But let me finish now.

*Delta:* Go ahead.

*Kappa:* What if you think about all three goals but still fall short? You click, click, click and nothing good comes out. What then?

*Alpha:* What then? You are a lousy photographer then. That's it.

*Beta:* I got it. . . . You can know what you want, you can know how you want it, and you try to be quick, yet you fail because you do not have the skills. . . . Is that where you were heading, Kappa?

*Kappa:* Maybe, . . . I'm not sure. . . . Just asked because it's kind of an obvious question.



*Delta:* I remember it was Beta's assumption in the very beginning that a talented author can achieve what he wants, right?

*Alpha:* What if he wants something stupid?

*Gamma:* "Stupid" is not an issue here. Stupid can be beautiful.

*Alpha:* Do you have an example?

*Gamma:* All right, have you watched *Chicago*?

*Alpha:* I have. So?

*Kappa:* Ha, Roxie is stupid and beautiful! That's right!

*Alpha:* She is not that stupid.

*Beta:* Hey, let's go back one step. That was interesting. Alpha said it could happen. I mean, a picture can get spoiled if the photographer has a trivial aesthetic goal, right?

*Teacher:* Correct.

*Alpha:* I didn't know I was that smart!

*Gamma:* Remember that movie *The Majestic*, where the producer suggested changes to the movie scenario at the beginning and at the end?

*Kappa:* Yeah, yeah! He said such stupid things!

*Delta:* And he could have done them all!

## Creativity and New Form

*Teacher:* It looks as we are approaching another summary.

*Beta:* May I?

*Teacher:* Sure.

*Beta:* In order to create, an author needs, first, to have a subject, like he wants to take a picture of someone. Second, he needs to have an aesthetic idea of how to make it beautiful. Third, the aesthetic idea has to be unique. Fourth, he needs to be skillful enough to implement these three. Fifth, he needs to grasp the moment when all four converge.

*Delta:* Isn't the fifth point included in the fourth one?

*Beta:* Why?

*Delta:* You said to grasp the moment, right? Isn't that about a skill?

*Beta:* No, I actually meant a moment of time. It should happen. It is not enough to be ready. You are ready to grasp the moment, but the moment must occur, right?

*Delta:* Got it.

*Alpha:* I can imagine a photographer saying to himself, “I’ll do it beautiful such and such, blah, blah, blah . . .”

*Gamma:* Maybe yes, maybe no.

*Alpha:* You take a quick shot when you see it is worthy. That’s it.

*Kappa:* And what happens if you don’t like the picture?

*Alpha:* Then you do it again. That’s it. You do not theorize.

*Beta:* Of course you do. You ask yourself what went wrong and do it again.

*Delta:* Ha, you guess! That’s what you do!

*Alpha:* Ah, long time.

*Gamma:* Why not? You guess and think it over, and guess again and think it over again . . . until you get what you like, . . . until you’re satisfied. On the other hand, they say Mozart never did drafts; he just wrote his music.

*Kappa:* But others do drafts, and their art can be no less perfect, I think. Like I know that Degas made countless sculpture models for his paintings and was never satisfied with them. He even destroyed them, driving his agent crazy. And other people have always considered these sculptures to be the work of a genius.

*Alpha:* Mozart was a genius.

*Delta:* You can guess, think it over, and nobody will ever know how many drafts you actually did.

*Gamma:* And you can do it fast.

*Alpha:* Yeah, a thousand strokes per second. Strike, strike, strike, strike, strike . . .

*Teacher:* Is this truly so crucial?

*Alpha:* What?

*Teacher:* All these technicalities . . . how it finally comes to perfection.

*Alpha:* I didn’t start this.

*Beta:* It is interesting although it is not relevant to the initial question; I agree.

*Teacher:* What, in your opinion, is the most salient point in your summary, Beta?

*Beta:* I cannot skip any of them.

*Kappa:* Yes, you can. Just ask how necessary each of them is.

*Beta:* They all are necessary. You skip any single point and you will not get a work of art.

*Kappa:* But you certainly don't know how to take a beautiful photograph in the beginning, do you? How does your aesthetic goal work then?

*Beta:* And if one doesn't have this goal, how then can a beautiful picture happen?

*Kappa:* What if you wanted to take one picture but happened to spot another interesting subject?

*Beta:* That means I changed the subject, but I could not just skip it, right? You cannot make a picture of nothing.

*Alpha:* Why don't you make "nothing" your subject then?

*Beta:* You still have to have a subject.

*Delta:* OK, what if we ask another question. Do these points of yours apply only to art?

*Alpha:* The initial question was about creativity in general, not about arts.

*Gamma:* Yes, and we even have questions, whether art is always creative and whether all we asked about art could be applied to non-arts and vice versa.

*Teacher:* That is right.

*Kappa:* Listen, Beta. One can be really, really non-creative even with a subject, right?

*Beta:* . . . Yes, . . . obviously.

*Gamma:* Can one be non-creative and still have a creative goal?

*Beta:* You mean one can want to create something? Just want?

*Kappa:* Yes, and this will be number two, agree?

*Teacher:* I am recalling that Beta said the idea must be about how to make something beautiful.

*Gamma:* If we are talking about arts!

*Delta:* Yeah, we can drop this requirement about beauty.

*Beta:* I feel like you are going to leave me bone dry.

*Alpha:* You will survive, don't worry.

*Kappa:* Hold it. Number three—one can have excellent skills . . .

*Beta:* And accomplish nothing. I give up.

*Delta:* Wait, wait. You cannot have the third point in place and yet be non-creative!

*Gamma:* That the idea should be unique? That's a given, isn't it?

*Alpha:* How will we know that our ideas are unique?

*Kappa:* What do you mean?

*Alpha:* Someone might have had the same idea earlier.

*Kappa:* What difference does that make?

*Delta:* If you come up with something new for yourself, it does not make you less creative if some other guy did the same before you.

*Beta:* Definitely. . . . You see something new and you know it is new.

*Kappa:* See?!

*Alpha:* If you see something, then everyone can see it.

*Kappa:* How about a photograph?

*Alpha:* No, that's different. . . . I told you many times, you have to be quick.

*Beta:* Or else? It disappears?

*Alpha:* Not necessarily. . . but other people won't see it the way you do.

*Delta:* You said if you see it, everyone can. . .

*Kappa:* No one will! . . . Until you point it out! That is how it works, for one. For two, I think we were talking about some kind of inner seeing . . . like we were discussing earlier. You guess, you try, say don't like it, and you do it again until you like it. It's like you're seeing something in your mind and trying to match it. . .

*Teacher:* What is it? . . . Assuming the subject is here . . . and the subject can be seen by every passerby. Remember that flower Alpha suggested? But you, creator, have to see something invisible to others, right? . . . What is it?

*Beta:* It is "how!" I said it in my summary! It is *how* you want it.

*Gamma:* And what is this "how" anyway?

*Kappa:* Can we hypothesize that it is how you organize your subject? . . .

*Delta:* OK, let's take that flower. What do I have to do? Organize surrounding things in my mind?

*Alpha:* You do nothing around that flower! You shoot! Quickly! This is it! You don't have time for long discussions, calculations, plans, checks, whatever! You just shoot! End of story.

*Beta:* Listen, Alpha. Why are you skipping over everything we discussed and repeating the same thing like a parrot over and over again?

*Kappa:* Beta!

*Beta:* OK, OK, sorry.

*Teacher:* I think we have gotten to a particularly interesting point. At the very moment of creation, you arrange things in your mind in a way unique to yourself. I think that is the essence of any creative process.

*Kappa:* Uh, you did a summary this time.

*Teacher:* It was too tempting . . . and exciting.

*Beta:* I believe this formula can be applied to activities other than art as well.

*Alpha:* Like passing a test.

*Gamma:* Why not? If you try to recreate a piece of knowledge . . .  
By the way, Alpha, it was you who offered the example of a test. Maybe you have something to say about that?

*Teacher:* Actually, I don't see what the specific situation of a test adds to our analysis. Maybe we can talk about recalling things in general . . . What do you think?

*Delta:* We already have a question about seeing. Recalling seems to be in line.

*Kappa:* If we add the "arrangement" thing to Beta's summary, we will have a pretty decent tool for researching different examples.

*Teacher:* That is perfect! Who can implement the idea?

*Gamma:* I can do it. Creation occurs when a creator catches a form so that he can arrange his subject in a new way. He has to be skillful enough to implement the new arrangement.

*Teacher:* A form? This is new!

*Beta:* This is the word! A new arrangement of a subject and the new form that things get organized into. Form sounds better.

*Alpha:* Better than what?

*Beta:* Arrangement.

*Delta:* Arrangement sounds more like the process and form sounds like the result. Both are suitable in a way.

*Alpha:* Saying "arrange things in a new way" is just a longer way of saying "create."

*Kappa:* For me these are not simply "long" and "short" because the long one shows how it *really* works while the term "create" just names the process.

## Going after Examples

*Gamma:* By the way, sometimes they coincide literally.

*Delta:* What do you mean?

*Gamma:* Invention. . . . Say, an inventor tries to create a new engine. He has to assemble some known things in a new form.

*Kappa:* Don't you think that the idea of a new engine has to come to his mind first?

*Gamma:* For example?

*Kappa:* Well, . . . I don't think I have any specific knowledge . . .

*Delta:* Jets! My dad says it was a revolutionary change in aviation!

*Alpha:* Ah. The Chinese invented gun powder rockets lo-o-ong ago. And aircraft were invented too. All it took was just to join the two ideas.

*Kappa:* Just to join? That easy?

*Gamma:* "Join"! See?

*Alpha:* What?

*Gamma:* What "what"? You take two different things: aircraft and rocket, and arrange them into one idea—a jet! See?

*Alpha:* What I'm trying to say is that it was not so horribly new.

*Kappa:* What is "horribly new" for you? Something born out of nothing?

## How New Content Emerges

*Beta:* Wait, wait. I've got an interesting assumption! A new idea equals the new form! The one you arrange known things in!

*Alpha:* Is that not what we've been discussing for the last half an hour?

*Delta:* Five minutes at most . . . after Gamma gave her last definition.

*Alpha:* All right, let it be five minutes! What's Beta's discovery, anyway?

*Delta:* It isn't clear for me either, to be frank. . . . Beta, can you elaborate?

*Beta:* I realized that a new idea is totally equal to a new form . . .

*Gamma:* Totally?

*Beta:* Yes.

*Kappa*: OK. This jet. . . . This new idea. It is a new form, but it is not just a “new form.” It is the new form in which to arrange old things, . . . a rocket and an aircraft. Can we separate them from each other? . . . I mean the form and those things?

*Teacher*: I’m starting to understand Beta’s insight. I would have thought that a new idea relates to some new content rather than a new form . . . I would have before, but not now.

*Gamma*: It is difficult to keep in mind all these nuances, but in any case, it becomes clearer. That new form is the essence of creativity.

*Beta*: A new form as a result and as a goal. . . . Yes, it is the essence, I agree.

*Kappa*: Aha! When you arrange old things in a new form, you get new content!

*Beta*: Wow, that resonates! Can we put it this way: You get new content by arranging old content in a new form?

*Teacher*: I say *wow* too! You guys surprise me!

*Alpha*: OK, how does this apply to our third question?

*Kappa*: Is it . . .

*Alpha*: That doing arts can be non-creative.

*Delta*: It applies very well. If you are not arranging old things in some new form while painting, or singing, or writing . . .

*Alpha*: New to whom?

*Gamma*: We talked about this already. If it is new to you, then you are creating.

*Alpha*: But if it is not new for others?

*Beta*: Bad luck. Bad for your business. So what? Our subject is creativity, not business.

## Can Copying Be Creative?

*Alpha*: All right, how can copying be creative?

*Beta*: Well, let’s see . . .

*Delta*: If you see *everything* in a painting, you can copy it.

*Alpha*: All right, you see everything! How is that creative? Do you arrange old content in a new form there?

*Teacher*: I think it is possible.

*Alpha:* How?

*Gamma:* It is probably like investigation. You have to correctly reconstruct all the elements.

*Alpha:* But it is different with a painting! You already see all the details on it!

*Delta:* You look at them. It does not mean you see them.

*Alpha:* What does it mean to us mere humans?

*Gamma:* Look, Alpha, when it comes to investigation, different people see different things although they are all looking at the same crime scene.

*Kappa:* Yeah, they all look at the same scene but they see different things. . . . Yeah . . . what does this give us? They arrange things in different ways in their own minds!

*Beta:* Hey! It's a major point!

*Gamma:* Wait, wait. What is it? It does not matter what you are looking at! I mean, whatever you are looking at must be arranged in some form in your mind . . .

*Delta:* And if it's new for you, then you are creating. Wow!

*Alpha:* Someone got lost here.

*Delta:* Who might it be?

*Kappa:* Come on, guys.

*Teacher:* So copying can be creative.

*Delta:* It looks as if it can be even more creative than the original work.

*Alpha:* Ooops!

*Gamma:* How is that?

*Beta:* May I?

*Delta:* Go ahead.

*Beta:* Say you arrange things in a new form. That means you have invented a new idea, right? Now, say you try to understand another person's idea, OK? You have to do the same, right? Plus, you have to make sure that the idea you are creating matches that one you are trying to grasp. So, it's like you are making two arrangements at once.

*Kappa:* Ha! This is why people don't understand each other!

*Gamma:* . . . So, we've gotten the first answer to the last question.

*Teacher:* Really?



*Gamma:* It can be said now that creativity in arts is of the same nature as creativity in human communication.

*Delta:* I cannot believe it. It was so fuzzy in the beginning!

*Alpha:* Aha. I would say it has been.

*Delta:* Actually, we saw that the same creativity found in invention is also found in the arts, like with jets. That example Gamma gave us was very helpful.

*Gamma:* I see no difference with investigation either, by the way.

*Delta:* Yeah, it is all the same.

*Beta:* So, creativity is all the same wherever we come across it—in arts, technology, investigation, pure human communication . . . everywhere! The only things which change are the subject and the role of the outcome.

*Teacher:* So is creativity always the arrangement of known things in a new form?

*Kappa:* I also cannot believe how clear it is now!

*Alpha:* OK, you guys have come to the conclusion that copying is even more creative than producing the original work. Isn't that weird?

*Kappa:* Hmm. It sounds really weird.

*Delta:* Why don't we think this over?

*Gamma:* Alpha, what do you think?

*Teacher:* Gamma, what about you?

*Alpha:* This new form . . . you all are talking about, . . . it doesn't exist when it is first created, but it does when it is grasped by someone else, not the creator.

*Delta:* It is obvious, but what does "is grasped" mean? We saw it as a creative action too.

*Alpha:* As creative as the original creation itself?

*Beta:* I don't see how we can measure this.

*Kappa:* My dad says it sometimes takes centuries for humankind to understand new ideas, inventions, or art that some individuals came up with. Understanding is creative!

*Delta:* And understanding among people in everyday life is the same. It was your example, Kappa, right?

## Journalist and Writer

*Teacher:* What if we leave this “measurement problem” for a while? I am eager to hear what you think about one of Beta’s assumptions.

*Gamma:* Which one?

*Teacher:* That creativity is always the same. The only things that change are the subject and the real meaning of the outcome.

*Alpha:* That is more than one question.

*Teacher:* True.

*Alpha:* Which one do you want to discuss then?

*Teacher:* I am curious about examples of outcome.

*Beta:* What do you mean?

*Teacher:* How it works in different areas of human activity.

*Gamma:* Like we discussed already, investigation, invention, and photography?

*Teacher:* Yes, like those.

*Delta:* Do you have something specific in mind?

*Teacher:* I am not sure yet. Can’t we come up with some examples together?

*Beta:* What are we looking for? I’m not sure either.

*Teacher:* All right, what about journalism?

*Gamma:* What about it?

*Beta:* Actually, the first thing that comes to mind is that a journalist does not create facts, does he?

*Kappa:* So?

*Alpha:* It is like photography.

*Delta:* Quick shot, eh?

*Kappa:* Oh, God! Won’t you ever stop?

*Alpha:* That’s all right. I don’t care and I don’t mind.

*Beta:* You don’t mind what?

*Alpha:* The quick shot is still more important.

*Delta:* But seriously, Alpha, I fail to see it there. A journalist gets a job to go somewhere and bring back a story. Say there was a car accident. The editor of the paper sends some guy to cover the story.

*Beta:* Well, the question stands as it was. One journalist makes up a story that nobody wants to read, and another one writes so well that people rip the paper out of each others’ hands!

*Delta:* I am not talking about “made up stories”!

*Beta:* Actually, I’m not either. But whatever the facts are, you have to arrange them in a story! Different journalists would do this differently, right? One story could be terribly boring, and another could be incredibly exciting, right? And the facts on the ground would still be the same, right?

*Delta:* Yeah.

*Kappa:* What about the “quick shot”?

*Beta:* What about it?

*Kappa:* I agree with Alpha that journalism does resemble photography.

You have to reflect real things, but you can do it in different ways.

*Gamma:* Would that be only in those cases when a journalist does not have specific tasks and encounters something extraordinary?

*Beta:* But this changes nothing!

*Alpha:* What do you mean “nothing”?

*Beta:* I don’t see how this specific case would change what we have learned about creativity itself. If it is always the arrangement of known things into new forms, then circumstances mean nothing.

*Kappa:* But we are exploring how it works in different circumstances now. That, in fact, was the question . . .

*Beta:* Agreed. So, what about the journalist and his story?

*Alpha:* And his news?

*Gamma:* I see no difference between that and fiction writing.

*Alpha:* Fiction is the same as news?

*Gamma:* Wait, let me finish. I just want to compare the two.

*Kappa:* It is interesting.

*Teacher:* It is. I am dying to hear.

*Gamma:* All right. Obviously, creativity itself is the same in both instances. Both the fiction writer and the journalist have to arrange things in an attractive form . . .

*Alpha:* Except the writer makes facts up.

*Delta:* Not necessarily.

*Gamma:* Yes, you are right, both of you. . . . Let me finish. They both have to create stories to engage their readers and make them feel involved . . .

*Kappa:* That is right! That is exactly right!

*Gamma:* Yeah, I know. OK, they make up stories; they try to engage readers. There is no difference so far. But the real value of their stories—the real job is different.

*Alpha:* I didn't get it. How come it is all the same, it is all the same, it is all the same, it is different?

*Gamma:* Look, when the journalist engages readers, he leads them to the facts. The fiction writer engages people with some general feelings or trends or ideas . . .

*Teacher:* I believe both things can be involved in both genres. The fiction writer can use real events and names while the journalist can talk about some general ideas.

*Beta:* But they use those differently, I think.

*Alpha:* How?

*Beta:* I think the writer uses real facts to put forth his general ideas, and the journalist uses general ideas to put forth facts!

*Gamma:* Maybe. . . . It is necessary for the journalist to introduce the public to the events happening right away, and he can use whatever he wants to in order to achieve that.

*Beta:* Hmm. Actually the same thing can happen to the fiction writer too. He can write about the past or the future but imply present problems.

*Kappa:* Can we say that the journalist is bound to the present in terms of content and the writer is not? People just know that the journalist's job is to draw them into immediate events. This is like a rule of the game. I think Gamma and Beta said the same.

*Gamma:* Yes, the writer and the journalist just have different goals.

*Teacher:* So despite the fact that they both do essentially the same job, their work is judged and valued by readers on different bases?

*Beta:* This is what readers would think.

*Teacher:* What do you mean?

*Beta:* It is simple. If they both do the same work in terms of art—namely, engage their readers in the events they portray—then the public gets involved in the same manner. The public fools itself about the real value of a fictitious story and the real value of a newspaper story.

*Kappa:* They all are fools, ha ha ha. But listen, Beta, you contradict yourself. You said a few minutes ago that the two stories have different relations to reality, didn't you?

*Alpha:* The fiction writer can write about his dreams, what the world could be like. The journalist writes about reality.

*Beta:* Yeah, Kappa, you are right. It is clear that the goals are different, but the real jobs are so similar. . . . I am going back and forth and in circles.

*Gamma:* We are all going in circles, but I've got a funny idea about journalism. It is impossible to write about the present. It is always about the past, a near past, but still the past.

*Beta:* Physically. But people do perceive it like it is happening now. Like it can all be fixed right away.

*Alpha:* Come on! Fixed? Somebody got killed—go fix that!

*Gamma:* It is always a kind of illusion. However, like Kappa said, it is a rule of the game, the journalism game. A reader should get the feeling that action should be taken, that something can be fixed, that justice must be restored.

*Teacher:* All right, so let there be another circle. Isn't it the same with fiction?

*Alpha:* Like in *Stargate*, ha ha ha.

*Gamma:* Like in *Stargate*. The difference is that those fictitious events are substitutes for real ones, and thus, they stand for general ideas while events reported in a newspaper are what they are in reality. Ah! All of this was already said today!

*Kappa:* Yes, but it is amazing how differently things look in the beginning of a discussion from how they look after a while. My first impression was that fiction and newspaper articles have nothing in common. Then we started to analyze them. The journalist writes about current events, but the fiction writer can very well write about these too. The journalist wants an action to be taken, and the writer can desire this too. The writer organizes his reality so as to engage the public, the journalist does the same. The writer can turn to the past or future, the journalist can do the same to make his point. The only real difference we saw is in how the public perceives their writings. If it is fiction, the public becomes concerned with fictitious events but feels

easy about them. If it is news, the public becomes concerned with the immediate situation. Well, I am asking myself if this is really so . . .

*Teacher:* All right. I think this is enough for today. Thank you all.

## *Discrepancies between Two Worlds*

In our previous conversation we tried to clarify where the place for culture beyond arts is. We have found it everywhere. As soon as creativity and dialog take place, this place becomes one of culture. But what remains? Where does human life beyond culture belong, that is, beyond creativity and dialog? I believe that is civilization. Obviously, culture and civilization play different roles in our lives. Let us take one example.

Copyright and patent related laws in the United States are all based on the 8th item of Article I, Section 8 of the Constitution, which states that one of the powers of Congress is “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”

My assumption is . . . actually, why play games? It is not an assumption. To the best of my knowledge, the idea of exclusive rights does not correspond to the nature of the subject. Exclusive rights cannot be imposed on cultural phenomena (writings, discoveries and so forth).

Now, we have an assumption too. Exclusive rights cannot provide for the promotion of the progress of science. Exclusive rights are the wrong means for the declared goal, period. They cannot work; they do not work. They cause huge problems due to the conflict between these wrong means and the subject (culture) they apply to.

This is a crucial and decisive point. The worlds of culture and civilization are different. They develop under different laws, although they relate to and depend on one another.

Many people realize that the difference exists. This is also reflected in understanding of certain human rights in the Western World. Ownership of real property (belonging to the world of

civilization), for example, is considered a basic right and owned property is inalienable from the owner and his or her heirs. However, exclusive rights to “writings and discoveries” (belonging to the world of culture) may be granted under certain conditions for a limited time. What are these conditions? Exclusive rights have “to promote the progress of science and useful arts.” The specific role of cultural phenomena is implied here: the progress of science and arts. This specific role relates to the nature of culture and *radically differs* from the nature and role of material property in human society.

The two worlds are different. The question is, how different are they? Or better yet, how are they different? Before talking to the first graders, I identified a few differences between the “things” belonging to these two worlds. The term “discrepancies” is not quite correct here because the world of culture cannot, must not, and does not coincide or overlap with the world of civilization, in principle. Therefore, discrepancies between them are not possible. On the other hand, exclusive rights to cultural phenomena amount to an attempt to treat “things of culture” the same way as ones of civilization. Thus, assumed “similarities” in reality are “discrepancies.”

## **Things: Material versus Cultural**

### **Exchange**

Cultural phenomena and material things can be shared, but there is a difference in how each does so: physical things change hands while cultural phenomena can be copied or just remembered by other people. That is, one does not lose an idea when it becomes known to others. One does not lose a movie when it is watched or copied by others. One does not lose a musical piece when it is listened to or recorded by others. In general: one does not lose a cultural phenomenon when one shares it with others.

Moreover, the exchange of material things and the sharing of ideas converge in the act of trade. Ideas which reflect the worth of physical things must be shared for these things to be traded. Any trading of physical things or services without the sharing of ideas is either impossible, or meaningless, or harmful for one or both parties.



## Usage

### *Usage of different things*

Let us take tools, as an example. They gradually lose their physical capability while being used and thus lose their value. On the contrary, cultural phenomena derive their value directly from being “used,” which means being shared, communicated, known. Cultural phenomena gain value with each usage.

By the way, *ideas* corresponding to a tool itself appreciate in many ways, while the tool depreciates from use.

### *Different uses of one thing*

A material thing can be used both physically and culturally. An artifact, say a unique building, depreciates because of physical use, but becomes more valuable when it gets included in communication between people and becomes known for its uniqueness. Another example—old cars or any other collectible. It is interesting that cultural use, while bringing value to an artifact, may imply or directly require the deprivation of physical use.

## Needs

When your body feels a physical need, it signals you. After the body is satisfied, you normally do not feel the need for a certain period of time. These basic needs are ingrained in your body by nature and do not differ much from the needs of animals. When it comes to a cultural phenomenon, the more you communicate with it, the more you need it and vice versa: the less culturally developed a person is, the less he or she needs access to culture. Nothing signals to a person the need to read a book, to listen to music, or to watch a painting, if this person has not been brought up with and taught to understand and like music, books, paintings. These specifically human needs—or, better said, needs of the human soul—have to be intentionally developed. Satisfaction from a cultural phenomenon is of a specific nature. It is close to the satisfaction from normal communication between people. The latter develops if it is fulfilling. Generally,

we can state that the need for culture increases with “usage or satisfaction.”

Moreover, cultural desires can cause physical sacrifices and vice versa. Physical needs can cause one to give up cultural ones. Cultural desire can require a person to control bodily desires, to limit, redirect, suppress, twist, or inspire them.

## Two in One

Any *human thing* consists of a material thing and cultural phenomena inscribed in it. However the relationships between these two types in one thing can be different. First of all, it is necessary to distinguish between physical things that have their own value and pure media (books, musical records, movie tapes, etc.) that actually have no value of their own, but derive value entirely from cultural phenomena. There are two more types in between, as well. Thus we have four categories: consumer goods, tools, media, and artifacts. Let us define each of them in detail:

- *Consumer goods* are things that are consumed and disappear. They lose form as their value is being utilized. The most typical representative of this group is food. People who buy and use consumables are consumers. A key point is that normally people do not “put their soul” into consumables; they do not feel a personal affiliation with or attachment to them.
- *Tools* are used in their current form, namely to produce (fix, upgrade, destroy, preserve, etc.) other things. They gradually depreciate while being used and gradually turn into nothing, at least with respect to their initial function. People who buy and use tools correspond to the notion of customer. Since tools are normally used for a prolonged period of time, people can develop personal feelings toward them, but this phenomenon is not in direct relationship to the nature of the tools. They do not appeal to feelings by nature; they just must function.
- *Media* do not possess value as physical objects. Their value is acquired exclusively through the inscription of cultural phenomena. They are intended solely for communication.

Media gradually physically depreciate while being used, like tools do, but inscribed cultural phenomena appreciate. People who buy and “use” them are the audience.

- *Artifacts* are things which once were valuable for their *physical* features, but now derive their value from unintended *cultural* use. These are unique old buildings, cars, tools, other relics, collectibles, etc. People who buy them or buy access to them are collectors, visitors, tourists.

There are two general points we have to stress. First, some of above described uses can be combined. Second, such combinations are related to people’s attitudes. For example, a family can live in a unique old mansion suitable more as a museum than for casual dwelling. Another example is when a profound work of art is considered simply “entertaining” and because of that attitude often is forgotten. In this case the work is turned into a consumer good and correspondingly the audience transforms itself into consumers.

The above were my first thoughts, which were not as clear as I would have liked them to be. Anyway, I brought them to my students. I had not even tried to be very elaborate, because I expected nothing but an avalanche of thoughts and essential clarification of the subject in the end. Well, it turned out otherwise this time. A lot of new questions were what I got. Moreover, the subject had slipped away and provoked us to turn to economics, ethics, etc. You can see and judge for yourself.

When I finished my short speech in the class, I was faced with five puzzled looks. It did not take long to get the first question.

## Books, People, Meals

*Alpha:* Why is it that “cultural satisfaction” increases desire? When you watch a movie, you get satisfied and return home or go to a restaurant or just walk and talk.

*Beta:* I agree, you do not watch and watch and watch.

*Kappa:* Some people do.

*Beta:* Yeah, some do. I would not call them people of culture. What do you think?

*Teacher:* Confused.

*Gamma:* Why? I understand that if you had never watched movies, you wouldn't know whether you needed them or not. You probably wouldn't realize this even after watching a few movies. However, if you don't eat for a while, your body starts to bother you, and it does so until you feed it.

*Delta:* By the way, as you get more hungry, you become less selective.

*Alpha:* So?

*Delta:* Let's see.

*Alpha:* What? You don't know why you said that?

*Delta:* . . . True.

*Kappa:* What difference does it make? It makes sense. If you like a certain type of music, say classical, you will not listen to something entirely different, say rap, even if you have not had access to any music for a long time. We are differently selective with meals than with music, right?

*Beta:* This is kind of obvious. Music or books or paintings—they are all like people. The more you communicate with them, the more selective you become. You value some and are disgusted by others . . .

*Alpha:* Isn't it the same about meals?

*Beta:* Do you value one more and more or hate another more and more?

*Kappa:* I would say the opposite. You may like eating something for a while and suddenly get sick of it.

*Alpha:* Don't you change your preferences in the arts?

*Kappa:* Hmm.

*Delta:* Interesting. . . . Listen, food companies take new products to the market pretty often, while entertainment companies use the same stereotypes as long as possible.

*Gamma:* Do you mean movies? But they do not show you one movie for a long time, right?

*Delta:* One movie? No. But you recognize the same stereotypes in different movies.

*Kappa:* And this is boring. Boring entertainment, ha ha ha.

*Alpha:* Someone said a while ago that you can read the same book over and over again. Isn't that boring?

*Gamma:* Sure, if the book is boring. But you would not read it again.

*Alpha:* And if it is not?

*Gamma:* Then, yes, I can read it over and over again.

*Alpha:* I wouldn't.

*Kappa:* I would.

*Alpha:* Baloney!

*Beta:* Why is it baloney? Because you do not understand it?

*Alpha:* Because you've made it up. People do not do this!

*Teacher:* Some people definitely do. I do.

*Kappa:* People read the Bible over and over again.

*Alpha:* Some people do because they are obligated. It is their religion.

*Teacher:* Are you sure it does not make any sense beyond obligation?

*Gamma:* It always does. It's like meeting old friends.

*Alpha:* Ah, like in a stupid TV series!

*Kappa:* Well, I suspect not all of your friends are brilliant, but you may still like them. Don't you think?

*Beta:* Can you like a boring person? . . .

*Gamma:* Say, parents are boring. . . . Someone can have boring parents.

But they can still be parental, kind, lovely folks.

*Alpha:* I bet their children don't visit them very often.

*Kappa:* You're probably right, but that's *not* normal.

*Alpha:* Why?

*Kappa:* You can't measure people like things: "This one's useful. That one's not!"

*Alpha:* Who was talking about usefulness?

*Beta:* You're talking about boredom. It is close.

*Alpha:* Really?

*Gamma:* You can love a boring person or a dishonest one or a criminal or someone helpless or stupid or a plain jerk or whatever negative character trait you can only imagine. I read all kind of stories like this.

*Alpha:* Ah, it is fiction! I got it.

*Delta:* Do you think that if something's fiction, it has nothing to do with reality?

*Alpha:* It probably has something to do with reality, but you never know how. Anyway, you cannot base a serious judgment on fiction. What do you think?

*Delta:* All right. Let's look at it from another angle. Are all of your loved ones perfect people?

*Kappa:* It is not a matter of perfection at all. You don't choose friends on these grounds. I mean, whoever you choose to make friends with is perfect for you, this is it. . . . Although I don't know what that means, really . . .

*Beta:* It is the same for books, music, movies.

*Alpha:* Meals, houses, cars, tools, parks, lakes, mountains, forests, barber shops, shopping malls.

*Teacher:* That is an impressive list.

*Delta:* But those things are different.

*Alpha:* What do you mean?

*Delta:* Remember, I said this before. It's just that the idea slipped my mind. If you are hungry and cannot get your favorite meal, you will eat anything else. Now, if you need a ride and your favorite car is not available, you drive another one. If your favorite park is closed, you can go to another one. But if your friend is sick, even unconscious, you will not go visit someone else. You go visit your friend. If you cannot find your favorite book when you want it, you will not sit and read whatever is just hanging about. If you want to watch a certain movie, and it is not possible for some reason, you will hardly agree to watch another one. You will wait until you can watch the one you wanted. Say, if you like comedies, you will not watch a thriller under any circumstances. I said, it's different. It is obviously different. You would understand if . . .

*Kappa:* Hey, hey, let's not go there.

*Delta:* All right, let us not.

## The Recipe Case

*Kappa:* We all got carried away and distracted from the initial question.

The important thing is that when you share your meal, a part of it is gone. You can even leave hungry. However, if you share the recipe for that meal, you lose nothing. . . . Actually, yes, the recipe becomes more known, and thus, it becomes more valuable. You are gaining something.

*Alpha:* One can say so.

*Kappa:* One can say so, and one will be right. And this is important for our conversation because this is how a meal and its recipe drastically differ in nature. The meal gets consumed and disappears. The recipe gains value every time it is shared. It gains even more value every time someone cooks and eats that meal.

*Alpha:* OK, why would they say that it is stealing?

*Beta:* Who says? About what?

*Alpha:* Say, you developed a unique recipe and don't want to share it and someone learns it and makes use of it. That's stealing.

*Beta:* I wonder why? I am perfectly comfortable with the notion that sharing a recipe adds value to it. Should adding value be called stealing under any circumstances?

*Alpha:* Suppose I built a business upon it! Then you come and learn the recipe somehow and start a similar business. You will get the money that I was supposed to get. Isn't that stealing?

*Delta:* Oh yes. Beta opens another restaurant to use your recipe and makes you more known. He actually advertises for you, but you put no penny in this. Why don't we consider this stealing?

*Alpha:* Don't my efforts provide advertising for him in this case?

*Gamma:* Yes, but it is not quite the same. He has to reveal whom he learned it from. You will always be the person who introduced the recipe. This pays. . . . You can always charge more than others in the same business.

*Alpha:* Ah, and he will charge less and steal my customers!

*Beta:* Are you listening? It is not me who charges less, it is you who charges more!

*Alpha:* Does anyone see the difference here?

*Beta:* Of course, there is no logical difference! There is no need to argue about labels and metaphors either! Just follow the money! If I make your recipe well known while I produce something based on it, I help you out! I make you more well known as the originator of that wonderful product and advertise you and your business! You get more customers who are willing to pay more! And you call this stealing?

*Alpha:* But you get money also! Isn't that mine?

*Beta:* I do business, but the money is yours?

*Alpha:* Of course! The idea was mine; thus, money derived from this idea belongs to me!

*Gamma:* You can share it. A portion of it will be paid out as royalties, and the remainder belongs to the business.

*Alpha:* That's what I meant.

*Beta:* How about the revenue received by Alpha from my work? He clearly gets it. Shouldn't he share?

*Delta:* How on earth can we measure all these mutual dependencies?

*Gamma:* Listen, listen! I have another question!

*Alpha:* Hold it! I need to argue what Beta said!

*Teacher:* Go ahead.

*Gamma:* Who?

*Alpha:* All right, you go.

*Gamma:* Thanks . . . but I lost it.

*Alpha:* Are you sure?

*Gamma:* I am, go ahead.

## **Royalties versus Attribution**

*Alpha:* All right. There is no law that says if you take my recipe, you have to say where you got it from! You will not advertise for me, and I don't owe you anything whatsoever, but you owe me!

*Gamma:* Who was talking about a law?

*Alpha:* Law is reality, isn't it? What are we talking about if not reality?

*Teacher:* This is a new turn in our conversation. We haven't discussed existing laws yet. We are discussing relations and discrepancies between the worlds of culture and civilization.

*Alpha:* Where do laws belong?

*Teacher:* Wherever they belong, they change anyway. I would say that we want to figure out what the law should be like. How can future laws ideally address the specifics of and relationship between culture and civilization? I think we have to comprehend these realities before we start talking about law.

*Alpha:* You never said that.

*Teacher:* Of course, I didn't. Law was not the subject at the time. We can discuss it later if we find it suitable.



*Alpha:* OK, how can we resolve the last question if we do not turn to law?

*Beta:* I like the idea that we have to figure out what a law is supposed to be. It must serve . . .

*Alpha:* Serve what? Or who? You or me?

*Kappa:* Or the customers or the audience or the general public or the country . . . I don't know who else. Mankind?

*Delta:* Law should serve the people and the country. We have to look at the issue from that stand-point.

*Teacher:* May I narrow this down a bit? Our question can be this: When does a law serve Alpha and Beta and our country best? When Beta is required to pay royalties for the use of Alpha's recipe? Or when Beta is required to give Alpha proper attribution?

*Alpha:* Why not both?

*Kappa:* True, why not?

*Delta:* Well, someone may ask why you want both.

*Beta:* I agree. We have to put forward a rationale.

*Gamma:* We already did. The rationale is society's well-being, including Alpha's and Beta's. If everyone is better off under a law, that means the law is a just one.

*Alpha:* How can we judge that?

*Delta:* We cannot if we do not try.

*Beta:* Look, if I have to pay royalties, my business will be compromised and my competitiveness will be decreased. I can do everything as well as Alpha does. I can make meals as fresh and delicious. I can keep the place clean. I can put as much money in marketing, and I will still be in a weaker position in terms of business. I will have to reduce my earnings while Alpha will get additional money from my efforts.

*Alpha:* Which is perfectly fair because you built your business on my recipe!

*Delta:* The business was built with Beta's effort.

*Gamma:* Well, it is natural that Alpha wants Beta to share his money, but what about our criteria? What is right for people? It is obvious that if two of your businesses compete in equal conditions, then all of your customers win. . . . By the way, I remember my question.

*Alpha:* Remember what Beta offered? He wanted to promote my business for free! Does this not put me in a better situation?

*Beta:* Yes, it does. But this will not take money from my business.

*Alpha:* Really? It will take some customers from you. Is this not the same?

*Teacher:* I see a difference between the two methods. In the case of royalties, we have to set up and enforce some artificial measurements to take money from Beta's business. This becomes specifically questionable. If Beta gets no profits, his business may die, and Alpha will get no royalties at all.

*Alpha:* In that case, I got rid of a competitor, and that is good.

*Kappa:* For you probably. Not for the public.

*Delta:* I doubt whether is always beneficial for Alpha.

*Alpha:* And why is that?

*Teacher:* May I finish?

*Alpha, Delta, Kappa:* Sorry.

*Teacher:* So, in the case of attribution, when Beta just honestly reveals whom he learned the recipe from, he does not necessarily lose. He can even gain.

*Alpha:* And how is that? Sorry.

*Teacher:* That's OK. When Beta tells who taught him the recipe, he appeals to people's feelings. Some of his customers would certainly be curious to go to Alpha's place, and some would admire the tribute as such. Both businesses achieve more solid relations with their patrons and public in general.

*Kappa:* By the way, Alpha can also tell who learned from him.

*Alpha:* Aha, sure.

*Delta:* Why not? This certainly adds credibility to your business.

*Gamma:* Two times, by the way. Firstly, it implies that the recipe is worthy because it gets followers. Secondly, if you're not afraid of a competitor, you make your customers feel your business is strong.

*Kappa:* I like this! A shared recipe benefits everybody, even when attribution is given!

*Beta:* *Because* attribution is given! Not "even when" but "because"! This is how things differ in culture and civilization! If Alpha wants my money, we both lose! When we share ideas, we both win! This is how it works! This is how they are different! I never expected it to turn out this way! This is terrific!

*Gamma:* Wow! I've never seen Beta so excited!

*Teacher:* Me neither.

*Kappa:* It is good that he didn't jump on the desk like someone else.

*Teacher:* Gamma, what about your question? Do you remember it?

*Gamma:* Uh-huh. When you cook an exotic meal, a lot of different ideas, inventions, and techniques are used, right?

*Teacher:* Definitely.

*Gamma:* What about all those?

*Alpha:* What about them?

*Gamma:* What about them? Think for a second. If you want royalties from Beta, thousands of other people may ask for royalties from you! Don't you think?

*Delta:* So everybody will be sitting down and calculating royalties day and night and nothing else?

*Gamma:* And that makes no sense at all!

*Beta:* And then one day they'll forget about royalties, stand up, and just go back to their business.

*Kappa:* I have a declaration to make: People have to share ideas in order for civilization to exist!

*Alpha:* Impressive. I have one proposition and one question.

*Teacher:* Go ahead.

*Alpha:* Thank you. The question goes first. Suppose I opt for attribution. What about those thousands of ideas now? Do I have to sit down and write down all ideas I've used, then conduct research to determine their authors, and then attach tons of paper with references to every single menu, plate, napkin, and so forth? Now here is my proposition: Beta does not have to pay royalties for his whole life, only for a limited time. How about that?

*Kappa:* In the beginning or later?

*Gamma:* How much later?

*Alpha:* Who knows, what happens later?

*Kappa:* OK, Alpha, so you want royalties at the precise time that times are hard for Beta, right?

*Alpha:* But for a limited time! A business is always difficult in the beginning, anyway!

*Kappa:* Then let it be even more difficult, right?

*Alpha:* Why should I care?

*Teacher:* We agreed on some criteria, remember?

*Delta:* I remember, and I remember that essentially we reached a conclusion. Free sharing of ideas plus honest attribution boosts businesses, competition and thus benefits everybody!

*Gamma:* Yes, and why would we look for anything else?

*Beta:* Well, Alpha can argue that profits are the reward for a businessman's efforts and benefit the public in the end, but how then is creativity rewarded?

*Gamma:* By attribution, how else? You created it. People, who use it, honestly say so. Everybody knows you and your role in the invention and recognizes your impact.

*Delta:* People call or write to you, invite you to give lectures.

*Alpha:* Me?

*Kappa:* Aha, Alpha, you! Do you like that more?

*Alpha:* What's more? More than what?

*Teacher:* There were two options.

*Alpha:* I told you, I'd like both. Everyone would, I'm sure.

*Gamma:* Well, OK, then we won't ask you. We'll turn to the criteria of public good instead.

*Alpha:* All right, you haven't answered my question, remember? In the meantime, I have something else to tell you all. Gamma rightly said that it is very natural for me (and I believe it is so for everyone) to wish for both royalties and attribution. Therefore, if you don't give me all I want, I wouldn't like it! Then if I come up with yet another recipe, I won't reveal it to anyone!

*Kappa:* And what is the point? What will you get?

*Alpha:* I'll have my monopoly over it—that's what I'll get. I'll not have competition—that's what I'll get. My business will grow—that's what I'll get. And that's it and nothing else! What do you think?

*Delta:* You will have to put money in marketing.

*Alpha:* So?

*Delta:* So? If you don't have big bucks for that, forget about growing.

*Alpha:* Really? And what is my other option?

*Delta:* Another option? I am going to suggest something terribly new. Reveal your recipe in exchange for attribution.

*Alpha:* Ah, that is news. And?

*Beta:* And what? Haven't we discussed it all?

*Kappa:* Yeah, Alpha, haven't we?

*Alpha:* You probably did. I probably wasn't here.

*Teacher:* Alpha, you were here.

*Alpha:* All right, I am stupid. Can anyone repeat it for me just one more time?

*Kappa:* Alpha, you are not stupid.

*Alpha:* I'm not?

*Kappa:* Nope.

*Teacher:* I agree with Kappa.

*Alpha:* So?

*Beta:* So, you yourself repeat what we concluded earlier.

*Alpha:* You concluded?

*Beta:* Yes, we did—Kappa, Gamma, Delta, our teacher, I, and with your participation. And if you disagree with the conclusions, explain why.

*Gamma:* Yes, Alpha, please. You can do it.

*Alpha:* I can . . . if I want.

*Teacher:* Why wouldn't you want it?

*Gamma:* Yeah, Alpha, why? We are not enemies; we just have different ideas.

*Alpha:* Exactly. We *do* have different ideas.

*Gamma:* Well, I believe they all deserve some respect.

*Alpha:* And I was disrespectful, wasn't I?

*Beta:* I would say so. You don't even want to repeat others' ideas. How would you call this kind of attitude?

*Teacher:* It is interesting, really.

*Alpha:* It seems like tricks and games to me.

*Teacher:* Why?

*Alpha:* OK, does anyone want to reiterate what I'd said?

*Beta:* I don't really want to, but I will if you insist.

*Teacher:* Yes, Beta, please do. Let it be our first summary today. Do you mind, Alpha?

*Alpha:* (*shrugs*)

## Summaries

### How Royalties Are Supposed to Work

*Beta:* OK. Some inventors would like to be attributed and get royalties from every business using their inventions. This seems to be fair and rewards creative work. Thus, it becomes more attractive for people to invent and present their inventions to the public. Have I said everything, Alpha?

*Alpha:* (*shrugs*) There is one more point. You cannot attribute every single idea you use. This is why I proposed to do it for a limited time, say ten years. After ten years of public use, an idea would become common knowledge and attribution would no longer be necessary. Then business use of the idea would not require attribution anymore, and you wouldn't have to collect zillions of references.

*Teacher:* Very good, Alpha. We have all of your ideas summarized now, and it is your turn. Please summarize Beta's ideas.

*Alpha:* I had to fix what Beta said about my ideas, anyway. I believe he can summarize his ideas better than me.

*Teacher:* I cannot insist although I am sure this exercise would be very helpful for our deliberations. If we all know that at the end of the day we will have to summarize each other's ideas, we would pay more attention to what everyone says.

*Alpha:* I remember everything everyone said. I just do not feel like I want to repeat what Beta said.

*Teacher:* OK, anyone?

*Beta:* I can try.

*Gamma:* I can.

*Teacher:* Let us go with Gamma.

### How Attribution Is Supposed to Work

*Gamma:* If an inventor shares his ideas freely, and anyone who uses them gives the inventor proper attribution, then he gets free publicity from all those people, and becomes famous and rich. He becomes even more credible if he refers others back to those who

use his invention. The many uses and attributions increase the value of the invention and publicity of the inventor. At the same time, all businesses have equal access to the invention and thus have equal opportunity to compete. . . . Did I get it right?

## Against Attribution

*Teacher:* I think so. Now I believe we can summarize the arguments against both positions and continue from there.

*Kappa:* To continue where?

*Teacher:* Ah! The best question! We must return to our main issue!

*Beta:* A summary is necessary anyway.

*Teacher:* OK. Anyone?

*Alpha:* My objections to Beta's ideas stand.

*Teacher:* Please, Alpha.

*Alpha:* First, as a creator, I would not like to wait and see how other people make money from my creative work and then pat me on the back in gratitude, because that reference of yours is nothing more than a pat on the back. It costs them nothing, while they earn money and I don't. I would not divulge any other invention in that case. Second, nobody can provide all the zillions of references anyway. So, some royalties paid for limited time would be a fair working solution to all our problems. Thank you.

## Against Royalties

*Teacher:* Thank you, Alpha. Any argument against royalties?

*Alpha:* Summary of argument.

*Teacher:* Right; we want a summary of what was argued against royalties so far.

*Kappa:* May I?

*Teacher:* You bet.

*Kappa:* First, if there are two businesses based on the same idea, they compete using normal business means, such as marketing, productivity, and so forth. Now if we, for some reason, take money from one and give it to the other, the second would have an advantage. Competition would be hampered, and so forth. I

even believe that a business that would have to pay royalties on top of all other expenses may not open at all.

*Alpha:* So? It may go about something else. Why would they take something from me for free? Why don't they take my equipment, as well?

*Delta:* When someone takes your equipment, you lose it. When someone learns your idea, you still retain it. You lose nothing. There is a big difference here.

*Alpha:* But I lose money! How many times must I remind you of this?

*Gamma:* I don't see how you lose money so far. You get additional money for sure because of references. You said this yourself at one point and then you changed your mind and called it "a pat on the back!" You have changed your opinion ten times today and have never considered all of the arguments!

*Alpha:* I never acknowledged that your references increase my earnings, and I never will.

*Kappa:* By the way, I never finished my summary.

*All:* (Look puzzled.)

*Kappa:* Alpha's limited time and amount of royalties cannot be determined by market forces and should be set up artificially, based on . . . who knows what.

*Alpha:* I haven't heard this argument before . . . except for the part about royalties.

*Beta:* Does this really affect the logic behind it?

*Alpha:* We agreed to do a summary and return to the original issue.

*Teacher:* All right.

## Starting Over

*Gamma:* OK, if we return to our topic, I'd like to recall one thing which impressed me.

*Teacher:* Great!

*Gamma:* Just one tiny thing. We feel personal affiliation with people and works of art, and, therefore, we are not willing to easily substitute them with other people or other works. We do this more easily with other things.



*Beta:* And I would like to reiterate what stands out for me. Each single use or reference increases the value of a creative work and the publicity of its author.

*Kappa:* By the way, royalties don't!

*Delta:* Too bad.

*Alpha:* Hey, stay focused.

*Gamma:* I think we are. One of our initial observations was that cultural phenomena increase in value while being used. I believe that relates somehow to what I was saying.

*Alpha:* How can we determine this increase in value? I agree that references might cause an increase in value. But competition causes a *decrease* in value. These two ideas are just ideas. They are not proven facts. At any rate, we cannot take that increase as a given.

*Kappa:* All right, now at least we have a problem statement!

*Delta:* Wait, wait. I hardly see a problem here. Competition is always seen by businessmen as something harmful! Still, it is considered a positive phenomenon for the entire society!

*Kappa:* Actually, yes . . . and if we turn to our very subject, this is even more so, . . . I think.

*Delta:* Why?

*Kappa:* Because knowledge is more valuable the more it is known! Isn't that obvious? . . . I mean, valuable for society.

*Teacher:* What do you think, Alpha?

*Alpha:* I think that someone saw a problem two minutes ago and now doesn't. Someone changes opinions pretty quickly!

*Teacher:* Still, what do you think about the idea that knowledge is more valuable for society the more it is known?

*Alpha:* I have to think before I can say what I think.

*Delta:* Exactly.

*Alpha:* Exactly. Applies to everyone.

*Teacher:* This is a very important point, of course, although a conversation itself can work pretty well.

*Alpha:* So, what's your advice? Just to keep talking without thinking?

*Teacher:* Hmm, a tough question . . . I would say that I have to do two things in a conversation like ours. First, I have to unconditionally accept new ideas, and that means putting thinking aside. Second,

I have to juxtapose different ideas in order to see how they relate to each other and how they relate to reality. This juxtaposition requires a thought or actually *is* a thought.

*Kappa*: Wow, that resonates! It is a pity we cannot continue along these lines.

*Delta*: Yeah, we have gone astray.

*Kappa*: I don't know why, but an entirely new discrepancy just occurred to me!

*All*: (Look puzzled)

*Kappa*: Look . . . but it is a truly *strange* one, . . . I am not quite sure.

*Gamma*: Well?

*Kappa*: All right. Say you got a car, right?

*Alpha*: Right!

*Kappa*: All right. . . . The car works if all of its parts work, and all of them are connected properly . . .

*Alpha*: That's new!

*Kappa*: Now take one part out and the whole thing does not work anymore!

*Teacher*: Interesting. . . . Assuming that's true.

*Kappa*: All right, let's take another example. . . . Sorry, I am trying to get a hold of my idea . . .

*Delta*: Go ahead, catch it!

*Kappa*: Thanks. . . . Let's take a meal.

*Alpha*: I'm ready.

*Kappa*: You can have a small portion, and it is still edible. And the more you have, the more satisfied you are, right? Until you are full.

*Beta*: Well?

*Kappa*: Now if you read a fragment of a story or listen to a fragment of music, it may tell you a lot about the entire work. A fragment can be as meaningful as the entire piece.

*Alpha*: But you would like to read the entire story!

*Delta*: That is right, and the more you read, the more you want to reach the end!

*Alpha*: The same with meals! What's the difference?

*Beta*: It is not the same. You read a book to the end, no matter how big the book is. It depends on the book, not on you . . . but normally you eat as much as you need, no matter how much is left.

*Kappa*: My bad! I was thinking about tools, not meals. . . . The car was the right example. A car part is nothing without the car while a piece of the story is always something. It speaks to you . . .

*Teacher*: That is right. Looks like there's another discrepancy looming around the corner. . . . It is not quite clear yet what it is. We probably need to see how meals or other consumables reflect this idea, if they do.

*Beta*: We stopped at the point that you could judge a meal even if you had just a small piece . . . and it seems the same with music or books.

*Kappa*: But every piece of the meal is the same! And every piece of the story is different!

*Beta*: Yeah, but wait, let me finish. There is another similarity here. If you got a dish, a small piece of it, and it is tasty, you may want more of it, so you eat until you're satisfied. It seems to be the same with music, doesn't it?

*Gamma*: No, that's different. You may want it, but the music or the novel will never bring you satisfaction the same way that food does. Music may make you hungry for more; it's the same with a book. . . . We actually discussed this already. . . . And again, it feels like this feature of a cultural phenomena relates to our personal affiliation with it.

*Teacher*: I'm lost. It feels like there's an issue related to car parts, the parts of a meal, and the parts of a piece of art, but I'm not clear what it is.

*Beta*: Yeah. We can summarize it this way: a part has a different relationship to the whole in art or consumables or tools.

*Teacher*: Aha! Still, I'm not clear about all of this.

*Beta*: Yeah, . . . anyway, it seems to be important. . . . Part of a story can be just as important as the entire story. . . . It is like that with a person. You can like or dislike a person at first impression, and you can like or dislike this person's behavior as well.

*Teacher*: It looks like it's the same with an idea. It is the same in a short formula as it is in thousands of pages of explanations. Have you finished, Beta?

*Beta*: Not quite . . . I'm thinking. When it comes to a complex thing in the physical world, it's difficult to judge the entire thing by its part. You may only guess. . . . And the part normally does not work by

itself and thus has no real value. The entire thing without a just one part can also be of no value.

*Alpha:* What if you miss part of a blueprint?

*Beta:* A blueprint does say something to you, any part of it. It has value; it always does. If you have just part of it, you can recreate it.

*Alpha:* You can restore a car too.

*Beta:* Yes, but a broken car has no value unless you use the car itself as a blueprint! You can retrieve some information from it! It's another discrepancy!

*Teacher:* Can you flesh it out for us?

*Beta:* Well, . . . a broken thing having no physical value may still bear useful information . . .

*Alpha:* This was actually said already. Physical things derive their value from inscribed cultural phenomena.

*Gamma:* Yeah, that is right, but some physical objects can be used directly because of their physical features. Cultural phenomena in such cases help in the use of the objects' physical abilities. In the case of a broken tool, it is the opposite: the tool itself serves as media first, as a bearer of information, then, in turn, it can be used to restore the tool to its physical abilities. . . . A broken tool cannot be used in its presumed function at all.

*Delta:* By the way, food does not necessarily get value from cultural use. It is mostly opposite: it is used because of its direct physical value.

*Gamma:* Ha ha ha, I would say cultural traits can very well make it less usable!

*Teacher:* Interesting. Does such a decrease happen to consumables only?

*Beta:* I think it relates . . . if this is about consumables. . . . They are supposed to be used up, so . . .

*Gamma:* Actually, that was said already. Culture may creates value in physical objects but can also destroy that value.

*Kappa:* I have another idea, . . . I don't know whether it has anything to do with our topic or not.

*Teacher:* What is it?

*Kappa:* People can change something's value by using something else.

*Alpha:* What do you mean?

*Kappa:* You use a complicated process to turn fresh tomatoes into canned ones.

*Alpha:* Ah, that's new. It also was said already in the ve-e-ery beginning.

*Kappa:* Oh, yes, I remember now.

## **There Is Another Discrepancy!**

*Beta:* Hurray! I got it!

*Gamma:* Hey, Beta, are you OK?

*Beta:* I'm telling you, I got it!

*Gamma:* What?

*Beta:* You thank me first! You and Kappa! No, Kappa first!

*Kappa:* Thank you, Beta. Now tell us *what* you got.

*Beta:* All right. Kappa, this is for you. Part of a work of art is always equal to or greater than the entire work! In the physical world, however, a part is always less than its whole!

*Teacher:* Well, we saw that a "part" of a cultural phenomenon can be of the same value as its whole. Yes, now after we have talked about it, this becomes quite clear. But how could it be greater?

*Beta:* It could, when an artwork is not quite perfect. This happens all the time. You watch a movie and it is "OK" while some scenes or characters or even large fragments of it are perfect. Those "parts" are greater than the entire thing then. That's it, that simple!

*Kappa:* Wow.

*Gamma:* How about me? Should I still thank you?

*Beta:* Go ahead.

*Gamma:* Thank you, Beta, so, so, so much!

*Beta:* You, Gamma, are very, very, very welcome!

*Alpha:* Come on, guys! Aren't you tired yet?

*Beta:* Yeah, kind of. OK. It is about your thing, Gamma. Although it is still not that clear. I believe that we are on the brink of something important about cultural phenomena. It is all about human communication. A book speaks to you; a song speaks to you; the simplest sketch speaks to you. A part of a piece of art speaks to you as much as the entire work, right?

*Alpha:* This is Kappa's thing.

*Beta:* Right, but that is also the exact reason why we are not easily

willing to substitute one piece of art for another one. We would rather add another one but not substitute, right?

*Gamma:* Yeah, sounds good. While I might agree, it is not that clear to me yet.

## **The Last Summary**

*Teacher:* I have never felt so exhausted. A lot of thinking and talking, a lot of ideas, a lot of confusion.

*Gamma:* I feel compassion for lawmakers.

*Delta:* Please, don't. It never seems like they are very troubled by these issues.

*Kappa:* It is our society, then, for whom we must have compassion.

*Beta:* You took the words right out of my mouth.

*Teacher:* All right, let it be our last summary today.

## **A Few Afterthoughts**

These thoughts came to mind while I was listening to the students. I did not want to interrupt them so made notes.

### **To Alpha**

Cultural needs do not go away when satisfied but instead inspire thinking, discussion (you said “walk and talk”), critique, remembering, recalling, repeating, quoting, following, etc. Sometimes you like a book so much that you start reading it again as soon as you finish it. You can read the entire thing or certain parts, trying to remember selected passages, trying to relate it to yourself. . . . None of that applies to physical objects in general or consumer goods in particular. You may like a meal and eat it once in a while, but that's it.

### **To Kappa**

If someone is watching TV continuously, he or she never or rarely sees the same movie or show. The programs must keep changing and oftentimes are forgotten. We are hardly dealing with an audience in

this case. I would say that people who “watch and watch” whatever comes on do not communicate with but simply consume video-production. They act more like consumers, not like an audience.

## **To Kappa, Again**

Yes, if you are hungry, it does not matter what you eat; if you are cold, it does not matter how you get warm; if you have not slept for a long time, you can fall asleep anywhere, anytime. You would probably read anything if you were deprived of reading for a long time. But if you have not been brought up as a reader, such a deprivation would not bother you.

## **To Gamma**

You say you will not read a boring book. This is something of an obvious assertion. Still, a few ideas emerge from this. A book can be boring for one person and interesting for another. A person can be boring but loved. Now, how does this translate into the world of physical things? Can we use a non-useful thing? The answer is obvious although it is quite likely that a skilled person can use what an unskilled person cannot. This is probably the point at which three worlds differ—people, cultural phenomena, and physical things.

## **To My Reader**

As I said, this discussion among students revealed more questions than answers. However, as usual, it spurred a lot of thinking and caused me to think along a completely different path. How do those things work in reality? How can they work under different circumstances? I turned to online discussions, but adults were not that stimulating as my students.

## *Three Models*

A remark from a post on the DMCA-discuss list from June 5, 2003 reads: “Take copyright away and guess what? Somebody is going to undercut YOU in price because they can make cheap copies, and thus, YOU won’t make any money at all!” “YOU” there referred to an author who had spent a number of years writing a novel.

How can I respond to the above assertion? I want to start my deliberations on this subject with yet another quote: “If art teaches anything (to the artist, in the first place), it is the privateness of the human condition. Being the most ancient as well as the most literal form of private enterprise, it fosters in a man, knowingly or unwittingly, a sense of his uniqueness, of individuality, of separateness—thus turning him from a social animal into an autonomous ‘I’” (Joseph Brodsky, Nobel Lecture, 1987). This gives us direction for further analysis.

If a work of art, according to Brodsky, is a private enterprise, it is obviously of a different nature than a regular business. The artist’s “business” is to foster a sense of uniqueness in humans. When we regard art as art, we *must* take into account its nature. We *must* remember and take seriously the fact that art is not determined or driven by rewards or punishments, profits or losses. On the other hand, we know that business does develop around art. In this case we must take into account and apply relevant laws. Hence, we have to determine what part of an artwork, where and when, may be traded and what part of it, where and when, must be just shared.

If we uphold this approach—that is, if we try to follow the precise nature of our subject—then there is hope that we will get the most from art in terms of both creativity and business. This also means that we can resolve and forget all of the problems caused by



the monster called “exclusive rights” which result from the mixing of subjects of different natures.

“Somebody is going to undercut the price”—what is so tragic about this when we talk business? It is a simple question. What is the honest answer? “OK.” It would be *OK* for any other branch of business. It would be *OK* in publishing too. So why would publishers (through copyright) want to mutually restrict each other from profiting? Yet another question: If an author simply sells his work to a publisher, how does copyright help him? Does it not ?

Well, I have hinted more than once that I am not satisfied with the commonly accepted speculations about exclusive rights, regardless of how long those speculations have been around.

## Options for Governing Culture

In order to understand what is happening in the regulation of cultural affairs and what *could ideally* happen, I have framed three options for analysis: (1) no regulation at all, (2) the current type of regulation and (3) an ideal regulation, corresponding to the nature of culture. These are: Self-tuning, Copyright, and Authoright.

### Self-tuning

This means there is no copyright nor any other specific regulation of cultural affairs. There is a rather close historical precedent for this situation. In Jacobinian France, for a short period of time (until 1793) all royal publishing privileges were abolished. It would be very helpful to find out what exactly was going on with book market in France at that time. And earlier there was a somewhat similar situation in Great Britain when royal privileges were, for a certain period of time, ignored by small printers, causing big ones to press for a law like the Statute of Anne. What was going on in that market? Such a study merits research.

### Copyright

This is the universal publishing monopoly. It is the ownership, similar to private property, which is imposed upon cultural phenomena. This regime was introduced despite public outcry in Great Britain in 1710. I will discuss it more below.

## **Authoright**

This is when a work of art is free to use without restriction, and individual authors and publishers have the universal right to attribution. Such a law does not yet exist, although its partial and twisted implementations, like public domain, have occurred.

## **Method of the Research**

It became clear in my previous deliberations and discussions with the students that the nature of creativity is the same in different areas of human activity. Based on that conclusion, I presume that neither genre nor kind of art nor historical time nor any other technicality plays a vital role in the reality I am now going to scrutinize. That is, analyzed scenarios, in their essential features, can equally apply to any creator at any time in any area of human activity. I examine fundamental points, such that my analysis would be the same for a music composer or painter or inventor or any other creator in the eighteenth or twenty-first or thirtieth century. Obviously, cases differ in detail, but details and nuances are not my priority here. So, I have chosen a writer in the eighteenth century who is looking for a publisher. His situation is analyzed in the scenarios below.

## **Self-tuning**

As stated previously, cultural affairs that are not regulated by a specific law are the subject of this section.

## **Scenarios**

Our author has to shop for a publisher. He may never find one, thus end of story.

Suppose he finds a publisher. He may conduct preliminary negotiations before having his book published. Suppose his work is accepted. The author will be paid a certain amount of money. If the sum is considerable in the author's view, there's a happy ending.

If the publisher wants exclusivity, he may pay more and put it

in their contract. Naturally, this exclusivity is effective only until the work is published, because, with no regulation in the field, anyone can use it after the first publishing.

If the publisher does not want exclusivity, the author may take a copy of the manuscript to another publisher and get paid by both.

What happens after publication? That depends on the acceptance of the work by the public. Generally, the author gets more and more exposure as long as other publishers reprint and sell his work. And they do this as long as it earns money. In doing so, they all promote the author regardless of their intentions.

Does second-hand publishing (reprinting of a published work) provide incentives to the author? It may. For example, if a publisher wants to develop a brand, he may compensate the author in order to be the author's announced sponsor. Would any publisher do this? Some may be tempted to do so because this marketing strategy is not worse than any other.

If the author is well-accepted, his next work will be sold at a higher price. Publishers will compete for the opportunity to publish it first. Obviously, being the first in *this* environment means being a brand.

What if the very first publisher robs the author; say he does not give any written promise, takes the work, and publishes it under some other name? This does not change the situation much, because the author can take the work to another publisher and expose the first one as a fraud. Moreover, if the first work earns a considerable amount, a second one will not be stolen because other publishers will come forward in order to publish it. Thanks to Self-tuning—that is to say, thanks to the no-exclusive-rights situation—sooner or later the real author will become known. Also, corresponding outcomes for the author, the publisher-thief, and the entire artistic and publishing community will result. Particularly, the author may turn to the courts and sue the publisher for breach of contract. For this scenario, the author would need another copy of the work and a witness to his agreement with the publisher-thief. Such measures can effectively secure any work from theft.

Now, suppose the first work does not earn anything; this means the work was not admired. In this case, the entire scenario starts over with his next work.

## Summary

For the first summary, let us stress that as long as this model creates a highly competitive environment, publishers have to fight to develop brand names. A publisher may achieve this by trying to: (a) always be first, (b) offer the best in terms of quality to the public, or (c) sponsor authors instead of “freeloading,” thereby providing additional incentives to authors.

It is noteworthy that as far as *all works are accessible to all publishers*, the success of an author depends solely on his talent. If an author lacks talent, no one suffers but the author.

Actually, I used to think that no-regulation environment would be much worse than it appears now. It looks as if it could result in a fairly self-tuned market that would be extremely challenging for all parties. It is unlikely that any work of art may escape unnoticed in this environment.

## A Historical Excursus

The Self-tuning model is based entirely on contractual law. If this model were in place, publishers with considerable economic power would eventually plot to contract authors and publish in a copyright-like manner. That is, they would try to get rid of competition and secure their portfolios and revenues for a certain period of time. The next step would be an attempt to gain government support for that “copyright-like manner” in order to hinder authors from dictating conditions. This is what happened in Great Britain with the *Statute of Queen Anne* in 1710.

For about two hundred years before that, the Crown had resisted the demands of licensed scribes (and later big printers) to limit printing and restrict the spread of the printing press. In 1710, the Crown was eager to get rid of anonymous pamphlet writers; this desire by the government for effectual censorship coincided with big printers’ thirst for easy money. That mutual interest brought about the Statute of Anne. It is ironic that the same law in its basic features was later adopted in the U.S. in order to provide for “the progress of science and useful arts.”

The question is, how could the same mechanism work in such a contradictory fashion—to back both monopolies for the “big guys” and provide incentives for the smallest ones, the “starving artists?”

Across centuries and among countries, publishing monopolies have clearly proven to be useful only to governments and big publishers. The pretext proffered to the public is that said monopolies protect authors, promote creativity, develop culture, etc. Has this ever been proven in reality? The answer is: *No*. Much speculation has been produced but never any proof.

## **Publishing Monopoly or Copyright**

While analyzing below how copyright works, I am going to determine the differences between the two models.

### **Scenarios**

Well, our author has to shop for a publisher. He may never find one, thus end of story.

Suppose he finds a publisher. He may conduct preliminary negotiations before having his book published. Suppose his work is accepted. The author will be paid a certain amount of money. If the sum is considerable, there is a happy ending. There is no difference from Self-tuning so far.

If the publisher wants exclusive rights or a monopoly, he may pay more. This monopoly will last for the period of time determined by law; this is the first difference from the Self-tuning model.

If the publisher does not want exclusive rights, the author can take a copy of the manuscript to another publisher and get paid by both. However, this is not likely to happen, because nowadays the idea of exclusivity is ingrained in people’s minds. Due to a copyright-driven “business model,” no publisher would accept a work if it is being handled by another publisher.

What happens after publication? This depends on how well the work is accepted by the public. The author gets exposure depending

on the marketing efforts and abilities of his *sole* publisher. This is the second difference from the Self-tuning model. The author's next work may garner more money if the first one became famous. In this case, publishers compete for the opportunity to be the first in line—if the author did not sell the rights in advance.

There is another circumstance fostered by the legally enforced printing monopoly: having secured a certain amount of work for a prolonged amount of time, a publisher may not be interested in buying another book. This is the third difference. Or he may buy it not in order to publish it, but to prevent competitors from doing so—the fourth difference. In any case, this is exactly what big publishers have fought for: easier lives at the expense of the public and authors. This is how the printing monopoly strips authors of potential income instead of providing it. The latter phenomenon affects an author in yet another way. The author, condemned to selling his work to just one publisher, has to consider this dilemma and make adjustments to his work. This trend plainly undermines creativity—the fifth difference. This last feature of the copyright-driven environment is of specific interest because it directly contradicts the proclaimed goal of exclusive rights: to provide for “the progress of science and useful arts.”

What if a publisher robs the author: he does not give any written assurance, takes the work and publishes it under another name? This changes the situation dramatically. Having exclusive rights, the publisher can prevent other publishers from acquiring the work and thus is assured that no one ever learns who the real author is—the sixth difference.

However, this variant can result in a poor reputation for the publisher-thief. Moreover, the author may turn to the courts and sue the publisher under copyright law—the seventh difference. But again, if the theft is not proven, the author has lost his work forever.

Another new feature requires explanation. Remember, because of the very nature of art, we, the audience, develop personal relationships with a work of art. We noted earlier that these relationships are, in fact, very similar in nature to those with real people. The only difference is the consequences. If a desired work of art is not accessible, no substitute would suffice. If you want to read the *Bible*, only the *Bible* will do; if you want *The Lord of the Rings*, then you want only *The Lord*

*of the Rings*. It is a personal issue. Yes, in practice, if you cannot get the artistic work that you want, you may find some “substitute,” but this would be as upsetting as substituting a good friend with someone else. This means that a publishing monopoly of a book is, in fact, as effective as if this book were the only book on the market. Thus, copyright causes prices to be raised to the maximum level possible—the eighth difference. Like with a casual monopoly, this feature hinders public access to distributed works and thus negatively affects the market.

A quite unexpected development within the copyright-driven environment is the promotion of *effective plagiarism*—the ninth difference. How is this possible? Normal plagiarism cannot survive within the Self-tuning model because the public is acutely sensitive to it, and no publisher would risk his brand while any original work is at his disposal. On the contrary, selling a book similar to a best seller is particularly tempting within the copyright-driven environment. In order to do so, one only need provide measured formal differences from the best seller. What is it if not plagiarism? Some publishers prefer to buy plagiarized work instead of buying something *genuinely* new with an uncertain sales projection. Hence, we have one more blow to creativity caused by the publishing monopoly a.k.a. copyright.

Yet another consequence of copyright is that, having a portfolio to profit from for years to come, publishers are compelled to prolong current public predilection for the arts. Publishers must therefore try to influence audiences in order to achieve this—the tenth difference. They need to discourage the promotion of new ideas, new aesthetic approaches to arts, new kinds of arts, new genres, and so forth. Moreover, by investing money in this impediment, publishers are driven to promote “new” works to fit the same old picture, thus contributing again for the third time in the suppression of creativity.

Now let us get back to the author. Suppose the first work does not earn any money, which means the author has not become well-liked. The entire story starts over with the next work. However, it is harder for the author to start over in an environment poisoned by publishing monopolies; publishers with established portfolios would not risk working with an unsuccessful author. It would not matter whether he were a misunderstood genius or someone who just failed

to convince a powerful publisher to market his work. On the other hand, a publisher with exclusive rights is interested in promoting the work, no matter how bad it is—this is the eleventh difference from the Self-tuning model.

## Summary

I used to think that the copyright model was not as pathetic as it appears now. It appears to be totally disruptive for any normal market development. A toxic copyright-driven environment pressures a creator to give in to the tastes of publishers. It compromises creativity in at least three ways, as seen above. Copyright promotes effective plagiarism. In this monopoly-based environment, any work of art may disappear unnoticed, regardless of how brilliant it is. High prices suppress the book and art markets' normal development.

This last trend causes tension in the industry and spurs attempts to extend the initial monopoly even further in order to restore vanishing profits. Actually, such attempts manifest themselves even before the market shrinks. As long as the idea of monopoly is considered proper, rights holders desire it and religiously fight to extend it

The copyright trick amazes me more and more. It adversely affects culture and civilization in many ways, while it helps big publishers to more easily go about their business. It is noteworthy that nobody even knows whether “easily” means more profitable or just the opposite!

## Authoright

I want to reiterate some of the guidelines of this really simple model. We saw that the Self-tuning model provides a good framework for cultural and culture-related business development. Still, the author's well-being is uncertain because publishers are not required to attribute. Thus, it seems to make sense for society to require attribution. What about other features of this model? Based on the ideas presented in previous chapters, I assume the following:

- The natural law of culture that results in its normal development is ultimate freedom.



- No cultural phenomenon can be owned.
- Only a *material* thing with a cultural phenomenon inscribed within it can be owned.
- The cultural equivalent of physical stealing is lying.
- Cultural phenomena are produced in an individual mind or in the free communication among individuals.
- Culture, when governed according to its nature, rewards authors, publishers, and society as a whole to a much greater degree than under current law.

Hence, the main features determining Authoright are:

- No entity of any kind may control or regulate in any way the copying, sharing, distribution, performance or another public use of an idea, work of art or any other cultural phenomena.
- Most importantly, there must not be any restriction in the creation of derivatives or any other artistic use of a work.
- Every author has the eternal and inalienable right of attribution.
- An author may sell his works, but not his “rights.”
- A publisher or any other entity may pay an author for the right to be named his sponsor.
- No company, organization, or group entity of any kind or nature other than the actual author of a creative work may be considered the author.
- The source of a work must be attributed in every public use of the work.
- Any sponsor of an author, a single work or a single publication deserves attribution.

The full text of the Authoright can be found in the Addendum. Below the differences between models will be highlighted.

## Scenarios

Our author has to shop for a publisher. He may never find one, thus end of story. However, we have to note this kind of outcome is less probable here (and within Self-tuning as well) than in the environment poisoned by publishing monopolies. Since it is much more difficult to secure a monopolized portfolio for a considerable time, it is vital for a publisher to be the first to find a new work or discover a new author—this the first difference from copyright.

Suppose he finds a publisher. He may conduct preliminary negotiations before having his book published. The author will be paid a certain amount of money. If the sum is considerable, there is a happy ending. It is noteworthy that this kind of ending is more probable here because there are no exclusive rights. An author and his new work are now more valuable for many reasons—the second difference from copyright. The first reason is that he is free to sell his work to as many publishers as he wants. The second reason is that only individual authors can claim authorship. The third reason is that the best way for a publisher to develop a brand is to be the first to get the work.

If the publisher wants exclusivity (until the work is published) he may pay more. The same story happens within other models. The difference lies in time frame only, and this affects publishing only. We saw that copyright causes nothing but negative results here.

If the publisher does not want exclusivity, the author may take a copy of the manuscript to another publisher and get paid by both. Again, this is not likely to happen under copyright just because it is against copyright-driven “common sense.”

What happens after publication? That depends on the acceptance of the work by the public. Generally, the author gets more and more exposure as long as other publishers reprint and sell his or her work. They do this while it earns money. Thus, the entire competitive publishing community promotes the author—the third difference. If a second-hand publisher wants to develop a brand, he may pay the author in order to be the author’s announced sponsor—the fourth difference. The last two features have a more powerful effect within Authoright, as contrasted with Self-tuning, because attribution is

mandatory here. More important is that an author would now be really free to create and would have no need to adjust to anyone's taste; only his inner interlocutors would dictate what he writes. Having his name protected by law and the work promoted by the entire publishing community, the author knows that he will be judged by the public for his work and talent only—the fifth difference from copyright.

Does second-hand publishing provide any incentive to the author? It can. For example, if a publisher wants to develop a brand, he may pay the author to be the author's announced sponsor. Will just any publisher do this? Some will, for this marketing idea is not worse than any other.

If the author is well-accepted, his subsequent work will be sold at a higher price. Publishers will compete for the ability to get the next one first. Being the first means being a brand; publishers must be quite fast to grab any new work in Authorright-driven environment. This is significant in terms of incentives for authors—the sixth difference from copyright.

What if the very first publisher robs the author, does not give any written promise, takes the work and publishes it under some other name? This does not change the situation much, because the author can take the work to another publisher and expose the fraudulent one. Now, if the first (stolen) work earns considerable money, a subsequent one will not be stolen because other publishers will act in order to get it.

The case of the stolen work results in a poor reputation for the thief, so he must take this into account. The author may turn to the courts and sue the publisher under Authorright law—this is the seventh difference from copyright. (Authorright also differs here from Self-tuning, where the author can use only contractual law.) It is worth noting that under Authorright an author can sue for theft of name only. What is important is that even if theft happened and even if it is not proven, the author may compete with the publisher-thief—the eighth difference from copyright.

We have previously discussed how, because of the very nature of art, the audience develops a personal relationship with a work of art. We know that such a relationship is similar to one with real

people. The two differ only in regards to the resulting consequences. Additionally, regarding access to a desirable work of art, no substitution suffices. We already concluded that because of that feature, a printing monopoly on one book allows the rights holder to raise the price as if this book were the only one on the market. This is impossible within the Authoright environment, where a work of art is accessible for everyone to copy and use in any way possible from the very moment of its first publication—the ninth difference.

As seen previously, another quite unexpected development within the copyright model is the promotion of actual plagiarism cloaked in hypocrisy (the rationale is that it is feasible to promote and sell something similar to a best seller, providing carefully measured differences are incorporated). This would not work within the Self-tuning and Authoright models because the public is acutely sensitive to plagiarism, and no publisher would risk his reputation while all original works are at his disposal. Again, while copyright promotes plagiarism and compromises creativity, Authoright promotes creativity and makes plagiarism impossible. It spurs a natural drive to create or acquire original works—the tenth difference.

Authoright eliminates the possibility of another negative consequence of copyrights: the publisher's motivation to discourage the development of audiences—the eleventh difference. Insofar as publishers cannot secure a portfolio longer than necessary for the preparation of a work for publication, they have no interest in stagnating public taste. In this environment everybody seeks out new work, and it is profitable to have the public inclined to and capable of understanding anything new. It would be in the publishers' best interest to encourage the public to learn new aesthetic principles, genres and so forth.

Now suppose the first work does not earn any money, which means the author has not become well-liked. The entire story starts over with the next work. A new start is likely to be easier in the Authoright environment, where the publishers and the public are in an ongoing hunt for new work and authors—the twelfth difference. After all, the only things which truly matter within Authoright are a work's brilliance and the author's talent.

## Three Models: Summary

In general, the Authorright model includes the advantages of both the Self-tuning and the copyright models while having none of their disadvantages:

1. Under Authorright, as under Self-tuning, an author is more likely to find his first publisher if he is unique. And vice versa (unlike under copyright), an author is less likely to find a first publisher if he just replicates a well-selling author.
2. Within Authorright, as within Self-tuning, an author is a more valuable asset than with copyright and thus always has a chance of getting paid more from the very beginning.
3. Unlike any other environment, it is impossible under Authorright for any entities other than individual authors to claim authorship. This specific feature puts an author into the center of a culture-related marketplace.
4. As within Self-tuning, Authorrighted work gets promoted by the entire competitive publishing community. Under copyright, however, the promotion of a work is restricted to the goodwill and real abilities of *one* publisher or another rights holder. Moreover, under Authorright, promotion of a work automatically means promotion of its author and depends entirely on his talent.
5. Similar to Self-tuning, Authorright allows an author to sell his work, either literally fixed in some media or in the form of sponsorship, as many times as possible. With copyright, he is actually condemned to a one-time or otherwise limited sale. Any entity may sponsor an author in any environment but this cannot be really used with copyright for two reasons: first, the commercial and other public usage of a work of art is extremely limited; second, the rights holder is usually in full control of the work and may not be interested in promoting a sponsor. This may be useful under Self-tuning but to a lesser degree because attribution is not required.

6. On the other hand, even within Self-tuning, an author's name is protected at least twice. First, unwritten, academic-like standards for attribution have to emerge. Second, it is in the publisher's best interest to attribute a work to its known author. Theft may occur, as discussed, at the very first public appearance of an author's work. However, this is not profitable in the long run because the author's name becomes a stamp of quality. If, nonetheless, theft does happen, there are certain protections which are even more effective than copyright law. Needless to say, the same mechanisms work under Authoright.
7. Under Authoright, as under Self-tuning, the more talented and unique an author is, the more he gets promoted. On the contrary, under copyright the author is pushed to follow best-selling examples, that is to say, to plagiarize.
8. Under Authoright, as under Self-tuning, an author is not limited in learning from others. On the contrary, under copyright, an author cannot freely learn and build upon the works of others. He is pushed to artistic naivety.
9. Under both copyright and Authoright, an author can legally protect his name. Under Self-tuning, however, he has to use nonspecific laws. This feature does not amount to a considerable advantage for Authoright; the author can just more easily protect his name. As I said earlier, it is likely that unwritten self-enforced rules will emerge as they have in academia. This feature may, however, become significant during the shift to Authoright because of more than three hundred years of total disrespect for authorship fueled by copyright.
10. Under Authoright, as with Self-tuning, if a publisher steals an author's work, the author can still compete with the thief. On the contrary, under copyright, a work, if stolen and not recovered in the courts, is lost forever.
11. As under Self-tuning, under Authoright, markets are flooded with works of art along a spectrum of content, quality, and price. Under

copyright, market development is limited at least twice: first, by direct publisher regulation, and second, by monopolistic pricing.

12. Within Self-tuning and Authoright, a work is promoted by any publisher willing to make money from it. It is exposed regardless of the financial or other abilities of specific publishers. Within copyright, however, exposure of a work depends on only one publisher. Hence, the author is naturally forced to look for a big publisher, which means that copyright also enforces regular monopolies. This trend once again back-fires on the author, forcing him to bow down to the tastes of a big publisher in order to be published, promoted, and paid. Thus, the author's dilemma in the copyright-driven environment is in fact: "more money means less creativity."
13. Under Self-tuning, as with Authoright, an author is discouraged from committing plagiarism, while he is encouraged to do so under copyright. Where there is no publishing monopoly and all works are accessible to all publishers, publishers are naturally driven to go after the best and acquire them by all means necessary. Conversely, under copyright a publisher retains his portfolio for a prolonged amount of time. This portfolio is at the heart of the copyright business. Here, a big publisher may invest big money into the promotion of a work. Others are tempted to follow; they will try to buy something similar to gain some profit. There is no sense of urgency by publishers to find the "best." The only urgent need is to get something sufficiently different from a best seller and monopolize it. Plagiarism is encouraged and reveals itself in false diversity when the market is flooded by imitations that mimic greatly promoted works. We should emphasize that under copyright, only well-promoted works, not the best ones, are imitated.
14. Under Authoright and Self-tuning, derivatives are allowed without restriction as a natural way for culture to develop. On the contrary, a creator's freedom to build upon earlier works is suppressed under copyright, while a plagiarist can easily measure the level of formal difference and follow all necessary formalities to be published.

15. Under Self-tuning and Authorright, publishers are interested in public development while under copyright publishers are interested in the obstruction of public development.

## Conclusions

All positive speculation about copyrights, patents and other exclusive rights looks somewhat rational on the surface but actually works in the exact opposite way.

Authorright, which governs cultural affairs according to the nature of culture, creates highly competitive, aggressively growing markets with the omnipotent and omnipresent drive towards novelty and provides competitive incentives for authors and publishers.



## *On Licensing in Cultural Affairs*

Now, having made an analysis of three models on the governing of cultural affairs, I feel armed enough to analyze some specific realities. Namely, I want to analyze how licensing works for an author.

A critical issue is: How does an artist make a living? He may earn money in different ways, all of which work well when the artist is famous. Fame is that magic tool that turns an author's work into money.

Hence, the question is, in fact: How do different licenses help expose an author?

Let us see what we have on the plate.

### **Possible License Features**

Currently, an author may or may not relinquish to the general public some or all legal rights to his work. As a result the work can be used:

- Never (if rights are not relinquished)
- Non-commercially
- With notification to the author
- With attribution only
- Freely

Rights can be simply relinquished or sold to another entity. There are no legally enforced perpetual rights; all rights granted by law are for rather long periods of time.

An additional feature of licenses which has been in place for some time is the licensing of the license text itself. That is, a license itself may indicate whether it can or cannot be used as a foundation to build other licenses.

## Effects of License Features

Thanks to the discussions among the first graders, I got a pretty clear understanding of the real effects of the features listed above, which are as follows:

- First, if no rights are relinquished, all the restrictions in the use of a work shrink the market for it, put its author in a totally dependent position, limit the work's spread, and twist its normal function in culture and society. Furthermore, a work which is restricted from use by other authors is actually excluded from normal cultural development until the restriction is lifted. Although we discuss copyright here, in reality, it does not matter what kind of restrictions are applied to a creative work: censorship or publishing monopoly or patent or other exclusive rights.
- Noncommercial use, if allowed, provides *some* spread of the work. However, the degree to which it can do so is naturally far smaller than in the case of commercial use.
- The requirement to notify an author of use is just an indirect restriction of use.
- The requirement to *only* attribute puts no restrictions on the use of a work, provides the most possible exposure and thus furnishes the conditions for the work's normal cultural function. (NB: Attribution, in my view, is the one and only requirement that must remain forever and be supported by law. It is the natural and unalienable right of an author. Public use without it is unacceptable and is the only real theft which may happen in cultural affairs. Use of a creative work without attribution is neither normal nor fair, regardless of legality or incentives to the author.)
- Unrestricted use of a work provides for *possible* wide exposure. However, without mandatory attribution, unrestricted use allows a user to omit reference to an author and, in such a case, does not serve the author at all.

As mentioned before, an author's rights can be sold; this is the way the great majority of authors earn money nowadays. However, such sales provide considerable material incentives to *only a select few*, the selection of whom depends *least of all* on the brilliance of the work.

## Legalities

No specific law addresses the need for open licenses. So, how would such a license work? Virtually all open licenses are claimed by their developers to be based on copyright law. A rights holder, having been granted them by law, can relinquish some of the rights. In order to do so, he provides a contract to a user. This legal position has some weak points, though:

- Any license based on copyright law lasts as long as the copyright.
- Copyright laws provide different rights in different countries.
- Cultural affairs are not regulated only by copyrights. There are about a dozen related laws, acts, and rulings in the U.S. alone.

Obviously, a license, which is supposed to support the normal existence of a creative work, should somehow adjust to the above limitations. Thus, it is necessary for such a license to be backed through legal means that are included in the actual text of the license itself.

## Analysis of Some Open Licenses

The above text provides a logical framework for analyzing licenses that govern cultural affairs. This framework does not address music, songs, or any other specific area, but it does address different fundamental culture-related issues. This is for at least two reasons. First, arts, sciences, and even engineering, intertwine to such a degree nowadays that it is often hard to distinguish between fields, genres and laws applicable to a single work. Second, we have seen that the nature of creativity is the same in any human activity.

Let us see how all the above ideas apply to concrete licenses. All of the following excerpts were retrieved from on-line sources in 2004 and 2005. Basic ideas of the licenses, however, remain the same, so the analysis presented here is valid.

## **Licence Art Libre or Free Art License**

Location: <http://www.artlibre.org/licence.php/lalgb.html>

### *Excerpt*

“Knowledge and creativity are resources which, to be true to themselves, must remain free (. . .)

This work of art is subject to copyright, and the author, by this license, specifies the extent to which you can copy, distribute and modify it (. . .)

You can freely distribute the copies of these works, modified or not, whatever their medium, wherever you wish, for a fee or for free, if you observe all the following conditions: - attach this license, in its entirety, to the copies or indicate precisely where the license can be found, - specify to the recipient the name of the author of the originals, - specify to the recipient where he will be able to access the originals (original and subsequent). The author of the original may, if he wishes, give you the right to broadcast/distribute the original under the same conditions as the copies (. . .)

This license is subject to French law.”

### *Comments*

The Art Libre License contains the following advantages or features for the normal functioning of a work of art:

- Freedom of use: creative, commercial, and non-commercial
- Mandatory attribution to the author
- Not limited to a specific kind of art

- Automatically applies to derivatives of a work licensed under Art Libre License.
- The license text itself is not copyrighted thus it can be freely used in new licenses in countries where copyright is not automatic.

Limitations embedded in the license are as follows:

- The license legally based on copyright law only.
- If the rights to a work are bought from the author, the Art Libre License becomes invalid (this is not openly stated in the license, however).
- It relies only on French law.
- It does not offer incentives to publishers and sponsors of work and, consequently, limits the author's incentives.

## **EFF Open Audio License**

Location: [http://www.eff.org/IP/Open\\_licenses/eff\\_oal.php](http://www.eff.org/IP/Open_licenses/eff_oal.php). (The license text is no longer at this location as of 2013.)

### *Excerpt*

“EFF’s Open Audio License provides a legal tool (. . .) providing freedom and openness to use music and other expressive works in new ways. It allows artists to grant the public permission to copy, distribute, adapt, and publicly perform their works royalty-free as long as credit is given to the creator as the Original Author (. . .)

The aim of this license is to use copyright tools to achieve copyright’s stated objectives of spreading knowledge and culture while preserving incentives for the author (. . .)

Original Author irrevocably and perpetually grants to the public authorization to freely access, copy, distribute, modify, create derivative works from, and publicly perform the work released under this license in any medium or format, provided that Original Author attribution be included with any copies distributed or public

performances of the work, as well as any derivative works based on the work, as further described below.

Civil Liberties Unrestricted. Nothing in this license is intended to reduce, limit, or restrict any fair use, the first sale doctrine, or the public side of the copyright bargain under copyright law, or to in any other way limit any rights bestowed under consumer protection or other applicable laws (. . .)”

### *Comments*

The following are some advantages of the license:

- Freedom of use: Although it is not directly expressed within this license, both commercial and noncommercial use of a work is allowed.
- Attribution is mandatory.
- This license is not applicable to a rights holder who is not the author. However, sale of rights is not directly forbidden.
- The license text itself is not copyrighted, thus it can be freely used to build new licenses in countries where copyright is not automatic. This means you cannot base another license upon it in the U.S.
- This license relies not only on copyright laws (country unspecified) but on fair use, first sale, and free speech doctrines. Such legalities can be null and void in countries other than the United States. Freedom of speech is mentioned in the aims of the license, but not openly expressed in the “Terms and Conditions of Use” section. EFF may have been implying this when they stated “or other applicable laws,” but since this is unclear, the support of freedom of speech in this license is in question.

The following are limitations of the license:

- It is limited to use in music-related areas only.
- It does not offer incentives to the publishers and sponsors of work and, consequently, limits the author’s incentives.

- There is a contradiction in the terms where the license grants perpetual rights to the public while it can only last as long as the copyright.

## GNU General Public License

Location: <http://www.gnu.org/licenses/gpl.html>

### *Excerpt*

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Finally, any free program is threatened constantly by software patents. We wish to avoid the danger that re-distributors of a free program will individually obtain patent licenses, in effect making the program proprietary. To prevent this, we have made it clear that any patent must be licensed for everyone’s free use or not licensed at all (. . .)

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If, as a consequence of a court judgment or allegation of patent infringement or for any other reason (not limited to patent issues), conditions are imposed on you (whether by court order, agreement or otherwise) that contradict the conditions of this License, they do not excuse you from the conditions of this License (. . .)

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This General Public License does not permit incorporating your program in proprietary programs.”

### *Comments*

The following are advantages of the license:

- Freedom of use: Commercial and noncommercial use without notification is directly expressed.
- Mandatory attribution to the author and rights holder translates into incentives for both authors and their sponsors.
- The license automatically applies to virtually all derivatives from GPL-licensed work, which ensures advantages to the public and right holders.



The following are the limitations of the license:

- It is limited to software production only.
- It is based primarily on copyright law, although it acknowledges possible interference with other laws, mostly patent laws.
- It does not, in fact, distinguish between an author and his sponsor but legally protects a rights holder. In this respect it follows copyright law entirely.
- The license text is copyrighted itself and thus cannot be freely used to build other licenses.

## Open Publication License

Location: <http://www.opencontent.org/openpub/>

### *Excerpt*

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Open Publication authors who want to include their own license on Open Publication works may do so, as long as their terms are not more restrictive than the Open Publication license.”

### *Comments*

The following are advantages of the license:

- Freedom of use is declared. However, the license places freedom of choice by an author above freedom of use by the public, thus giving authors the right to limit use.

- Attribution to the author is mandatory.
- Reference to the publisher is mandatory. This feature makes the license attractive to publishers and, consequently, more fruitful for authors.
- The license is not limited to a specific area of culture.
- It automatically applies to derivatives.

The following are limitations of the license:

- It may be extended in order to be more restrictive. On the other hand, it can be extended by an author through any unique feature that puts no additional restrictions on the work's use. Thus, the license allows for extra nonrestrictive features and extra restrictions as well, which is a contradiction.
- It is based on copyright law only.
- It is limited to publication activity only.

## **Creative Commons (CC) Licenses**

Location: <http://creativecommons.org/license/>.

### *Excerpt*

“Until 1976, creative works were not protected by U.S. copyright law unless their authors took the trouble to publish a copyright notice along with them. Works not affixed with a notice passed into the public domain. Following legislative changes in 1976 and 1988, creative works are now automatically copyrighted. We believe that many people would not choose this ‘copyright by default’ if they had an easy mechanism for turning their work over to the public or exercising some but not all of their legal rights. It is Creative Commons’ goal to help create such a mechanism.

An idea is not diminished when more people use it. Creative Commons aspires to cultivate a commons in which people can feel free to reuse not only ideas, but also words, images, and music

without asking permission—because permission has already been granted to everyone (. . .)

The free software and open source software communities have inspired what is sometimes called ‘open content.’ Some copyright holders have made books, music, and other creative works available under licenses that give anyone permission to copy and make other uses of the works without specific permission or a royalty payment. Creative Commons hopes to build on the work of these pioneers by creating a menu of license provisions that people can combine to make their work available for copying and creative reuses (. . .)

With a Creative Commons license, people can copy and distribute your work but only on the conditions you specify here. Do you want to:

Require attribution?

Allow commercial uses of your work?

Allow modifications of your work?

Or choose the following:

Public Domain

Sampling

Founders’ Copyright

CC-GNU GPL [Brazil]

CC-GNU LGPL [Brazil]”

### *Comments*

As can be seen, Creative Commons (CC) offers many different licenses to choose from. Those who intend to use a CC-tagged work should learn which exact license is applicable. CC developers put freedom of choice for the copyright holder above all. Such freedom means the liberty to invent and enforce or relinquish all kinds of restrictions. Thus, a CC license may barely differ from copyright on one end of the license spectrum and yet offer ultimate, public domain-like freedom of use on the other.

The following are advantages applicable in different combinations to different CC licenses:

- Freedom of use depends on the specific license. The only common feature of all exclusively CC licenses, apparently, is free noncommercial use of a work of art, but this is never directly stated, so it is in question.
- They are not limited to a specific art.
- They expand the legal base internationally.
- Although never expressed directly, it appears as if CC licenses themselves are CC licensed thus, presumably, they can be used to build other licenses.

The following are limitations of the licenses:

- Some of them do not require attribution to an author.
- Some of them do not require reference to a publisher.
- Some of them do not allow creative use of a work, such as modifying, building upon, sampling, performing, etc.
- They are based on copyright law only.
- They do not prevent the sale of rights.
- They are applicable only to the arts.

## Public Domain

No entity using a work in the public domain owes anything to anyone in terms of money or attribution. For example, under current law, anyone can rewrite the *Star Spangled Banner* or the *Bible* word by word and announce them as his own creation. Such a legal situation seems total nonsense and reveals that the concept of public domain, as it is ingrained in current law, is as twisted as copyright itself. False claim to authorship must not be legal. In my view, it is just another side to the coin that can be called *misconception of culture*.

## Authoright

*Location: [www.culturedialogue.org/drupal/en/authoright](http://www.culturedialogue.org/drupal/en/authoright)*

### *Excerpt*

“The quintessential law of the nature of culture is *Ultimate Freedom*(. . .)

Essentially, a work of art is a message to everyone. This is its very nature and driving force (. . .)

Culture is the only reality where humanity develops (. . .)

Authoright License should be based on and enforced within the existing law. Any suitable law or contract may be used singularly or in conjunction with another, in order to support Authoright license (. . .)

Authoright covers the use of any and all cultural phenomena.

Any cultural phenomenon may be freely used by any entity for any known or currently unknown purpose, creative, commercial or non-commercial, without limitations, permissions, control of any kind from any individual, organization, government or international agency, and so forth (. . .)

Any and all public use of a cultural phenomenon requires attribution, when applicable, to all of the following:

- Author(s)
- Source and its sponsors
- Original source and its sponsors (. . .)”

### *Comments*

The following are advantages of the license:

- Ultimate freedom of use of a cultural phenomenon—creative, public, commercial, etc.—is allowed.
- Attribution to an author, or authors, if used publicly or commercially is mandatory.

- Attribution to a source and original source, when possible, if used publicly or commercially is mandatory.
- Attribution to the sponsors of the source is mandatory.

The following are limitations of the license:

- The license was designed so that it does not impose any limitations on the normal functioning of cultural phenomena. There is, however, an unresolved issue in the basic idea of the license. This concerns the interpretation of an author's freedom (see the Addendum for a detailed explanation).
- The license is currently in a draft version.

## ADDENDUM

# *Authoright License*

This Addendum contains the complete draft text of the Authoright License, including a Glossary, Theory, Technical Principals, and the License itself.

## **Introduction**

The Authoright license has been developed in order to ideally correspond to the nature of culture. This goal is stated in the license itself. Still, there are issues to resolve. The license in its current form may not be that usable in legal terms and, therefore, needs further development.

Another more serious issue is the main objective of the license, the provision of ultimate freedom for the use of cultural phenomena. There is a fork in the road of interpretation for one license feature. What if an authorighted work is included in a compilation or within another work? One interpretation is that this work must also be authorighted and thus be free of restriction. However, liberty in this case is imposed on the work's author regardless of his wishes, i.e. his own freedom is limited. Such a license will cause some authors to hide the usage of authorighted works. This happens with GNU licensed products included in proprietary software. Another interpretation of freedom accentuates the liberty of the compilation's author and allows him to use an authorighted work while "protecting" his own work under a more restrictive license. If permitted, he would not have any reason to hide usage of the authorighted work and would make necessary attributions, thus promoting it and its author.



## Glossary

**author(s).** An individual or a group of named individuals who have created a work. Besides the direct creator of a work, this may include: translator, restorer, compiler, and so forth.

**civilization.** The realm of physical industries and products, established social structures, socially determined relationships and speech.

**cultural phenomenon.** Any idea, method, theory, genre, literary personage, or other creation of the free human spirit fixed in a form in any medium, including mere oral statement.

**culture.** The realm of creativity and free communication. In other words, the realm of inner and outer dialogue and thus the realm of ultimate freedom. Different areas of culture are: arts, sciences, philosophy, engineering, religion, and so forth. Culture develops in works of art, philosophy, sciences, and so forth.

**public use of a work.** Publication, performance, production, reverse engineering, dissemination, sale and so forth.

**source.** A citable medium. A publication, for example, is a source.

**sponsor.** Any entity providing incentives for an author and/or promotion for a work.

**work.** A form in which other cultural phenomena are expressed. In a work of art, philosophy, science, etc. cultural phenomena are developed and refined. Thus, cultural phenomena become part of the common treasury of a society. Examples of works are: books, paintings, sculptures, story boards, musical pieces, blueprints, models, programs, movies, websites, etc.

# Theory

## Intention

The intention of Authoright is to provide a legal framework for ideal development and utilization of culture.

## General Idea

The world of culture differs from the physical one. It functions under different laws, depends on different circumstances and driving forces, and develops different powers. Ancient Romans said *Natura parendo vincitur*, which literally means “Nature obeying one wins.” In other words, we get the best fruit from nature if we act in accordance with its laws. Likewise, we can get the best fruit from culture if we act in accordance with *its* laws and do not project upon it laws that govern civilization. The quintessential natural law of culture is *Ultimate Freedom*.

## A Few Clarifications

### *Slavery*

It has taken thousands of years to achieve the commonly accepted understanding that human beings should not be privately possessed. A cultural phenomenon, by its nature, is much closer to a human being than a physical thing. For example, the hero of a book is a person for many people to a greater degree than physically alive ones are. Therefore, laws that govern culture have to be based on laws that govern the direct relations between people rather than ones that govern real estate.

### *Private Property*

It has taken thousands of years to achieve the commonly accepted understanding that material property acquired through labor and trade cannot be taken from the owner at someone else's will. This principle defines laws that govern real property, regardless of countless details and nuances in possession and usage. Likewise, a law regarding "possession and usage" of cultural phenomena must be based on one fundamental principle in accordance with the nature of the culture, regardless of countless details and nuances in the creation and existence of cultural phenomena.

### *Culture*

No commonly accepted understanding of proper social relations within culture has been achieved so far. Laws that govern culture are built on a kind of compromise between laws that govern private property and something else, which has never been clearly stated. What is this "something else?" This question has never been discussed publicly. The question must be asked and answered, and the answer must be a principle based on the nature of culture itself.

### *Culture versus Civilization*

When it comes to culture, all imaginable relationships within it, as compared with relationships seen to be their counterparts in civilization, work in opposite ways.

### *Message versus Trade*

Essentially, a work of art is a message to everyone. That is its very nature and driving force. You write (or say, paint, sing, etc.) to be read (or heard, watched, etc.) and responded to. Even when it is done for some superficial reason such as for money, in fear of punishment, or for fame, this reason works on the surface. Below the surface, creating is free communication, unrestricted sharing of ideas. And the message is not lost when it is disseminated. It becomes more powerful and valuable if it is heard. When you share an idea with

someone or let someone copy your work, by the very nature of it you are not losing it but developing the idea or making the work known, and thus, you are becoming richer.

Moreover, an author, even in his inner dialog, while creating, is as much a receiver as he is a contributor. Author and humankind are always on par, and no one owes anything to the other.

That is why an author does not lose his work when it gets distributed, and the work does not lose value.

In the world of physical things the opposite holds true: if you let something go, you lose it even if you trade it for something else. The trade can or cannot be profitable for either party. Regardless, it is different in nature from the sharing of an idea or copying a piece of art.

### *Exposure versus Depreciation*

Having said the above, we understand that a work of art gains value every time it interacts with an audience. Regardless of the circumstances, the more it is “used,” the more valuable it becomes. On the other hand, in the world of physical things, the opposite is true—the more you use something the more it depreciates.

### *Humanity versus Bodily Needs*

Culture is the only reality where humanity develops. The deeper you get into it, the more you need it. Thus, the less you get into it, the less you need it, and the less you know how paramount and necessary it is for you. In the world of physical needs, the opposite holds true—if you need something, then your body tells you. You satisfy the basic need, and it stops bothering you.

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