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On the Author Effect: Recovering Collectivity

Martha Woodmansee

ON THE AUTHOR EFFECT: RECOVERING COLLECTIVITY

MARTHA WOODMANSEE*

I

Will the author in the modern sense prove to have been only a brief episode in the history of writing? By "author" we mean an individual who is the sole creator of unique "works" the originality of which warrants their protection under laws of intellectual property known as "copyright" or "authors' rights." The question is timely because research since the appearance in 1969 of Michel Foucault's essay, *What is an Author?*,[1] suggests not only that the author in this modern sense is a relatively recent invention, but that it does not closely reflect contemporary writing practices. Indeed, on inspection, it is not clear that this notion ever coincided closely with the practice of writing. Yet, as the papers which follow show clearly, this did not prevent the notion from becoming highly influential in promoting certain kinds of writing at the expense of others in our estimation. It has exerted this influence in no small measure by helping to shape the laws which regulate our writing practices.

In an earlier investigation of the evolution of authorship[2] I determined that as late as the 1750s in Germany the writer was still being represented as just one of the numerous craftsmen involved in the production of a book—not superior to, but on a par with other craftsmen. A "book," the *Allgemeines Oeconomisches Lexicon* for 1753 informs us, is

> either numerous sheets of white paper that have been stitched together in such a way that they can be filled with writing; or, a highly useful and convenient instrument constructed of printed sheets variously bound in cardboard, paper, vellum, leather, etc. for presenting the truth to another in such a way that it can be conveniently read and recognized. Many people work on this ware before it is complete and becomes an actual

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[1] Michel Foucault, *What is an Author?, in* TEXTUAL STRATEGIES: PERSPECTIVES IN POST-STRUCTURALIST CRITICISM 141-60 (Josué V. Harari ed., 1979)

[2] *See generally*, Martha Woodmansee, *The Genius and the Copyright: Economic and Legal Conditions of the Emergence of the "Author,"* 17 EIGHTEENTH-CENTURY STUD. 425 (1984).

> book in this sense. The scholar and the writer, the papermaker, the type founder, the typesetter and the printer, the proofreader, the publisher, the book-binder, sometimes even the gilder and the brass-worker, etc. Thus many mouths are fed by this branch of manufacture.[3]

If the writer appears here as only one of the craftsmen responsible for the finished product, that is because he was viewed, and by and large still viewed himself, in much the same terms as they—that is, as master of a craft, master of a body of rules, or techniques, preserved and handed down in rhetoric and poetics, for the transmission of ideas handed down by tradition.

The notion that the writer is a special participant in the production process—the only one worthy of attention—is of recent provenience. It is a by-product of the Romantic notion that significant writers break altogether with tradition to create something utterly new, unique—in a word, "original." First sketched out in Edward Young's *Conjectures on Original Composition* (1759), this new way of thinking about writing was elaborated by an emerging profession of writers from Herder and Goethe to Coleridge and Wordsworth, who postulated in his *Essay, Supplementary to the Preface*:

> Of genius the only proof is, the act of doing well what is worthy to be done, and what was never done before: Of genius in the fine arts, the only infallible sign is the widening the sphere of human sensibility, for the delight, honor, and benefit of human nature. Genius is the introduction of a new element into the intellectual universe: or, if that be not allowed, it is the application of powers to objects on which they had not before been exercised, or the employment of them in such a manner as to produce effects hitherto unknown.[4]

We owe our modern idea of an author to the radical reconceptualization of writing which came to fruition in this essay of 1815. That it represents a mystification of an activity which is of necessity rooted in tradition emerges from those investigations of authorship contained, and alluded to, in this volume that make it

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[3] GEORG HEINRICH ZINCK, ALLGEMEINES OECONOMISCHES LEXICON 442 (Martha Woodmansee trans., 3d ed. 1753). For the evolution of authorship in Germany, see generally Woodmansee, *supra* note 2; Martin Vogel, *Der literarische Markt and und die Entstehung des Verlags- und Urheberrechts bis zum Jahre 1800*, *in* RHETORIK, AESTHETIK, IDEOLOGIE: ASPEKTE EINER KRITISCHEN KULTURWISSENSCHAFT 117-36 (1973); HEINRICH BOSSE, AUTORSCHAFT IST WERKHERRSCHAFT (1981).

[4] William Wordsworth, *Essay, Supplementary to the Preface*, *in* LITERARY CRITICISM OF WILLIAM WORDSWORTH 158, 184 (Paul M. Zall ed., 1966).

their object to explore the manifold social, economic, political, and legal impulses responsible for this development.

As we move backward in time, the collective, corporate, or collaborative element in writing, which is still apparent in the above definition of a book, becomes even more pronounced. From the Middle Ages right down through the Renaissance new writing derived its value and authority from its affiliation with the texts that preceded it, its derivation rather than its deviation from prior texts. For St. Bonaventura, writing in the thirteenth century, there were four ways of making a book, and none of them involved the kind of solitary origination which Edward Young sought to promote:

> A man might write the works of others, adding and changing nothing, in which case he is simply called a 'scribe' (*scriptor*). Another writes the work of others with additions which are not his own; and he is called a 'compiler' (*compilator*). Another writes both others' work and his own, but with others' work in principal place, adding his own for purposes of explanation; and he is called a 'commentator' (*commentator*). . . . Another writes both his own work and others' but with his own work in principal place adding others' for purposes of confirmation; and such a man should be called an 'author' (*auctor*).[5]

While Bonaventura's *auctor* seems to be making a substantial (original) contribution of his own, he does so as part of an enterprise conceived collaboratively. Nor is *this* mode of book production privileged over the other three—over transcription, compilation, and commentary.

II

But it is hardly necessary to go back to the Middle Ages to find so corporate a view of writing, for it was still shared by Samuel Johnson (1709-1784). Although official history presents Johnson as the very archetype of the modern author, the majority of his energies as a writer went into the kinds of activities Bonaventura identifies. The large projects to which he put his name, like the monumental *Dictionary of the English Language* (1755), the edition of *The Plays of William Shakespeare* (1765) and the *Lives of the Poets* (1779-81), were collective and collaborative. The last of these, a series of "prefaces, biographical and critical," for a multi-volume collection of England's "major" modern poets, was

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[5] 1 ELIZABETH EISENSTEIN, THE PRINTING PRESS AS AN AGENT OF CHANGE 121-22 (1979).

the inspiration of the London booksellers. It seems that an Edinburgh publisher had brought out just such a collection. Alarmed by this incursion on their virtual monopoly of the book trade, James Boswell reports, some forty of London's "most respectable booksellers," including in particular "all the proprietors of copy-right in the various Poets," met to devise a strategy for countering this "invasion" of their "Literary Property." To their great relief, the Edinburgh volumes had been carelessly printed in a type too small to be read with comfort. So "it was agreed that an elegant and uniform edition of *The English Poets* should be immediately printed, with a concise account of the life of each authour, by Dr. Samuel Johnson."[6]

The resulting *Lives of the Poets* contributed decisively to the differentiation of "authoring" from ordinary literary labor by establishing a pantheon of great authors whose "works" differ qualitatively from the sea of mere writing. Yet this multi-volume accomplishment was the product not of the solitary originary mode of composition whose myth it helped to foster, but of fruitful collaboration between Johnson, the poets he immortalized, the London booksellers—and countless others. To mention but one of these others: Johnson drew freely from another's work for his *Life of Pope*. The account of Pope's personal habits, which constitutes "one of the most interesting parts of that life," according to Bertram Davis, was incorporated without acknowledgment from either the *Universal Magazine* for August 1775 or the *Gentleman's Magazine* for September 1775 (it having appeared in both).[7]

But if Johnson freely received, freely did he also give. "Few friends who needed anything written were ever turned away, so long as what they wanted was in a genre in which Johnson felt comfortable"[8] (and during his long career he wrote in more of

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[6] JAMES BOSWELL, LIFE OF JOHNSON 802 (R.W. Chapman ed., 1980) (1791). I wish to thank my colleague William R. Siebenschuh for freely sharing his knowledge of Samuel Johnson.

[7] BERTRAM H. DAVIS, JOHNSON BEFORE BOSWELL: A STUDY OF SIR JOHN HAWKINS'S "LIFE OF SAMUEL JOHNSON" 49 (1957). On Johnson's extensive "borrowing" from other writers, see WALTER JACKSON BATE, SAMUEL JOHNSON 220 (1977). It comes as a "jolt" to the modern reader, Bate writes, to learn how much in Johnson's earliest biographical writing is "direct translation or mere paraphrase of other works. Even if we remind ourselves that this was the common journalistic procedure of the time (and that all of these works—like his other writings in these years—were anonymous, and that he himself was far from claiming credit for them), we still feel a disappointment." *Id.* Such disappointment has its source in the Romantic expectations created, in the first instance, by Boswell. *See infra* at 287-88.

[8] PAUL FUSSELL, SAMUEL JOHNSON AND THE LIFE OF WRITING 39 (1971).

them than probably any writer before or since).[9] Indeed, even as the *Lives of the Poets* was being planned, Johnson was involved in an elaborate ghostwriting exercise to save one of London's most popular preachers, the Reverend William Dodd, from execution. Dodd had been convicted of forgery, "the most dangerous crime in a commercial country," according to Boswell, and had appealed to Johnson for help in securing a royal pardon. Although they had barely even met, Johnson threw himself into the effort, "writing (as if from Dodd) letters to the Lord Chancellor, Henry Bathurst, and to Lord Mansfield, the Chief Justice; a petition from Dodd to the King and another from Mrs. Dodd to the Queen; a moving sermon preached by Dodd at the chapel in Newgate Prison . . . on the text 'What must I do to be saved?' and published with the title 'The Convict's Address to his Unhappy Brethren'; and several other pieces . . . ."[10] The effort was to no avail. Following a brief correspondence with Johnson, Dodd was executed on June 27, 1777.

This was no isolated incident. In the eighteenth century it was common for clergymen to "borrow" sermons from one another[11]—a practice that is becoming common again today, thanks to electronic networking. Johnson, who was no clergyman, carried the practice farther, ghost-writing sermons on a large scale: " 'I have begun a sermon after dinner, and sent it off by the post that night.' "[12] For his "pulpit discourses," we learn from his lifelong friend and early biographer John Hawkins, Johnson

> made no scruple of confessing, he was paid . . . and such was his notion of justice, that having been paid, he considered them so absolutely the property of the purchaser, as to renounce all claim to them. He reckoned that he had written about forty sermons; but, except as to some, knew not in what hands they were—"I have," said he, "been paid for them, and have no right to enquire about them."[13]

His eventual output may have exceeded the number claimed here,[14] but such was Johnson's discretion that only twenty eight have been identified with sufficient certainty to be included in his collected works.

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9 *Id.*

10 BATE, *supra* note 7, at 524. *See also* BOSWELL, *supra* note 6, at 827-35.

11 Jean Hagstrum & James Gray, *Introduction* to SAMUEL JOHNSON, SERMONS xxvii-xxviii [hereinafter SERMONS].

12 *Id.* at xxi.

13 *Id.* at xxi-xxii.

14 *Id.* at xxii n.4.

In fact, Johnson's sermon production went beyond commercial ghost-writing, passing into the realm of true collaboration. The Reverend John Taylor was apparently a chief beneficiary of his efforts. One of Johnson's oldest and closest friends, Taylor left behind at his death in 1788 some twenty five sermons which appeared shortly thereafter in two volumes, bearing on their title page the equivocal statement that they had been " 'left for publication by John Taylor.' "[15] Johnson's involvement in the writing of the sermons had long been suspected, and while the details will probably never be known, it now seems likely that it took several forms. As James Gray puts it in his study, "sometimes Johnson composed a whole sermon for his friend; sometimes he dictated it, in whole or part; sometimes Taylor supplied the 'foundation' and Johnson the 'superstructure'. . . ; and sometimes . . . Taylor did most of the composition, using an occasional Johnsonian turn of phrase."[16]

Johnson's involvement in challenging the authenticity of the Ossian poems—the great prototype of modern literary hoaxes—shows that he continued to collaborate in this way until the very end of his career. This episode centered around the epic poems, *Fingal* (1762) and *Temora* (1763), which James Macpherson purported to have discovered and translated from the Gaelic of a third-century bard called Ossian. In fact, Macpherson had composed most of them himself. Despite this—or because of it—their abrupt vigor and haunting suggestiveness struck a chord with the younger generation, especially in Germany, helping to call the Romantic revolution into existence.

Although not the first to question the poems' authenticity, Johnson became "the major and most effective spokesman against them."[17] His contemptuous discounting of them as counterfeits in his *Journey to the Western Islands of Scotland* (1775) so angered Macpherson that he threatened physical retaliation, causing Johnson to arm himself with a large truncheon.[18] This much is well known. But Johnson's tendency to efface his participation in collaborative projects operated to conceal the full extent of his involvement in the Ossian affair. Only recently has it come to light that Johnson continued the attack on Macpherson,

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[15] *Id.* at xx.

[16] JAMES GRAY, JOHNSON'S SERMONS: A STUDY 42 (1972).

[17] Thomas M. Curley, *Johnson's Last Word on Ossian: Ghostwriting for William Shaw*, *in* ABERDEEN AND THE ENLIGHTENMENT: PROCEEDINGS OF A CONFERENCE HELD AT THE UNIVERSITY OF ABERDEEN 375, 379 (Jennifer J. Carter & Joan H. Pittock eds., 1987) [hereinafter *JLW*].

[18] BOSWELL, *supra* note 6, at 577ff.

albeit covertly and collaboratively, until the end of his life through his patronage of a young Gaelic scholar by the name of William Shaw. Johnson appears to have played at least an advisory role in the composition of the pamphlet in which Shaw first made his own disbelief public, *An Enquiry into the Authenticity of the Poems Ascribed to Ossian* (1781), for the pamphlet contains numerous complimentary references to Johnson and frequent quotations from his *Journey to the Western Islands of Scotland*, as well as reverberations of Johnson's charges against Macpherson.

As battle was joined between Shaw and the poems' proponents, Johnson's participation became more active, although no more public. He contributed substantially to penning a rejoinder to the angry response which Shaw's pamphlet almost immediately precipitated. This twenty-nine page document, entitled *A Reply to Mr. Clark*, was appended to a new "corrected" edition of the *Enquiry* and published in 1782. From the internal stylistic as well as external evidence assembled by Thomas M. Curley, it appears that "Johnson not only supervised [the] entire argumentation" of the rejoinder, "but also largely composed half of it and polished portions of the rest."[19] Although Shaw does not appear to have acknowledged this assistance anywhere, he demonstrated his gratitude by producing the first biography of his silent collaborator, *Memoirs of the Life and Writings of the Late Dr. Samuel Johnson* (1785).

Even as he helped to create the modern myth that genuine authorship consists in individual acts of origination, by orchestrating from behind the scenes this exposé of a fraudulent attribution of it, Johnson was himself participating in a mode of writing which puts this notion of authorship in question.

Space permits mention of but one further example of Johnson's collaborative impulse:[20] his very substantial contribution to the Vinerian law lectures which Robert Chambers delivered at

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[19] *JLW*, *supra* note 17, at 388.

[20] Johnson also wrote countless prologues, proposals, dedications, advertisements, and political speeches for others—that is, in their names. Of his numerous dedications, the best known are the ones he wrote for Charles Burney's *History of Music* (1776) and Sir Joshua Reynolds's *Seven Discourses [on Art] Delivered in the Royal Academy* (1778). He also wrote a number for Charlotte Lennox—as well as, quite possibly, the penultimate chapter of her novel, *The Female Quixote*. Also deserving of further attention are Johnson's efforts on behalf of the aging physician, Zachariah Williams, father of the talented scientific writer, Anna Williams, whom Johnson took into his household in 1752. After several letters and petitions to the Admiralty failed to secure the old man an audience for his discoveries relevant to navigation, Johnson went so far as to throw himself into the subject and write up Williams's ideas in a little book, *An Account of an Attempt to Ascertain the Longitude at Sea* (1755), which he arranged to have published with Williams on the title page as author. *See* BATE, *supra* note 7, at 318-19.

Oxford from 1767 to 1771.[21] The Vinerian Chair of English Law had been established in 1758 "to redress serious deficiencies in contemporary legal training by giving undergraduates a systematic introductory study of their country's laws."[22] Chambers was the second to hold the chair, having succeeded his teacher William Blackstone, who, during his eight-year tenure, delivered the lectures which formed the basis of his celebrated *Commentaries on the Laws of England* (1765-1769). Less than a fluent writer under the best of circumstances, the erudite Chambers was understandably intimidated at the prospect of following Blackstone—so much so that he postponed the scheduled commencement of his own series of lectures to March 1767. During the preceding fall, Johnson came to Chambers's aid, inaugurating a collaboration that would continue at irregular intervals for approximately three more years, and would include several periods during which Johnson was in residence at Oxford. Their joint labors yielded fifty-six—later expanded to the mandatory number of sixty—lectures on "the fundamental concepts, traditions and statutes making up the British constitution."[23] Although some of Johnson's intimates knew of his participation in the preparation of Chambers's lectures, it was a generally well-kept secret during their lifetimes and beyond.[24]

Johnson's undisclosed participation certainly went beyond simple encouragement and general supervision. The modern editor of the lectures, Thomas M. Curley, speculates that Johnson and Chambers must have worked on the lectures, together and apart, in various ways. In some instances, he suggests, Chambers wrote independently, while in others "[t]he collaborators would have pooled the results of their research and exchanged ideas about complex legal issues before Chambers resumed drafting

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[21] My discussion is indebted to Thomas M. Curley's introduction to his edition of 1 SIR ROBERT CHAMBERS, A COURSE OF LECTURES ON THE ENGLISH LAW DELIVERED AT THE UNIVERSITY OF OXFORD 1767-1773, at 3-33 (1985) [hereinafter CURLEY, COURSE]. *See also* Thomas M. Curley, *Johnson's Secret Collaboration in* THE UNKNOWN SAMUEL JOHNSON 91-112 (John J. Burke & Donald Kay eds., 1983) [hereinafter Curley, *JSC*]; Thomas M. Curley, *Johnson, Chambers, and the Law, in* JOHNSON AFTER TWO HUNDRED YEARS 187-209 (Paul J. Korshin ed., 1986) [hereinafter Curley, *JCL*].

[22] Curley, *JCL*, *supra* note 21, at 189.

[23] *Id.* at 193.

[24] Chambers took full public credit for the lectures, which were prepared for oral delivery and went unpublished during his lifetime, although he revised a portion of the material for eventual posthumous publication. Curley believes that "[f]astidiousness about the quality of the lecture series rather than a fear that somebody would uncover Johnson's part in its composition restrained Chambers from sending it to press." CURLEY, COURSE, *supra* note 21, at 68. Not until 1939 was a copy of the original lecture series discovered—a scribal transcription that had been requested by King George III for his private library—and the lectures were first published in 1985.

his course and incorporated any argumentation that Johnson may have dictated or written for the professor's use at strategic points."[25]

We do not know whether or not Johnson was paid for his work on Chambers's lectures. But, as in other instances of his self-effacing participation in the composition of works for which others took credit, we may speculate on his non-financial motives. From the social dimension of such secret collaborations Johnson found not only good fellowship, social entree, and intellectual stimulation, but also an impetus to literary production—to which he often found it difficult to motivate himself.[26] For the arch-author Johnson, the corporate mode of writing appears to have been the most accessible and perhaps the most satisfying.

In addition, like most of the individuals with whom Johnson shared his words and ideas, Chambers was a close and long-standing friend. They had become acquainted in 1754 when Chambers was only seventeen years old. Later, Johnson may have been further drawn to the much younger Chambers by "the promise of legal eminence that he once coveted for himself, the gracious breeding and academic excellence that he always prized, and the filial attachment that he may well have craved in lonely middle age."[27] Indeed, the preparation of the lectures may have represented a vicarious achievement of goals Johnson was unable to accomplish in his own career. Ultimately, his distinctly non-proprietary attitude towards his collaborative contributions may have reflected a real uncertainty as to where his intellect and personality left off, and those of his co-writers began.

It is the chief object of modern textual scholarship to identify in all of this writing those words that originated uniquely with Johnson so that they can be properly credited to him, and a definitive *oeuvre* can be established. I do not wish to suggest that there is anything wrong with such activities, only that they presume a proprietary authorial impulse which Johnson apparently did not himself feel. Johnson, the author in this modern sense, is Boswell's making. "Without Boswell," Alvin Kernan writes, "Johnson would surely have been an important writer, and an interesting, powerful personality, but probably not the literary

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25 CURLEY, COURSE, *supra* note 21, at 22. *See also* Curley, *JCL*, *supra* note 21, at 193ff.

26 Johnson's "inner resistance" to writing is characterized as "massive" by Bate: With Johnson, writing "could [only] be done easily if one did not care too much, or when (as was the case with much of his writing) it was done anonymously as a favor for others." BATE, *supra* note 7, at 379.

27 Curley, *JCL*, *supra* note 21, at 189. *See also* CURLEY, COURSE, *supra* note 21, at 12-13.

type that he is, the towering and highly charged image of the first writer in the industrial, democratic, rationalistic age of print."[28] Having called attention to the crucial role of Boswell in the making of the modern author, Kernan does not press his advantage, however, and instead of recreating the master wordsmith for us, he falls in with Romantic biographers from Boswell to Bate and evokes the precursor of Wordsworth. While "[m]any writers before Johnson may have, certainly did, write greater books," Kernan observes,

> even the most individualized of them, a Petrarch or a Milton, let alone the anonymous Shakespeare, seem alongside him pale, fading, a few thin lines without much depth, shading, or emotional color. His intense personality, in a way the first romantic artist, appears at exactly the right point in literary history in several ways, the kind of poor, strange, troubled person that the print business could attract and use as a Grub Street hack, and, at the same time, the type of individual who needed and could use print to satisfy certain existential needs of his own for bread, for status, for meaning. But it went beyond this, and in the end, out of their own needs, Johnson and Boswell together created a social role that transcended individual needs, giving writers an important social function and making books, even in the vast numbers now produced by the printing press, something more than mere information, amusement, and commodity.[29]

Kernan writes as if the author in the modern sense were the goal toward which history had always been striving. But as I have tried to suggest, Johnson's life contains another story—for readers disposed to attend.

III

The corporate attitudes which surrounded writing right down through Johnson seem to be reasserting themselves again today. In their recent study of professional writing practices, Andrea Lunsford and Lisa Ede have found that most of the writing that goes on today is in fact collaborative.[30] Indeed, one comes away from their investigation of how people actually write in business, government, industry, the sciences and social sciences

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28 ALVIN KERNAN, PRINTING TECHNOLOGY, LETTERS & SAMUEL JOHNSON 108 (1987).

29 *Id.* at 114-15.

30 ANDREA A. LUNSFORD & LISA EDE, SINGULAR TEXTS/PLURAL AUTHORS (1990) [hereinafter LUNSFORD & EDE, SINGULAR TEXTS]; *see also* Andrea A. Lunsford & Lisa Ede, *Collaborative Authorship and the Teaching of Writing*, 10 CARDOZO ARTS & ENT. L.J. 673 (1992).

with the impression that there is but one last bastion of solitary origination: the arts and humanities. What gives their study such urgency is the fact that, this powerful collaborative trend notwithstanding, the assumption that writing is inherently and necessarily a solitary, individual act still informs both the theory and practice of the teaching of writing. Writing is still being taught as if, "envisioning students' professional lives after graduation," composition teachers "imagine[d] them seated alone, writing in isolation, misplaced Romantic spirits still struggling in a professional garret to express themselves."[31] In a word, we are not preparing students for the real writing tasks that await them.

As the collaborative nature of contemporary research and problem-solving fosters multiple authorship in more and more spheres, electronic technology is hastening the demise of the illusion that writing is solitary and originary. Even in the still relatively primitive applications that are widely available—the communication networks and information services like Internet, Bitnet, and Compuserve—not to mention the more sophisticated hypertext applications that are just beginning to be developed, the computer is dissolving the boundaries essential to the survival of our modern fiction of the author as the sole creator of unique, original works. The dissolution of these boundaries is the subject of Jay David Bolter's recent investigation of the impact of electronic technology on writing. In his examination of the on-going discussions that are being conducted in so-called "newsgroups," Bolter notes that

> [w]hen one subscriber in a newsgroup "publishes" a message, it travels to all the dozens or hundreds of others who belong to that group. The message may elicit responses, which in turn travel back and forth and spawn further responses. The prose of these messages is almost as casual as conversation, precisely because publication in this medium is both easy and almost unrestricted. The transition from reader to writer is completely natural. The reader of one message can[,] with a few keystrokes[,] send off a reply. Readers may even incorporate part of the original message in the reply, blurring the distinction between their own text and the text to which they are responding. There is also little respect for the conventions of the prior medium of print. Subscribers often type newspaper articles or excerpts from books into their replies without concern for copyright. The notion of copyright seems faintly absurd, since their messages are copied and relayed

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[31] LUNSFORD & EDE, SINGULAR TEXTS, *supra* note 30, at 72.

> automatically hundreds of times in a matter of hours.[32]

In a variety of ways, electronic communication seems to be assaulting the distinction between *mine* and *thine* that the modern authorship construct was designed to enforce.

Bolter's book is also available on disk, and the electronic "hypertext" version differs from the hard copy in several ways which illustrate the point I am making. Hypertext consists of text with highlighted words and passages. By selecting one of them, the reader accesses a new window which displays an amplification or extension of the highlighted idea. This extension, which may be thought of as an extended footnote, albeit one that could as easily be musical or graphic, could itself include highlighted sections which invite the reader to pursue yet further extensions, to explore further tributaries of the main textual stream. In short, hypertext liberates the writer (and reader) from the kind of linear exposition that print requires. Bolter's eletronic book goes off on "tangents" which, in the interest of a linear coherence, have had to be omitted from the printed version.

More significant in the present context, however, is the fact that hypertext can be interactive; and when the reader begins actively to intervene in the text, adding to, subtracting from, and modifying it from his or her keyboard, the boundaries between author and reader disintegrate. A reviewer of Bolter's book for *Artforum* writes of how he has already modified his copy of the disk by adding a few notes here and there, with the result that

> I am now to some degree coauthor of *my* particular version of the electronic book called *Writing Space*. And when I copy that version and pass it on to my friends (as Bolter specifically invites readers to do), they will no doubt make their own modifications and additions. It's conceivable that, after a sufficiently long period, only a small fraction of the material on the disk will have originated from Bolter's keyboard.[33]

By contributing his or her commentary, the reader becomes an overt collaborator in an unending process of reading and writing which reverses the trajectory of print, returning us to something very like the expressly collaborative writing milieu of the Middle Ages and the Renaissance with which we began. Bolter likens this new incarnation of the book to a medieval manuscript the

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[32] JAY DAVID BOLTER, WRITING SPACE: THE COMPUTER, HYPERTEXT, AND THE HISTORY OF WRITING 29 (1991).

[33] Brian Eno, *On Writing Space*, ARTFORUM, Nov. 1991, at 14 (reviewing BOLTER, *supra* note 32).

margins of which "belonged to the scholarly reader"—were for "conducting a dialogue with the text."[34] During generations of copying this text could migrate from the margins into the center, as the glosses of readers made their way into the original text.[35]

But the Renaissance "commonplace book" may provide an even more suggestive analogy. These were the notebooks, so to speak, in which one both transcribed writings by others which held some special significance and collected compositions of one's own—usually without a governing plan or arrangement and without attribution. Sometimes even the compiler of these "books" remained anonymous. When names did become associated with individual texts, it was generally for reasons that had nothing to do with authorship in the modern sense. As Peter Beal writes,

> A man's name might become linked with a poem in the course of manuscript transmission because he was the copyist, or because it was written by someone in his circle, or because he added his own stanzas to it, or wrote a reply to it, or set it to music, and so on.[36]

The compiler of the Renaissance commonplace book composed, transcribed, commented on, and reworked the writings of others—all in apparent indifference to the identity of their originators and without regard for ownership. This quintessentially Renaissance form of reading and writing is rapidly being revived by our electronic technology.

At the outset of the discussion I suggested that one of the most powerful vehicles of the modern authorship construct was provided by the laws which regulate our writing practices. Our laws of intellectual property are rooted in the century-long reconceptualization of the creative process which culminated in high Romantic pronouncements like Wordsworth's to the effect that this process *ought* to be solitary, or individual, and introduce "a new element into the intellectual universe." Both Anglo-American "copyright" and Continental "authors' rights" achieve their modern form in this critical ferment, and today a piece of writing or other creative product may claim legal protection only insofar as it is determined to be a unique, original product of the

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34 BOLTER, *supra* note 32, at 162.

35 *Id.*

36 Peter Beal, *Shall I Die?*, TIMES LITERARY SUPPLEMENT, Jan. 3, 1986, at 13. *See also* Max W. Thomas, *Reading and Writing the Renaissance Commonplace Book: A Question of Authorship?*, 10 CARDOZO ARTS & ENT. L.J. 651-57 (1992).

intellection of a unique individual (or identifiable individuals).[37] In short, the law has yet to be affected by the "critique of authorship" initiated by Foucault and carried forward in the rich variety of post-structuralist research that has characterized literary studies during the last two decades. Indeed, from recent decisions like those examined in Peter Jaszi's contribution to this volume, it would seem that as creative production becomes more corporate, collective, and collaborative, the law invokes the Romantic author all the more insistently. There would thus seem to exist both considerable potential and a pressing need to reestablish communication between the two disciplines. This is the goal of the present volume.

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[37] *See* Woodmansee, *supra* note 2, at 445; *see also* Mark Rose, *The Author as Proprietor:* Donaldson v. Becket *and the Genealogy of Modern Authorship*, 23 REPRESENTATIONS 51 (1988); Carla Hesse, *Enlightenment Epistemology and the Laws of Authorship in Revolutionary France, 1777-1793*, 30 REPRESENTATIONS 109 (1990); Peter Jaszi, *Towards a Theory of Copyright: The Metamorphoses of "Authorship,"* 1991 DUKE L.J. 455.