



New Series, 8, Spring/Summer 1994

The Society for Critical Exchange, Inc.  
Founded 1975; incorporated 1976

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## *Letter from Cleveland*



As some of you have noticed, this is the first issue of the newsletter to appear since last summer. Things have been very busy here, and we simply were unable to put out the usual winter issue. Sorry if that has caused any worry. It has clearly caused the size of the issue you hold in your hands, for we are trying to report on an entire year's activities and plans.

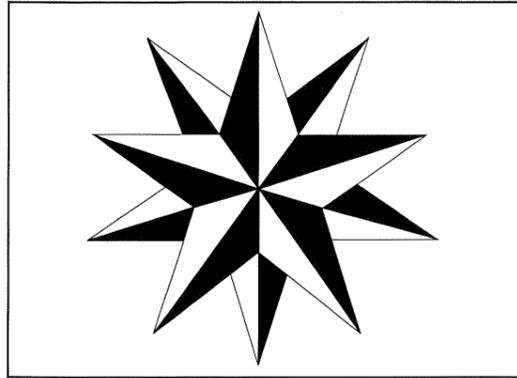
You can read about the SCE's conferences, panels, and publications elsewhere in this issue. Here we have some organizational matters to report. First and foremost, **each of you owes 1994 dues**. Normally the winter issue would have contained a renewal notice. Because it did not appear, we have by and large waited even on asking for payment from those joining for the first time. Please then fill out the renewal form on the back page and return it with your check.

Beginning with the summer we welcome a new assistant in the SCE office. John Kuijper will take over the post that has so capably been occupied by Jaina Sanga, who is moving away from Cleveland. At the same time Martha Woodmansee will become the sole executive director. Gary Stonum steps down as co-director, having discovered to no one's surprise that he cannot manage that job and also chair the English Department at CWRU. (Now you know why there was no winter newsletter!) He will continue as moderator of the Electronic College, however.

Note also that with these changes we have a new telephone number: 216-368-2176. The fax line remains 216-368-2216

Martha Woodmansee

Gary Lee Stonum



*Current*

*Projects*

#### **Intellectual Property and the Construction of Authorship**

Contact: Martha Woodmansee (English, Case Western Reserve University) or Peter Jaszi (Law, The American University)

At the 1993 Modern Language Association meeting in Toronto, Peter Jaszi chaired a program including the following presentations:

"The Stories That GATT Tells: Narrative Authority, National Boundaries, and 'Intellectual Property,'" Mary Layoun (Univ. of Wisconsin, Madison)

"The Structure of International Intellectual Property: Developing Countries and the Persistence of Authorship," Upendra Baxi (Univ. of Delhi)

"Imageries of Authorship in Contention: The Transnational Struggle for Control of Biological Diversity," Charles Zerner (Rainforest Alliance)

Discussion: Rosemary Coombe (Univ. of Toronto Law School)

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At the 1994 Conference on College Composition and Communication in Nashville, members of the Caucus on Intellectual Property and Composition Studies met for a roundtable discussion "Intellectual Property in an Information Age: What's at Stake for Composition Studies?" Chaired by Andrea Lunsford (Ohio State) and Karen Burke LeFevre (Rensselaer Polytechnic), the roundtable included Phyllis Franklin (MLA), Anne Ruggles Gere (Michigan), Laura Gurak (Rensselaer Polytechnic), Russell Hunt (St. Thomas University), Peter Jaszi (Washington College of Law, American University), J. H. Reichman (Vanderbilt Law School), David Sanjek (Director, Broadcast Music Inc. Archives), Patricia Search (multimedia artist, Rensselaer), and Martha Woodmansee (CWRU).

The Caucus plans to meet again at next year's CCCC meeting in Washington, D.C.

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One of the two SCE panels at the 1994 Midwest Modern Language Assn. meeting in Chicago will be devoted to "Cultures of Authorship: New Perspectives on Plagiarism." Chaired by Peter Jaszi and Martha Woodmansee, the panel will include the following presentations:

Marianina Olcott (San Jose State), "*Contaminatio*: Plagiarism in the Ancient World"

Keith Aoki (Law, Oregon), "Property, Play, and Plagiarism"

Marguerite H. Helmers (Wisconsin, Oshkosh), "The Problem of Plagiarism in Research Essays"

Katherine Lehtola (CWRU), "Plagiarism and Other Intellectual Crimes: A Survey of Composition Textbooks"

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One of the SCE panels at the 1994 MLA meeting in San Diego will be called "International Politics of Cultural Appropriation." Chaired by Peter Jaszi and Martha Woodmansee, the discussion will proceed from questions prepared in advance for the panel. Panelists include Upendra Baxi (Law, Univ. of Delhi), James Boyle (Law, American University) and Herbert Schiller (Communications, UC San Diego).

#### **The New Economic Criticism**

Contact: Martha Woodmansee (English, Case Western Reserve University) or Donald McCloskey (Economics, University of Iowa)

Plans are now being finalized and participants notified for a conference to be held in Cleveland, at CWRU, October 20 - 23, 1994. Details will be available in the next issue of the newsletter.

#### **Woman - Nation - Narrative**

Contact: Anuradha Dingwaney Needham (English, Oberlin College)

Anuradha Dingwaney Needham and Mary Layoun chaired one of the SCE's sessions at the 1993 Modern Language Association meetings in Toronto. The panel included:

"In Detail, In Narration, Rewriting the (Gendered) Body in the Archives," Aina O'Brien, (Univ. of Wisconsin, Madison)

"Constructing the Domestic/National Space in British Romantic Literature," Lawrence Needham (Oberlin).

"Nation and Modernity: The Case of Post-Colonial India," Akeel Bilgrami (Columbia Univ.)

"Identity Without Nation," Indira Karamcheti (Wesleyan Univ.)

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In April 1994 the project held a workshop at Case Western Reserve University, entitled "Nationalism(s): Definitions, Explanations, Alternatives." Papers were presented by Ama Ata Aidoo (Oberlin) ["Fanon Revisited: Pan Africanism and the Discourse on Nationalism"] and Timothy Brennan (SUNY, Stony Brook)

["Describing Transnationalism or Urging it On"]. Other panelists included the chairs Anuradha Dingwaney and Mary Layoun, Lawrence Needham, Roberta Salper (Penn State, Erie), and Sangheeta Ray (Maryland).

\* \* \*

Sangheeta Ray (Maryland) will chair a session at the 1994 Midwest MLA entitled "Competing Identities: Gender, Religion and the State." Participants include:

Roberta Salper (Penn State, Erie), "Competing Identities: New Formations in Hispanic Cultures"  
 Sujjala Singh (SUNY, Stony Brook), "The Body of Woman in the Imagin(ned)--nation of Political Discourse"  
 Peter Powers (George Mason), "Cynthia Ozick and the Invention of Memory"  
 Jyotika Vird (Oregon), "Women, Nation, State in the Popular Hindi Film"  
 Moushumi Roychoudhury (Rice), "Reading Split Identities Across the Borders in Ngugi's \*A River Between\*"  
 Adenike Davidson (Maryland), "Not Every Dread a Rasta, Not Every Rasta Dread: Black Women, Dreadlocks, and Rastafarianism"  
 Purnima Bose (Indiana), "Indian Nationalism and Gender Hegemony: Caste and Gender in Shanta Rameshwar Rao's "Children of God"

Malini Schueller (Florida), "'American' Missionary Women, Egyptology, and the Race of 'True' Womanhood"

Discussion: Amy Ghaemghanani (Maryland)

### **The Scholarly Conference**

Contact: Charles Stivale (Romance Languages, Wayne State University)

For the 1993 Midwest MLA, Charles Stivale organized a panel entitled "Beyond the Podium: Directions for Academic Conferencing." Contributions included:

"Another Shot at Reforming the Format," Olivia Frey and Diana Postlethwaite (St. Olaf)  
 "I Was the Fourth Speaker on the Tenth 8:00 Panel on the Last Day," Philip Goldstein (Univ. of Delaware)  
 "Risking Silence: Constructions of Conference Contexts," Jessie Hastings (Wayne State Univ.)  
 "Conferencing: The Good, the Bad, and Some Alternatives," James Phelan (Ohio State Univ.)  
 "The Geraldo Effect: Lessons from the History of a Society Devoted to Critical Exchange," James Sosnoski (Miami Univ.)  
 "This is Not a Paper: On Alternative Ways of Conferencing," Chris R. Vanden Bossche (Notre Dame)

### **Rethinking Introductory Courses in English**

Contact: Sally Robinson (English, University of Michigan)

Sally Robinson chaired a session at the 1993 Midwest MLA meeting entitled "Alternative Designs: Reshaping Introductory Courses for a Changing Curriculum." Contributions included:

"Midwestern States of Theory: Resistance, Challenges, Reversals," Susan Bazargan and Dana Ringuette (Eastern Illinois Univ.)  
 "The Promise, Problems, and Politics of 'Baby Theory,'" Richard Abel, Barbara Hodgdon, and Deborah Jacobs

(Drake Univ.)

"Doing Theory," Susan Green and Hunter Cadzow (Univ. of Oklahoma)

The project will continue with a panel at the 1994 Modern Language Assn. meeting in San Diego. Panelists there will include:

Paul Jay (Loyola, Chicago), "Literary Study and Cultural Critique: Redesigning the Introductory Literature Course"

Larry Shillock (Minnesota), "Conflicted Conflicts, or Teaching to the Converted"

Chrys Ingraham (Russell Sage College), "Systemic Pedagogy: Activating Critique in Multiple Sites"

### **MLA and Regional MLA Liaisons**

Modern Language Association Contact: Martha Woodmansee, English, Case Western Reserve University

The 1993 programs are listed under the Intellectual Property and the Woman - Nation - Narrative projects. The 1994 programs are listed under the Intellectual Property and the Rethinking Introductory Courses projects.

Midwest MLA Contact: Martha Woodmansee, English, Case Western Reserve University

The 1993 programs are listed under the Scholarly Conference and the Rethinking Introductory Courses projects. The 1994 programs are listed under the Intellectual Property and the Woman - Nation - Narrative projects.

Northeast MLA Contact: Crystal Bartolovich, English, Carnegie Mellon. [1995 secretary, Paul Beidler, English, University of Toronto]

The 1994 panel was entitled "Theories and Histories: Postmodernism and the Problem of History" and was chaired by Max Thomas (Iowa). Presentations included:

Paula Geyh (Univ. of Pennsylvania), "The New Memory Palaces: History in the Postmodern Age"

Philip Goldstein (Delaware), "Literary History, (Anti)Theory, Reception Study"

Rosemary Lemmis (Carnegie Mellon), "The Question of Legal Narrative"

South Atlantic MLA Contact: Elizabeth Meese, English, University of Alabama [1994 Chair, Andrea Harris, English, Mansfield University; 1994 Secretary, Pamela Boker, English, Columbia]

South Central MLA Contact: Karen Cole, Louisiana Scholars' College, Northwestern State University

On the program for the 1994 meeting are the following papers:

Tom Samet (Maryville Univ.), "The Invisible Hand: Structural Politics and the Undergraduate Curriculum"

Steven R. Shelburne (Centenary College), "Curriculum Wars: Pragmatism as Truce"

Arthur S. Williams (Louisiana School for Math, Science and the Arts), "Curriculum as Conversation in a Specialized School"

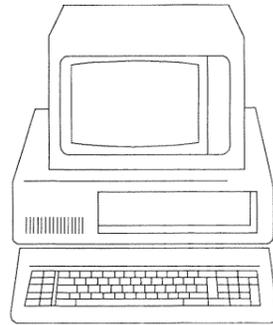
respondent: George Newtown (Centenary College)

Rocky Mountain MLA Contact: Damarys Lacayo-Salas, Purdue Univ. [Mailing address: 80 W. Encanto Blvd., Phoenix, AZ 85003]

Philological Association of the Pacific Coast Contact: Marilyn Edelstein, English, Santa Clara

## *The Electronic College of Theory*

The Electronic College of Theory is the SCE's electronic-mail conference and discussion group on literary theory. Contributions to the College are sent by electronic mail to the moderator (xx124@po.cwru.edu), who bundles them and electronically mails the bundles to subscribers. During the academic year subscribers can expect to receive five to ten such bundles a month.



The College has now grown to include about 250 subscribers, close to half of the SCE's membership. If you include an electronic-mail address on your membership renewal form, we now routinely enroll you on the Electronic College mailing list. You can also subscribe by sending a request to xx124@po.cwru.edu. All Electronic College subscribers must eventually join the SCE, but we encourage the curious to participate in the College for several months before deciding whether to become members.

### **Missing Persons**

Please keep us posted if you move or otherwise change addresses and if you will be away from your electronic mailbox for an extended period of time. Many computer accounts set limits on how much mail can pile up, so if you go away for the summer and your mailbox fills, any additional mail gets bounced back to the sender. Sometimes it is obvious why the mail has bounced back, but sometimes it just seems as if you had disappeared from the planet.

Among the Collegians of whom we have lost track are the following. If you see your name on this list or know the electronic whereabouts of any of them, send a message to xx124@po.cwru.edu telling us the new or correct address.

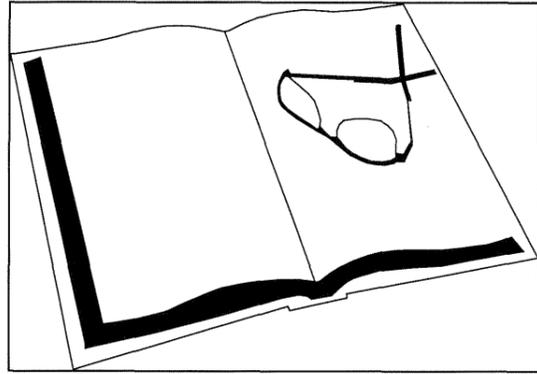
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 Brian Moore and Lori Rowlett, brian@mcopn1.csc.ti.com  
 Marci Gastineau, mgastine@ucs.indiana.edu  
 Nava Bromberger, nqb1621@accluster.nyu.edu

## *Nominations wanted*

Nominations are now open for the three seats on the SCE Board of Directors that become vacant at the end of 1994. The seats are currently held by David Damrosch, Elizabeth Meese, and Paula Treichler; all three are eligible for reelection.

Nominees must be members in good standing of the SCE, as must the person who makes the nomination. Please send letters of nomination to the SCE (Guilford House, Case Western Reserve University, Cleveland, OH 44106-7117) by October 15, 1994. The nomination should include a brief CV or biographical statement and a statement of interest from the nominee.

Members of the SCE Board of Directors serve four-year terms, staggered so that every other year half the seats on the board open for election. Any member may nominate candidates for the Board, but only current Board members may vote on those nominees. The Board also selects the President and the Executive Director.



## *SCE Projects in Print*

### **Intellectual Property and the Construction of Authorship**

A number of publications have now appeared from this project or are in preparation. This winter Duke University Press published a selection from the 1992 conference in its Post-Contemporary Interventions series: Martha Woodmansee and Peter Jaszi, eds., *The Construction of Authorship: Textual Appropriation in Law and Literature*, (Durham 1994), 462 pp. The book reprints the papers previously available to SCE members as a special issue of the *Cardozo Arts and Entertainment Law Journal*.

Duke will also be publishing papers from the 1993 Bellagio conference in a volume to be entitled *Cultural Agency/Cultural Authority: Politics and Poetics of Intellectual Property in the Post-Colonial Era*. Details in a forthcoming newsletter.

And in a related venture Peter Jaszi and Martha Woodmansee have been appointed editors of a new monograph series from Duke University Press, "Text and Technology: Information, Regulation, Culture." The editors will be seeking manuscripts concerned with historical and theoretical issues in the production, circulation, and significance of informational commodities.

Finally, a number of journals have been publishing the declaration adopted by the participants at the Bellagio conference. Here is the text of that declaration:

### The Bellagio Declaration

We, the participants at the Bellagio Conference on intellectual property, come from many nations, professions and disciplines. We are lawyers and literary critics, computer scientists and publishers, teachers and writers, environmentalists and scholars of cultural heritage.

Sharing a common concern about the effects of the international regime of intellectual property law on our communities, on scientific progress and international development, on our environment, on the culture of indigenous peoples. In particular,

Applauding the increasing attention by the world community to such previously ignored issues as preservation of the environment, of cultural heritage, and biodiversity. But

Convinced that the role of intellectual property in these areas has been neglected for too long, we therefore convened a conference of academics, activists and practitioners diverse in geographical and cultural background as well as professional area of interest.

Discovering that many of the different concerns faced in each of these diverse areas could be traced back to the same oversights and injustices in the current international intellectual property system, we hereby

Declare the following:

First, Intellectual property laws have profound effects on issues as disparate as scientific and artistic progress, biodiversity, access to information, and the cultures of indigenous and tribal peoples. Yet all too often those laws are constructed without taking such effects into account, constructed around a paradigm that is selectively blind to the scientific and artistic contributions of many of the world's cultures and constructed in *fora* where those who will be most directly affected have no representation.

Second, Many of these problems are built into the basic structure and assumptions of intellectual property. Contemporary intellectual property law is constructed around a notion of the author as an individual, solitary and original creator, and it is for this figure that its protections are reserved. Those who do not fit this model -- custodians of tribal culture and medical knowledge, collectives practicing traditional artistic and musical forms, or peasant cultivators of valuable seed varieties, for example -- are denied intellectual property protection.

Third, a system based on such premises has real negative consequences. Increasingly, traditional knowledge, folklore, genetic material and native medical knowledge flow *out* of their countries of origin unprotected by intellectual property, while works from developed countries flow *in*, well protected by international intellectual property agreements, backed by the threat of trade sanctions.

Fourth, In general, systems built around the author paradigm tend to obscure or undervalue the importance of "the public domain," the intellectual and cultural commons from which future works will be constructed. Each intellectual property right, in effect, fences off some portion of the public domain, making it unavailable to future creators. In striking respects, the current situation raises the same concerns raised twenty years ago by the impending privatization of the deep-sea bed. The aggressive expansion of intellectual property rights has the potential to inhibit development and future creation by fencing off "the commons," and yet -- in striking

contrast to the reaction over the deep sea bed -- the international community seems unaware of the fact.

Fifth, we deplore these tendencies, deplore them as not merely unjust but unwise, and entreat the international community to reconsider the assumptions on which and the procedures by which the international intellectual property regime is shaped.

In general, we favor increased recognition and protection of the public domain. We call on the international community to expand the public domain through expansive application of concepts of "fair use," compulsory licensing, and narrower initial coverage of property rights in the first place. But since existing author-focused regimes are blind to the interests of non-authorial producers as well as to the importance of the commons, the main exception to this expansion of the public domain should be in favor of those who have been excluded by the authorial biases of current law.

Specifically, we advocate consideration of special regimes, possibly in the form of "neighboring" or "related" rights regimes, for the following areas:

- Protection of folkloric works.
- Protection of works of cultural heritage.
- Protection of the biological and ecological "know-how" of traditional peoples.

In addition, we support systematic reconsideration of the basis on which new kinds of works related to digital technology, such as computer programs and electronic data bases, are protected under national and international intellectual property regimes. We recognize the economic importance of works falling into these categories, and the significant investments made in their production. Nevertheless, given the importance of the various concerns raised by any such a regime -- concerns about public access, international development and technological innovation -- we believe that choices about how and how much to protect databases should be made with a view to the specific policy objectives such protection is designed to achieve, rather than as a reflexive response to their categorization as "works of authorship."

On a systemic level, we call upon states and non-governmental organizations to move towards democratization of the fora in which the international intellectual property regime is debated and decided.

In conclusion, we declare that in an era in which information is among the most precious of all resources, intellectual property rights cannot be framed by the few to be applied to the many. They cannot be framed on assumptions that disproportionately exclude the contributions of important parts of the world community. They can no longer be constructed without reference to their ecological, cultural and scientific effects. We must reimagine the international regime of intellectual property. It is to that task this Declaration calls its readers.

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**Discussion:** Contemporary intellectual property law is constructed around a notion of the author as an individual, solitary and original creator, and it is for this figure that its protections are reserved.<sup>1</sup> The "author" in the modern sense is the sole creator of unique works of art, the originality of which warrants their protection under laws of intellectual property -- particularly those of "copyright" and "authors' rights." The notion, however, is neither natural nor inevitable. Rather, it arose at a specific time and place -- eighteenth-century Europe -- in connection with a particular information technology -- print. Nevertheless, it remains the dominant paradigm in our global, multicultural, post-colonial electronic age, a paradigm that stretches beyond copyright to influence all types of intellectual property rights. We must recognize that there is a politics to "authorship;" as presently understood, it is a gate through which one must pass in order to be given property rights, a gate that shuts out a disproportionate number of non-Western, traditional, collaborative, or folkloric modes of production.

Although intellectual property rules are defended as economically necessary, kneejerk reliance on "authorship" may in fact destructively undervalue important contributions to art, science, and culture. Examples are legion. Drugs drawn from the rainforest or from indigenous pharmacopeias do not economically support the protection of either. Traditional patterns and dances can be taken without permission or recompense, perhaps diminishing the chance that the culture that originated them will survive. Exclusively authorship-focused systems also run the risk of cherishing the ownership of ideas over their circulation, the purses of the potential audience over their minds.<sup>2</sup> There is no guarantee that the current system of intellectual property maximizes free speech and informed democratic debate, and much evidence that it does not.

In general, systems built around the author paradigm tend to obscure the importance of "the public domain," the intellectual and cultural commons from which future works will be constructed. The assumption of these systems is that one must reward creators in order to ensure new production. Yet the "reward" has its costs. Each intellectual property right, in effect, fences off some portion of the public domain, making it unavailable to future creators. If one is concerned about promoting future production of books, ideas, inventions, and works of art, then one must be just as careful in one's protection of a vigorous and diverse public domain, a "commons" of scientific, literary, and artistic raw material, as one is in one's protection of the author's rights and incentives. Recently, there has been a dangerous international tendency to suppress the former concern and to concentrate only on the latter.

The process has taken place with remarkably little recognition or outcry, in marked contrast to similar situations in the past. During the late sixties and early seventies, the members of the General Assembly of the United Nations showed great prescience in enunciating the concept of the "common heritage of mankind." They declared that the resources of outer space and the deep seabed must be available to all, that they should not be entirely consumed by the first nations to have the technological capacity to do so. In striking respects, the current situation with respect to intellectual property rights is similar. Certainly the same distributional and developmental issues are raised. For example, under the current regime, corporations from nations with the most advanced technology may manage to secure patents on the majority of rainforest-derived drugs before an indigenous drug industry develops. The aggressive expansion of intellectual property rights also has the potential to inhibit future creation by fencing off "the commons." Despite these similarities, the international community has been comparatively silent on the issue. One reason for this silence may be the perception that intellectual property rights are not a "zero-sum game," that, unlike rights to manganese nodules or oil, they are potentially of infinite extent and thus that future producers are always left enough raw material out of which to create their own works. But this perception is more a by-product of faith in the author vision than the result of a careful analysis of literary, artistic, and scientific production. Patents given on commonly used lines of computer code may impede the production of future programs. Extensive copyright and publicity rights may allow public figures to control access to vital information about themselves. Patents on new "landraces" (i.e. seed types) based on indigenous varieties may actually inhibit the maintenance of genetic diversity and local

cross-breeding. The blandishments of the international information industries notwithstanding, more intellectual property rights may actually mean *less* innovation, less heterogeneity in culture and environment and a less informed world of public debate.

The international community must move towards a just world order of intellectual property rights, and in what follows we appeal to national governments and international organizations to consider specific measures toward that objective. At the same time, we acknowledge our local responsibilities, and those of the constituencies we represent: to resist, where necessary, unjust extensions of intellectual property regimes.

Our analysis indicates three overlapping areas of neglect in an overly author-centered vision of intellectual property: neglect of unacknowledged sources and non-authorial modes of scientific and cultural production, neglect of the interests of the "audience" (readers, consumers and other end-users), and neglect of the importance of conserving the public domain for the benefit of innovators and consumers alike. Measures designed to counteract these tendencies do not fall neatly into a simple choice to have "more" or "fewer" intellectual property rights. Indeed, one of our criticisms of contemporary discourse about intellectual property is its simplistic binary format. We favor a move away from the author vision in two directions; first towards recognition of a limited number of new protections for cultural heritage, folkloric productions, and biological "know-how." Second, and in general, we favor an increased recognition and protection of the public domain by means of expansive "fair use protections," compulsory licensing, and narrower initial coverage of property rights in the first place.

Where the first point is concerned, we recognize the importance of incentives for cultural conservation, in the form of grants of exclusive rights. Indeed, such grants may be essential to provide recognition to the contributions of those groups and individuals who the present system tends to exclude. But we do not propose to address this problem of exclusion merely by expanding the "authorship" construct, with all its legal and ideological associations. We advocate consideration of alternative regimes -- perhaps based on expansion of the system of "neighboring" or "related" rights. By this terminology we refer to legal regimes like those which, in some countries, protect the interests of performers, of broadcasters, and sound recording producers. These laws, although they participate in some of the assumptions and contain some of the features of traditional copyright or "authors' rights" laws, are not justified on the grounds that they extend protection to "works of authorship." Rather, they exist to recognize the special economic and/or cultural contributions of groups whose activities fall outside the traditional definition of "authorship."

Specifically, we advocate consideration of new regimes, possibly in the form of "neighboring" or "related" rights, in the following areas:

- Protection of folkloric works.
- Protection of works of cultural heritage.
- Protection of the biological and ecological "know-how" of traditional peoples.

In each case, this consideration should entail inquiry into the appropriate individual, group, or state entity in whom intellectual property rights should be vested, into the duration and intensity of those rights, and into the means by which reasonable public access to the categories of works in question would be assured, including such devices as "fair use" privileges and systems of compulsory licensing.

The same considerations should be borne in mind as the international community enters into a systematic reconsideration of the basis on which new kinds of works related to digital technology, such as computer programs and electronic databases, are protected under national and international intellectual property regimes. We recognize the economic importance of works falling into these categories, and the significant investments made in their production. Nevertheless, given the importance of the various concerns raised by such a regime -- concerns about public access, international development and technological innovation -- we believe that choices about how and how much to protect databases should be made with a view to the specific policy objectives such protection is designed to achieve, rather than as a reflexive response to their categorization as "works of authorship."

Moreover, whether intellectual property protection takes the form of traditional copyright or authors' rights regimes, or of new ones in the nature of "neighboring rights," it is critical that its elaboration be undertaken with a commitment to the preservation of the "public domain" as a cultural and intellectual commons from which all people, from all nations, are free to draw. In an effort to redress unfairness in the existing global scheme of intellectual property, it is important that we do not err in the direction of uncritically and unqualifiedly increasing the level of protection available for all forms of cultural production.

We are acutely aware of the importance of access to information for cultural, economic and educational development, and we support new measures on the part of international organizations to promote access to new information technologies in developing countries. At the same time, we recognize that it is critical to support more traditional forms of information distribution, such as book publishing, in those countries, through initiatives to make capital available and to encourage the licensing of copyrights on reasonable terms.

Likewise, the international intellectual property community can and should do more to recognize the special situation of the countries of Eastern Europe and the former Soviet Union, by extending to them for a limited term (under multilateral and bilateral agreements) a special regime identical or similar to that applicable to developing countries under the Appendix provisions of the 1971 Act of the Berne Convention.

In conclusion, we would suggest that -- at least historically -- laws of intellectual property, as well as laws of neighboring and related rights, have been designed by a few individuals and applied to many. The goal of a just world order of intellectual property may be best advanced by addressing the process by which intellectual property laws are made and revised, to provide more representation for interests other than those of governments and information industries -- through the inclusion of more non-governmental organizations and community groups in the dialogue. For a long time, intellectual property has escaped attention in international discussions of justice, self-determination, economic development and human rights, reflecting a shared perception of the marginality of intellectual property issues which has ceased to be accurate -- if it ever was. The advent of the information society, the collaborative networks typical of production on the electronic frontier, the increasing importance of intellectual property rights to corporate balance-sheets and national balances of payment, the global circulation and commodification of culture -- all of these events conspire to thrust upon us the need to imagine and simultaneously to build a world intellectual property system that is both just and wise.

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This document was framed by lawyers, anthropologists, environmentalists, computer experts, literary critics, publishers and activists. Inevitably, each of us would change some word or phrase, or shift some emphasis. Its signatories agree however, to the central themes and spirit of this Declaration and to the urgent sense of concern that motivated it. Institutional affiliations are provided for identification purposes only.

[list of signatories omitted]

#### Notes

1. There are different ways to explain the nature and protection of authors' rights, which are based on various historical and cultural differences. We honor those differences, and we attempt to find common language to express our concerns and aspirations for the international intellectual property system.
2. The way of thinking which this exclusive idea of "authorship" supports also has consequences beyond the realm of law. To a greater or lesser extent, we tend to enact this exclusive understanding of the "author" in our practices: for example, as scholars, scientists, teachers, writers and business-people. That effect however, is beyond the immediate scope of this declaration.



## *From the Mailbag*

I wonder if you might insert a brief para. to the effect that  
I am currently trying to finish a bibliography of Harold

Bloom, for the Garland series on C20 critics. This monstrous project should be completed this fall. I would be very grateful if SCE members could let me know of any Bloomian ephemera they have come across, the kind of thing that doesn't turn up in bibliographies. Did anyone's local paper review *The Book of J* or *The American Religion*, for instance? Indeed, does anyone have some published criticism of Bloom which they would like to see included - particularly if it is embedded in a book or essay not directly concerned with Bloom? I am not going to try to replicate the Humanities Citation Index, but I interested in all intelligent discussion, wherever it may occur.

Roy Sellars  
Dept of English  
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ATTENTION critics, scholars, writers, paragons of wit!

Does the current crop of literary glossaries, encyclopedias, and indices make your eyes glaze over?

Have you ever suppressed a sneer at a particular school of criticism, a baffling exemplum of Lit. Crit. jargon, or even at the entire discipline of literary studies?

Do you agree that the most entertaining academic disagreements should no longer be relegated to the letters columns of book review journals?

If so, take heed: you can finally do something about it! The editors of *THE DEVIL'S DICTIONARY OF LITERARY TERMS* have conspired to provide a public forum for the critical disgruntlement which until now has been suppressed in the name of scholarly propriety. Those other dictionaries have no sense of the inherent absurdity of the academic study of literature, and therefore don't allow for the scornful repartee and whimsical commentary which will characterize our dictionary.

You are invited to send us as many original definitions as you wish. Choose a term, a theoretical approach, or a literary personage, and let loose a volley of your most scintillating wit. Be assured that others will be merrily

attacking the literary theories YOU hold most dear.

The completed DICTIONARY will be a compendium of bemused reflections, pointed critiques and satiric reformulations. Each definition will have a by-line to identify its author. Don't miss the chance to add your voice to the most heteroglossic glossary ever!

Anything goes, style-wise. Here are a few sample definitions, but don't feel obligated to imitate their format:

Allegoresis: A text-specific form of paranoia, in which the patient appears to find a rigid structure of meaning beneath the "surface" of the text.

Baudrillardian: Someone who may not believe in Santa Claus but certainly believes in the omnipresence of Disneyland.

Irony: A conjuring. The true ironist is not the speaker but the receiver, who insists on pulling something out of nothing's hat.

MLA: Hypercarnavalesque. Attendees display a remarkable disavowal of the link between the upper, reasoning portion of the body and the "material bodily lower stratum". Sexuality is the only topic of discussion here, yet actual sex is regarded as affrontery. Job interviews are conducted in hotel rooms which lack beds.

Nothing: That thing about which everything can be said without fear of censure, since even the most outrageous statements about it will still come to naught.

Romanticism: A term ingeniously devised by literary historians to describe a movement composed of writers and artists who, if they were alive today, would immediately and without hesitation dissociate themselves from each other.

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Send your submissions by e-mail to [chintz@epas.utoronto.ca](mailto:chintz@epas.utoronto.ca).

Or send with a SASE to:

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You will be notified when our editorial decisions have been made.

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## *Good Text*

*. . . .with*

## *Doctor Truth*

Dear Dr. Truth:

Excuse an interloper from the sports world, but I have no one else to turn to and Stanley Fish assures me that, if only I give him courtside season tickets, you will be able to help. After years of success in coaching basketball, endorsing athletic shoes, and convincing sportswriters that, because I could spell my own name, I was an intellectual, I still feel so hollow. Was it this that I struggled so long for, enduring the shabby vanities of my mentors, learning the craft, and shamelessly promoting myself at every chance? Teaching half-court defense and winning NCAA championships is not enough. I know that I have so much more to give.

Dr. Truth, what I really want to do is **write!**

I want to tell about myself, to share my most private feelings with others, and to do guest shots with Phil and Oprah rather than Chris Berman. And I want to do this all without giving up coaching or any of the shoe contracts. My dream, you see, is to invent a new, more personal style of coaching in which I can tell my players and my public about my childhood, right in the middle of a 20-second timeout.

But I'm afraid: afraid of ridicule from other coaches who will say that I have sacrificed my real talents to an exercise in egotism. (How could they tell the difference?) So what I really need is a support group, a warm and caring but trenchantly critical band of other writers who can bolster my self-esteem and edit my sentences. Do you know of any such groups in the Raleigh-Durham area?

Mike Krzyzewski  
Duke University

Dear Coach K.

Sorry, no guys allowed in my writing group. But see if Frank Lentricchia will help.

Your letter does give me the opportunity to announce to my adoring fans that I, Dr. Truth, feel the same way. I

am therefore taking a leave of absence from my advice column to write, with the help of my dear friends Kitty Kelley and Jeffrey Kittay, a tell-all memoir and advice book. Tentatively entitled "Position Your Subjects, Gentleman," my book will reveal what goes on at Phyllis Franklin's intimate cocktail parties, why Judith Butler should never let herself be seen in public with Terry Eagleton, and how to get a date for the School of Criticism and Theory junior prom.

Readers will also get the true story of those dear, lost days at Bennington, when Camille was my roommate and so much more. Also not to be missed is what really happened out there in the California desert with Michel and me and that tab of Owsley Orange . . . and what actually happened to William Bennett's Land Rover. Plus lots of reminiscences about my favorite TV shows from when I was growing up, and as an extra bonus the full 400-page diary of the six months I spent as a novice in a Carmelite nunnery.

**To join or contribute to an existing project of the Society for Critical Exchange:**

Write to the contact person listed in the CURRENT PROJECTS section of the newsletter.

**To inquire about or propose a new project:**

Contact the Executive Director.

**To inquire about or propose sessions for the MLA or regional MLAs:**

Contact either the Executive Director or the liaison listed in the CURRENT PROJECTS section.

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1994 dues (\$15 regular, \$20 joint, \$10 student, part-time, retired or unemployed, \$20 outside North America). \$\_\_\_\_\_

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