

A N A T O L Y V O L Y N E T S



CULTURE vs COPYRIGHT

A Diary of a Naive Philosopher

Culture vs. Copyright

A Diary of a Naive Philosopher

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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 still does), 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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Word to the Reader

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 know already very well

About life,

And ask

Why don't we put

Two and two together

?!

Now a few more notes. This book is neither a strictly scientific investigation nor is it purely fictional nor political nor autobiographical nor... nor... nor... It is what it is. If I wanted very badly to label this book, I would call it the diary of a naive philosopher. A diary of what events, you may ask.

It all started accidentally. One time, I was talking to some of my colleagues and happened to mention an educational experiment I had participated in, in the past. It was one of the series of experiments within the School Of The Dialogue Of Cultures (SDC), the theory of which has been being developed in a cooperative effort between philosophers, scientists, and educators in Ukraine and Russia. One major element of the

educational process in that school is dialogue. That translates to at least two aspects of the educational process. Firstly, a subject is presented to the students not as the firm and absolute truth but as a source of questions. Secondly, a teacher does not teach in the traditional manner but organizes an environment for dialogue and exploration of the subject between the students. These generic ideas may sound pretty casual for the contemporary ear, but the theory and practice of the SDC immediately appeared very unusual, effective, and interesting to my interlocutors when I continued with the details. They were allured and intrigued by stories of the experiments; for instance, the story of first graders enthusiastically debating with Plato. This conversation with my colleagues started a chain of events, which ended up in another experiment, one of a rather small scale. It was conducted with five first graders in the form of an after-school activity in a Bay Area elementary school. The children dreamed to become famous writers, that is why they and their parents enthusiastically agreed to participate. Why? Because of the subject we agreed to work on. That was “exclusive rights.” The experiment, in turn, resulted in this diary, where my thoughts alternate with shorthand records of students’ discussions.

Of course, I had used in my deliberations many ideas of prominent philosophers, psychologists, philologists, artists, poets—Vladimir Bibler, Mikhail Bakhtin, Lev Vygotsky, Josef Brodsky, Osip Mandelshtam, Diego Rivera, Thomas Jefferson, etc., but I barely quoted or cited anyone. That was intentional—I just wrote as I understood the subject matter of the book, and thus, I take all responsibility for it on myself. I also wanted this book to be readable and understandable for people whose school major was not philosophy. I thought it was necessary because it’s nearly impossible to find a person unaffected by copyright or patent-related turmoils nowadays. Nonetheless, if some bits of the book seem too philosophical, you can safely skip them. Remember, every single idea is repeated many times over in the book.

I am compelled to pay a special 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, which is “The Dialogue Of Cultures.” The Dialogue of Cultures is interrelated with “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” mentioned above. 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 mankind. His ideas were what mostly guided my quest.

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

First Graders on the Magic Planet

I was sleeping once and saw a dream. There was a strange planet. Something magical happened there every time an artist created a new work. The very moment the artist took his work out of his house the work became as widely known as it was talented. There was a specific law working there also: nobody was required to pay the artist while using his work in any imaginable way.

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 couldn't 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 on the Magic Planet 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's has to pay for use of an 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 for copying, right? By the way, if copying takes money and time, then people may come along and do it for others, right? What are people that copy for others called?

Teacher: Publishers?

Beta: Publishers.

Alpha: So what? The artist still gets nothing. Only your "publishers" and the factories that make the Xerox machines. That's not fair!

Beta: Hmm, this is interesting... The planet makes a work as known 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 have a competition.

Delta: Yeah! Who can get people to buy more of his 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 pops out of 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 up 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 any 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 known as it is brilliant.

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

Alpha: Oh yea, exactly! I wouldn't stay in this line. No publisher would! What are the conditions for the 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 mufti-billionaire 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's he for?

Gamma: What for? Who was igniting all of the talk? It's worth paying for!

Delta: Igniting? 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, one hundred 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 the picture? Can you put forward some argument and save the exclamations for 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 all of the advantage expires the moment 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 understand! He 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? 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 has to pay 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 be the judge. First of all, that fat publisher will put on the cover that he paid for it, that he didn't get it for free like the others did...

Delta: I know! I know! Hurray! Beta, you are a genius! All artists of all ages and nations have to pool money to raise a monument in your name! 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 are complaining, but you are the first to insult others.

Gamma: Delta, what did you want to say?

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

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

Delta: They sure do. But why, then, the first one does? Who wants it for free, can use it for free. Who wants to develop a brand, will pay! Get me? They pay for marketing, anyway. Payment to the author will be just one out of many marketing strategies. I would even say that every 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: Look what we have here! All of the publishers can publish the same work and will pay for this to the author?

Delta: And the work gets spread like crazy. The author gets exposed to 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 good stuff we 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 a 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 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 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 don't want to hear what Beta's 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'm continuing. 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 are not free to use, each publisher will 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 really 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?

One Flaw in the Common Perception

Alpha: I can'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 that it won't work for the author!

Alpha: Why on the earth won't it!

Beta: Because, within 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 the 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 haven't made very clear points, but who expected this? I was intrigued. I started to

ask myself what I really knew about the subject, where to dig for these not-so-simple answers. All of a sudden, I realized that we were discussing pretty strange things, which are different in nature from material ones... And I could only find the slightest trace of this subject matter in all the fuss around copyright related issues nowadays. Finally, I found myself thinking about this question: what is the nature of art?

Inquiry on the Nature of Arts

Should We Obey the Laws of Nature?

A short note before we start. This heavy chapter lays out some basic groundwork for the ideas expressed in the book. However, it can be read later just as well. Regarding the chapter, sometimes I use the terms culture and arts interchangeably. This happens because arts are the most typical representative of culture, and I use art to explore culture itself. On the other hand, whatever we can say about culture in general, naturally applies to the arts.

Now, on with our subject. The idea of copyright, related laws, practices, and institutions are all different aspects of a certain attempt to govern culture. It has been an ongoing attempt for about three hundred years. My question is thus: Has it been a success? Or let us put it another way: Has it been a proper governance? The issue is very hot 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?

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 vice versa. Nothing but harm comes from trying to impose our wishes on nature against its laws. Sounds reasonable, doesn’t it?

I want to ask then, what about culture? Should we try to obey its inner laws or, say, “the laws of 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, willing or unwilling.

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

Work of Art Equals New World

What is the nature of culture? Let us narrow the question to what is the nature of arts? And let us start with a thing we can point our finger at—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. Firstly, we accept another world, one built by J. R. R. Tolkien as if it is ours in a way. We identify ourselves with the heroes; we love and hate; we get scared, triumphant, sad, happy, impatient, avenged, and all other possible feelings. It is as if it is us living and acting there—whatever happens there, we take it close to our hearts. Again, their world becomes, in a sense, ours. Secondly, 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 for 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 and, in another sense, is more real than the physical world. It is less real because it is virtual. You can get in and out at any time, at will. However, it becomes more real when it affects you, draws stronger feelings, and influences your decisions in a greater degree than the physical world does.

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

It is all the same. Let’s take an example that is really close to physical reality—a newspaper article. Try

extracting a list of plain facts from the article and compare it with the article itself. Which one would be 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 real attention, understanding, and empathy? The answer seems to be obvious; it will be the article or, in other words, the list as processed by the journalist thus presenting a conditioned world, a more visible and understandable one, more real in this sense. How was this reality 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 by its author. Necessarily, other new things surface like the following:

- New forms of expression
- New elements of human language
- New human attitudes
- New understanding of human dignity—generally speaking, 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 sum it up, 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.

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 a true artwork appears when the artist has something to say. Obviously, this is about something that touches the author personally. One could remind me that art-for-order or even art-for-hire does exist. Yes, it does, but that changes nothing. The artist’s talent is to understand and empathize with what other people could and should really feel. Otherwise, the outcome will 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 fact that we love, hate, feel compassion toward, and are afraid of the heroes of a work. As we said already, that 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, that is. And for those who don’t, art simply doesn’t exist. Despite the fact that you are free to engage and disengage with the world represented in a piece of art, when you are engaged, everything happening with its heroes touches you. In short, we develop real human-to-human relations with the heroes of the virtual worlds. The only difference here is the consequences. Remember how we have to sometimes convince ourselves that it is

not real when a movie becomes too chilling? Remember your tears when you listen to music sometimes? Remember the deep feelings, the tempests of thoughts while reading? These are all very human feelings, aren't they? And these feelings are directed at and are invoked by those images of people 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 involved with directly. Often they become truly real if they are "processed" by art. We discussed already that information in a newspaper may pass unnoticed by the public. It is the art of journalism to make a real event truly real to us, to make something captivating out of a factual event so that the audience notices and accepts it as an important one, gets 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's 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 from a library, read it and decided that you want this book on your shelf so that you can read and reread it and talk to its heroes and listen to them and enjoy their adventures and be afraid of their dangers and discover new countless details, possibilities, beauties, and challenges of that other world time and time again. Then you went to a bookstore and did not find it. Would you say to yourself something like "Well, there is no *The Lord of the Rings* here, so I can buy something else."

Albeit the above attitude is possible, this wouldn't 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. Another book will never be the same to you. In the exact way that some person will never be the same to you as a loved one.

I consider the last point to be extremely important. Let's deliberate 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.

You can also say something like:

- I want rack of lamb, Irish style.
- I want a blue Cadillac.
- I need *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, or better to say, impersonal statements which represent, generally speaking, the “consumer attitude.” The second one consists of personal statements, which represent a humane, passionate attitude.

Let’s pay close attention to the first one. 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 your wish to talk to somebody. This normally implies that someone able to listen to you, understand, probably help in some personal, caring manner. Further, if you want to read something, normally you anticipate human-to-humanlike relations with a book heroes, and this is exactly what attracts you.

Now, the personal statements in the second group also go *cum grano salis*. When you say “I want to drive a blue Cadillac,” it is personalization of a functional thing, which has no soul. Human-to-humanlike relationship with a car is not in the nature of the car. Nothing in it is supposed to derive love or hatred or any other purely human feeling. It is only functional, powerful, comfortable, and so forth.

To sum it up, a human can develop a personal attitude toward anything and 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*, it was personal by nature, like if you wanted to meet another person. And this is not an irrelevant or surprising analogy at all.

If a work of art is another real world with its own heroes, events, and laws, and if this other world talks to your soul, then you cannot treat it like food to consume or even a tool to use. It is different in principle, in nature. You do feel a kind of personal engagement, much like one with other people. This human-to-human face of an artwork makes it exceptionally important for us as human beings, individuals, and as a society as well.

Form in a Work of Art

All right, once again a piece of art is a message. It goes from the author to the audience, and it is about true feelings, ideas, and inventions important to him. How is this message built? We know already; the message paradoxically presents a new virtual world, which is strange (and therefore interesting) and, at the same time, is ours, understandable, and touching (and thus important).

What makes a piece of art a projection of a new world? The work consists of ideas which are organized and expressed in some aesthetic form. Obviously, if we have the ideas simply listed (remember a newspaper article!), they would attract only philosophers and would not necessarily invoke any feelings. On the other hand, I am sure that everybody can recall many examples of artworks which they found deeply involving while those works bear almost no ideas or bear ideas that are insignificant or maybe important but not for us. For example, I adore the musical *Chicago* but can barely list any ideas in it. So, how does art purify and signify matters for us?

We can assume that the aesthetic form plays the major and the essential role here. It is the form that organizes different details into related ones, tied to each other in virtual space-time. It is the form that comprises something whole, something total, that exact kind of reality which is the new world built in and by a

work of art. Again, it is the aesthetic form that brings reality into the new world created, and it is the form that makes it touching and interesting. It is through form that ideas emerge and speak to us.

Now let us recall that an intrinsic feeling of the author must stand in the center of the imagined world and dictate its aesthetic form.

Rules for Creator

And so, the feeling dictates, thus the author obeys although this may sound strange. Here are some general thoughts before we proceed. We have learned a few things about a work of art, but is art something entirely comprised of works? Or is there such a thing as “art itself?”

The first answer is easy: yes and no. Why yes? When we say “sculpture,” this implies a general notion, which in turn makes a work of art be a sculpture in our eyes. More importantly, it makes it one in the eyes of its creator. Most importantly, it was a sculpture in the creator’s mind before it was created. How about some other phenomena reflected in such diverse general terms as baroque, comedy, Antiquity*, etc.? There appear to be some kind of general patterns working beyond artworks, and thus, we can definitely say that “art” in itself does exist.

Why “no?” It is so because these patterns do exist and develop in only 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 art develops by its own laws.

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

An artist obeys and develops at least three sets of rules.

The first set of rules is concerned with the laws of categories of art (meaning genres, mediums, etc.). Obeying these laws is one of the conditions required to construct a work of art into its perfect form. Let’s take 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 can’t be shown in a movie. In this respect, some movies based on the Bible are not convincing at all for that exact reason. *The Passion of the Christ* can serve as a counter example because Mel Gibson adhered to the laws of his medium.

The second set of rules to obey is concerned with canon. From ancient Greek tragedy and sculpture to medieval poetry to classical music and so on, 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, which was invented by someone else, or invent 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 is the most mysterious. It is concerned with the “dictatorship” of the author’s own work. In other words, this set represents that 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 different world. To reiterate

* Here, and throughout the book, I refer to "Antiquity" according Russian tradition, meaning the ancient Greek and Roman civilizations which developed approximately from the 8th century BCE to the 5th century CE.

from before, it is new and it is real. And it becomes real when all its elements play together without a single false note. In short, the new world is real if it is shaped in a perfect form as I have said before.

We can always hear a false note when it is played; we can always see when a painter makes the wrong stroke; in general, we can feel when an author breaks the rules of the world he has created. That is, we can always feel when an aesthetic form is broken, when its perfection is undermined. I always remember a very compelling example—Clive Lewis's *The Chronicles of Narnia*. 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 that beautiful world he created; he had ripped its form for the sake of religion and morality. What should Lewis have done to keep Narnia alive? He should have followed her rules. He shouldn't have directly preached but kept Narnia's form as perfect as it was.

This may seem contrary to the idea that an author's feeling dictates the form, but it's not. That means that the form must represent the author's feeling. It follows then that the virtual world should be free to dictate its rules. The more talented an author is, 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 acts his creation. If we agree that an imagined world is, in a sense, a living one then we see it as independent—independently acting, independently developing.

The main rule for a creator is paradoxical and is thus: 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's recall that a piece of art is a message. Thus, the talent of a creator consists of allowing his creation to speak for itself. This illustrates and stresses another side of the real logic and psychology of the creative process.

The author relates a message when creating. That 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? The same thing that happens to all of us while we are thinking—we talk to someone else in our mind, in our 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 don't quite clearly realize who we are talking to, but this is on the 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 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 the 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.

Art is a dialogue (yet another definition). 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 it can occur 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 for and, at the same time, the motivation to create. It is another law of the nature of culture! Even if an author creates for some superficial reasons like money, fame, or fear of punishment, these affect him on the surface only. No outer reasons add talent to a work of art. Free inner speech (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 that is art beyond works of art. Let's explore some more phenomena. We assumed there must paradoxically exist some generic thought patterns, some ideas representing art. They work as engines, producing thoughts, new ideas and forms of their expression, people's interest in and understanding of all those new elements of humanity, and even new human behavior.

How does it happen? Any and all ideas become most refined and developed when they are fixed into a form, a work. After that, they may play an “instructive” role, either by staging examples to follow or even by being taught. But the most important role of a work of culture is not to be an example to follow or learn. It is to provoke another creator to create. It could provoke and invoke a desire to understand or to follow, to go further, to argue, to criticize, generally speaking, to induce another 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 on whatever level, it is important to stress that these forms have been and are being created. After the creation happens, the “added culture” spreads into the vernacular, gets fixed in the written language, rituals, clothes, meals, and so forth and, sooner or later, fires back—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 exclusively the human way of life.

Once again, culture is born of works of art, 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. this will not add up to the entirety of culture. It 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; 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 Shadow Palace
-Osip Mandelstam

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 to one another, etc. Thus, an artwork creates new layers of the human way of life; in other words, new insights on humanity itself. This was said in the very beginning.
- Particularly important is that the relations of people to art are essentially the same as the relations of people to one another. Since the arts are developing these relationships, they bring the new human ways of life to society.
- In doing so, the arts disseminate ideas, which are exclusively human to desire, to value, to be interested in, to hate, to like, to fight, to encourage, to ameliorate, and so forth.
- Beyond that, the arts bring in ideas in an exclusively human way via aesthetic form thus developing the human ability to perceive.
- Remember, the virtual world of an artwork must be recognizably ours and intriguingly strange in order to work. Thus, the very ways a work of art influences us comprise some fundamental features of human nature—curiosity, empathy, and reflection.
- A work of art directly enriches personalities of its author and its 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.
- Arts develop the spectrum of the simplest human senses via the development of new genres and kinds of art.

- Particularly, arts develop further and deeper basic sensations of space, time, and movement.
- Arts develop the sense of historical time and universal space, which translates into the sense of 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 within the arts that people develop, employ, and revel in their most powerful and fundamental abilities—creativity and freedom.

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

The Reality of Art and Civilization

And so, we can see that if it were not for the arts, no civilization would ever exist. 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 of the physical world provoke creators to reflect them in imagined worlds. These are imaginable in new ways every time they meet an audience. This is how creations bring about perceptions and understandings of new ways of human life and thus cause changes to societies. It is up to civilization to accept or to deny what culture brings in. Both scenarios have occurred throughout history.

Mostly, they fight each other. Culture questions civilization. Civilization, in turn, denies what culture brings in, fights creations in different ways for different reasons, punishes and stages obstacles for creators, disseminators of art, and the audience. The very first thought that would come to mind when we think of such fights is about censorship. This normally leads to the idea of a tyranny or dictatorship. 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 sometime ban on *The Adventures of Huckleberry Finn*—this lovely book 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 the 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, beyond

this book, the interrelations between culture and creativity are not that clear. This can be seen by looking at many of dictionary definitions of culture, such as these taken from the One Look dictionary (www.onelook.com), which, in turn, takes entries from a great deal of other dictionaries, such as Merriam-Webster Online Dictionary (www.merriam-webster.com), Cambridge International Dictionary of English (www.dictionary.cambridge.org), 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 the most important Point—its development. Development is included in the very idea of culture as such 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 above-stated definitions are related to the current subject at hand (the culture of mankind) in the sense that they have been born within culture and continue to give birth to other forms of culture. If we disregard the continuous process of the development of culture as part of its 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 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 novelty stops coming in, all the culture developed thus far will immediately turn into forms of behavior only and, as I said, essentially would not differ from some complicated forms of animal life. Likewise, if thinking stops, speech loses sense and doesn’t differ from animal communication.

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

One more important dimension in the culture-creativity tandem is worthy of recollection. It is author-to-audience relations. Remember, a single piece of art represents culture 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. That means that culture presumes, encourages, promotes, develops, and depends on a creative audience.

Creator and Audience: Who Owes Whom?

We remember that a work of art is a message, which means 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. I believe many of us can recall countless times when ideas popped up in a friendly conversation or in an

unfriendly quarrel absolutely 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 himself or with another person in his 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 the situation long after the conversation itself is over. They continue discussing and arguing with their absent opponents; however, if we look at them from our side, we can see that they are really talking to themselves. Who owes whom in this case?

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

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

The audience is comprised of all the creative people—any time, any place—who are able to understand the author's work. In reality, we have to talk about the entirety of mankind here. The author, while creating, talks to mankind and gets answered by mankind; he gives and receives. Mankind and the creator are on par. This is in the nature of creativity and, thus, in the nature of culture.

Creator and Culture: Who Owes Whom?

So mankind and the creator are on par. That 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. First and foremost, it is measured by the different voices presented in works of culture. This is an obvious assertion now, coming from the fact that the most general developing mechanism 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 are radically different in their approaches to philosophy. Because of this difference, they caused tremendous development of the antique culture. Naturally, it wouldn't 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 B.C. to believe that the Earth is a sphere simply because the sphere was considered to be the most perfect form! Of course, this is one small example of an idea at work which propelled the antique authors and was developed by them. But...

We have to return to the first half of the paradox. And indeed, what does it mean that the idea "was developed"? That means two things: the author is representative of his culture, and at the same time, he is different from his predecessors, peers, and followers. Mainstream ideas of a culture propel dialogue (creativity,

humanity, and so forth) of authors, and thus, culture is developed in their dialogue. Therefore, a creator owes culture just as much as culture owes him.

Culture and Freedom

After all that has been said about it, what is culture now? We saw it defined in paradoxes when culture revealed its different faces. These faces are development of human ways of life or as ways of thinking, as dialogue, as a message, as creativity, as freedom. This last face is the one I want to concentrate on now.

Culture and freedom presuppose one another in all of their aspects. I mentioned already that an author must feel absolutely free to build his new world. This is true in the respect of ideas, emotions, art forms and 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 that same way as people require and are entitled to freedom of speech. Art represents some new ideas or new assembly of ideas or new form of expression of those ideas, which amounts to the seed of an entirely new virtual world. Art represents new dimensions in understanding of the human way of life, humanity itself, and let us add now, the new understanding of human freedom. Why?

A human being is innately a free one. Freedom is one of the definitions of humanity. It's common knowledge that humans value freedom above all else. From history, we know about, feel compassion for, and understand people who sacrificed their property, health, and even lives for the sake of freedom.

People constantly try to reach beyond all boundaries of life, no matter how well they have been adapted to current circumstances. An essential aspect of human life is breaking out of adaptation, and we can usually blame culture for this "inconvenient 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 another new one (where we have to adapt ourselves from scratch). It demands us to be free to go, to be courageous to go, to stand up and go, and to reach new horizons. This is why all kinds of tyrants and tyrannies cannot come to terms with culture and therefore hate and fight it. A Nazi once said: "When I hear the word culture, I reach for my Browning!" Creators and people of culture put themselves on the line all throughout history. Remember? People create regardless of reward or punishment! Likewise, people try to reach freedom regardless reward or punishment! Freedom and creativity bear their rewards and punishments in and of themselves despite outer circumstances. In this sense, culture, creativity, humanity, dialogue, freedom—they are all synonyms.

So, What Is the Law? Freedom!

This idea has been articulated, implied, hinted on, and developed throughout the pages of my diary. The fundamental law of nature of culture is freedom. Freedom is the only natural soil on which culture can grow and flourish and vice versa. A creator must be absolutely free to be inspired and to create. His creation must be absolutely free to circulate between, 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 nature of human life.

Arts and Personality

Culture, art, work of art, message to mankind, new world, dialogue, creativity, humanity, freedom... I delved pretty deeply into my deliberations. It is important and interesting though, to see how all these high-end ideas translate into everyday life. Luckily for me, there were five smart people to discuss all this stuff with. I wasn't as much worried about a right question to start with, as I was worried about keeping the conversation going. I was wrong though, and neither took much effort on my part.

Well, first things first. Next time I entered the classroom, I announced my question, "Why do we read books?" Silence, staring eyes... 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 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 show a very good example.

Kappa: So? You don't always show good examples, do you?

Beta: Hey, Kappa, do you like Alpha for 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 we think about looking at paintings as well?

Delta: 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 stress 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 bad 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: Arts Do Influence Us

Gamma: We went to a concert yesterday, me and my folks. And I just listened to the music and liked most of it, but didn't like some of it. And then we got out, 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 down to our house, and I almost got in a fight with Becky (Gamma's kid sister), and we all couldn't stop. Mom wanted to cool us down, but Dad couldn't stop either. In the end, all of a sudden, I felt an urge 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...

Alpha: I don't follow you. What does it have to do with our 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 Jimmy (Kappa's kid brother) always speaks against me because he likes to tease me, and Mom tries to cool us down, and Dad jumps in. Dad tries not to take sides but can't help it. And then we go to watch it again sometimes, not the entire family, but who 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 is this relevant?

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 its heroes, and landscapes, and action... Everyone imagines it their own way! It's like everyone reads a different book while we all read the same *The Adventures of Tom Sawyer*. And when you listen to music, you don't even know whether you think of it in the 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 the 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 very 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: Actually, 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?

Beta: Well, if 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... then how can we tell that books teach us at all?

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

Delta: Listen, Alpha, if books are to learn from, then writers are to teach us, right?

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 picking up on what Beta is getting at. If books are to learn from, their authors are to teach, but if everyone learns different things, then what are the authors teaching? 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 there it goes 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: Firstly, books, movies, music, etc., do something similar to us (Gamma and Alpha were close on that. We just are not sure what it is). Secondly, they do it in different ways (Alpha stressed this). Thirdly, arts change us (this was Kappa's point). Fourthly, argument magnifies the influence of art (this point was a joint venture of Beta, Gamma, and Kappa)...

Arts and Reality

Kappa: You know what? Now that I think of it, 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, it does not matter what art we are talking about, you forget yourself in a way. I realize very clearly that I felt like I was with Tom Sawyer... and all of his adventures... I was there. And maybe, if it was me, my folks were with me somewhere around, you know? It sometimes felt like I was talking to my dad or mom or Becky, I mean my sister. And when it was about Tom Sawyer, then it was for me like talking to... some other boy.

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

Kappa: Yeah! 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 boy, you talk to him a thousand times a day, then he is around 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 great! 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," correct?

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 like we are one step closer to an answer.

Beta: Wow and wow.

Alpha: What? Cat got your tongue?

Gamma: I am saying wow too.

Teacher: Thank you, students.

Kappa: What is this? Some sort of a plot! Say something already!

Gamma: Wait, I am thinking.

Beta: Oh, it is cool.

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

Gamma: All right. You know, who is your President?

Kappa: Our President today?

Gamma: Yes.

Alpha: It is Clinton. 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 the second term.

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

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

Kappa: Ah! It is all artificial! President Trumpet is as much real to me as Tom Sawyer is! And all my likes and dislikes relate to stories I read, movies I watched, music I listened to, etc.

Teacher: Well, there is something there that 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 all our lives. 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 President Clinton, cooked up by a journalist, or is it the journalist who shows his attitude writing about President Clinton?

Gamma: Is it music, written by a composer, or the composer who writes 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 your 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 do join in, Alpha?

Alpha: Join what?

The Second Summary

Beta: Hold it, hold it! I have a question. Our mind is like a play where images of real people and heroes of artistic works all act out their roles. Can we sum up it this way?

Teacher: It is an intriguing summary!

Author-Character-Audience

Beta: OK. Now, I read a book and feel compassion for 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 feel exhausted.

Beta: Actually, I'm ready. Remember that last thing I said? That we don't know what really affects our mind—a person that argues pro some idea, or the idea that is argued for by that person?

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

Alpha: Huh? Now, it is not enough for you all to treat literary personages like real people? You want an idea to be like a person too?

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

Alpha: Are you serious?

Gamma: Listen, Alpha, hold on. 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 some kind of feeling to describe.

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 to 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 loves this boy and makes us love him as well.

Kappa: Yes, exactly! He does not teach us a thing! He just makes us love him! This is it. This is just it. This is the word!

Delta: Does Mark Twain like Sid?

Gamma: I don't have theory either, but it seems to me, 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 got derailed completely.

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 at 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 love Tom Sawyer.

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

Alpha: Just another of the same kind.

Beta: Yes, but I want to single out one moment. That is when two crooks sold Jim back into slavery for forty bucks. I felt like I was going to cry along with Huck!

Alpha: OK, slavery is bad. 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 was desperate. So now, I do not just love Huckleberry, but I got into thinking about slavery, and believe me, it still bothers me.

Gamma: I think, I owe all of you another summary now.

The Last Summary

Teacher: Go ahead, Gamma.

Gamma: Look, uh... remember we were talking about President Clinton? That his journalist-made image is real to us, while we know nothing about the man? I now think that all we love or hate in this life is clarified and taught by arts.

Alpha: Told you.

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

Alpha: Between what and what?

Kappa: Between knowledge and feelings! Understood?

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

Gamma: Almost. It feels kind of scary. Let us talk a little bit more.

Alpha: Are you scared of your own fantasy?

Gamma: You bet. OK, we're sure now that arts do influence us greatly. 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” itself... That process—it is the process of talking to each other and inside our own minds.

Kappa: The arts bring in actors to act in all our conversations.

Beta: And ideas.

Gamma: And scenarios.

Teacher: You think you proved it?

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

Gamma: OK, I pick it up. The whole of our mind is directly or indirectly made by the arts.

Teacher: Wow!

To My Reader

This time, I was going to squeeze and summarize the ideas my first graders would come up with. I wanted to stress the “right” points, underline unanswered questions, provide some extra logic. In the end I saw no reason to do that. The whole time that I listened to the dialogue, I kept wanting to jump into the discussion. The subject began to become slightly clearer to me, and at the same time, my head was boiling with ideas. I was enervated and wanted to keep on discussing, thinking, writing, reading... This boiling matter in my mind was the best thing ever happened to me. I went on with writing, .. but had not gotten very far until our next conversation—just a few notes.

Addendum: From Child Psychology

These themes are slightly aside from the main one discussed by kids. Still, they are obviously in close relationship.

Child Greediness

There is a certain phenomenon in child behavior, commonly regarded as greediness. Children dislike to share things they are attached to. The attachment can emerge at once, like love at first sight. As far as parents regard this kind of behavior as greediness, they try hard to disapprove and “fix” it. In reality, this means that parents and other adults simply hurt the normal psychological development of a child. The phenomenon we are discussing is of absolutely different nature. It is not an ethical issue but one of 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 and otherwise accepted by the child things. When adults try to remove something accepted by the child, they plainly damage his consciousness in its current stage. 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, values. This will be a case of a person having, in a sense, a reduced soul.

Child Aping

There is another phenomenon in child behavior, regarded by some as “aping” (mimicking, repeating, mocking). Children tend to repeat one after another. It is generally regarded as something not-quite-positive,

while in reality is another extremely important aspect of child development. It is a way to acquire ideas, expressions, some activities, etc. There is no way for psyche to develop normally without aping.

Culture Beyond Arts

When we were discussing the nature of arts as a branch of culture, it was both difficult and easy. It was difficult because the subject is quite mysterious, and it was easy because arts are the most typical representatives for culture. Moreover, arts are so special that they tell a lot for themselves. Now the question is what about other areas of human life and activities? Is there a place for culture to show itself there?

The first answer I can offer is that as soon as we define culture as the realm of creativity and dialogue, we face culture whenever we encounter these. However, it is too abstract. I would like to feel how it really works.

Thinking about the subject, I surprised myself once when found that creativity may show up even in the least creative case: production of some simple, well-known goods. When you produce something, there are some physical materials you use, time you spend, and ideas you implement. Even in the case you produce or participate in production of an article created by others, your own ideas can be used in your activity. Why? Because creativity is always involved in human activity unless it becomes totally automated. In the least creative process, you can and normally do use your own ideas (few of them, though) while, of course, it is mostly ideas of others get implemented. Tons of ideas of different people have been collected in the course of history and set in the simplest product of contemporary industry. On the other hand, every single idea out of this huge set was invented sometime.

That sounds reasonable... but creativity in a noncreative process?... Sounds too weird. Again, I found myself not advancing too far in the analysis of the subject, so... I was not to worry. My fellow researchers had gotten considerable muscles in the course of previous two conversations. Hence, I found it 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: This never harms.

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

Teacher: Of course.

Alpha: I know! It is when someone hasn't prepared for a test. One should be verrry 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 doing arts. That's got to be true by definition!

Teacher: Not necessarily.

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

Teacher: Not necessarily.

Gamma: I watched a movie—*The Moderns*. There was one very talented painter, and he got a commission to make copies of some of Matisse's paintings because the customer wanted to sneak 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 single 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: Maybe it is something like understanding of other people? Don't you think?

Delta: You mean, to see all of the details on one's painting and reproduce them?

Beta: Look, what have we got here. If exact reproducing requires creativity, then not-exact reproducing, when you substitute author's details by yours, is not creativity!

All, but Alpha: Wow!

Gamma: How can it be?

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

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

Gamma: But can it be that a talented work, even if it is copying, is not a creative one? What is talent for?

Alpha: How about photography?

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

Gamma: So? There are interesting and telling pictures out there, and there are many of them that are good for a trash can only. How is this possible?

Beta: That's where I was heading. When you make a picture and manage to get what you wanted and how you wanted it...

Delta: You mean, when you have a goal to catch 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 like you have to have some goal.

Beta: I understand, you have to be prepared,... but this 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 on me.

Beta: I'll join in.

Gamma: I'll do my best.

Teacher: Alpha, do we join?

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 really be creative in taking a test he is not prepared for? Does this question stand?

Alpha: Baloney.

Delta: Continue, Kappa. You got one.

Beta: Generally, if you do not know something, then it becomes a problem to solve...

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

Alpha: But this is 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, whatever you say.

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

Alpha: That's enough! You want to discuss me or our subject?

Teacher: Our subject. 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 do not know where to go, anyway.

Alpha: Exactly.

Delta: OK. We don't know where to go anyway, so we need as many questions as possible.

Alpha: And to stay here overnight.

Gamma: It is destructive!

Alpha: What?

Gamma: What are you doing now, is destructive.

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

Gamma: Do you really hope to solve it today?

Alpha: Why do we even start it if we do not want to solve it?

Beta: Who said we don't?

Kappa: We've counted two questions so far. The third one would be whether doing arts 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 work is talented, does it mean that creativity was required and involved?"

Teacher: An excellent formulation.

Kappa: The sixth question: is copying of a painting like understanding of an idea?

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

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

Gamma: Kappa said "like."

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

Delta: Of course! You never repeat after someone if you do not understand what was said!

Beta: Yeah, I'd agree. This does not mean that repeating and understanding are the same.

Gamma: What does this 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 sound like: 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 copier is creative because he is seeing all of the details.

Gamma: I got an example when the seeing of all the details relates to creativity. It is investigation.

Beta: Hey, 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 does not know the criminal's plan and actions, thus, he has to invent it from scratch and check against 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 and happens to be less creative at the same time? Wow!

Teacher: Have we picked all of our questions?

Kappa: There were few more... about photography... Does creation relate to some goal?

Beta: I would ask another one. Does seeing something unusual mean being creative?

Kappa: Seeing again?

Teacher: All right, we got a pretty decent list. I would add one last question. Do all creative features of human activity equally apply to arts and nonarts? Or better put it this way: do all of our questions equally apply to arts and non-arts?

Creativity and Goal

Beta: We've been touching this problem all the time.

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

Alpha: Don't blame me.

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

Alpha: Aha! Thus goal can be disruptive!

Delta: Maybe there could be different goals?

Alpha: Look, like I said, suppose you go out to make a picture of your friend, OK? Then you see a beautiful flower, OK? And 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 that one of the flower can be spoiled as well?

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

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

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

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

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

Delta: I know. The goal number one—to get something special on Film. The goal number two—to make it beautiful.

Alpha: Here we go! The goal number three—to make it quick!

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

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

Delta: Go ahead.

Kappa: What if you realize all the three goals but cannot make it? You click, click, click and nothing good comes out. What then?

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

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

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

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: Have an example?

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

Alpha: I did, so?

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

Alpha: She is not that stupid.

Beta: Hey, let's return one step back. It was interesting. Alpha said it could happen, I mean a picture get spoiled if the photographer could have a trivial aesthetic goal or what?

Teacher: It is correct.

Alpha: I didn't know I am that smart!

Gamma: Remember that movie *The Majestic*? When the producer suggested changes to the movie scenario? In the beginning and in the end?

Kappa: Yeah, yea! He said such stupid things!

Delta: And he could have them all done!

Creativity and New Form

Teacher: Looks like we are approaching another summary.

Beta: May I?

Teacher: Sure.

Beta: In order to create, an author needs, firstly, to have a subject, like he wants to make a picture of someone. Secondly, to have an aesthetic idea of how he wants it, how to make it beautiful. Thirdly, the aesthetic idea has to be kind of unique. Fourthly, to be skillful enough to implement these three. Fifthly, to catch a moment when all four meet.

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

Beta: Why?

Delta: You said catch, 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 catch a 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 make a quick shot when you see it is worthy. This is 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 here.

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

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

Alpha: Ah, long time.

Gamma: Why not? You guess and check it, and guess again and check it again... until you have gotten what you like most,... 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 talented, 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 genius works.

Alpha: Mozart was a genius.

Delta: You can do guessing and checking in your mind 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 really so important?

Alpha: What?

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

Alpha: I didn’t start this.

Beta: It is interesting although is not relevant to the initial question, I agree.

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

Beta: I cannot skip any one of them.

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

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

Kappa: But you really don’t know how to make a beautiful picture in the beginning, right? How does your aesthetic goal work then?

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

Kappa: What if you wanted to make one picture but happened to spot another subject?

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

Alpha: Why don’t you make “nothing” your subject then?

Beta: Still have to have a subject.

Delta: OK, what if we ask another question. Can these points of yours be applied to art only?

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 having some subject, right?

Beta: ...Yes, obviously.

Gamma: Can one be non-creative and 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 be noncreative!

Gamma: That the idea should be unique? This works by definition, doesn't it?

Alpha: How will one know that one's idea is unique?

Kappa: What do you mean?

Alpha: Someone could have had the same idea earlier.

Kappa: What difference does it make?

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

Beta: Definitely... You are seeing something new and you know it is new.

Kappa: Seeing?!

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

Kappa: How about a photograph?

Alpha: No, it'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 your way.

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

Kappa: No one will!... Until you point it out! This 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, do it again until you like it. It's like you're seeing something in your mind and try to match it...

Teacher: What is it?... Assuming the subject is here... and the subject is seen for every passerby. Remember that flower *Alpha* suggested? But you, creator, have to see something invisible for 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 things around it in my mind?

Alpha: You do nothing around it! 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 everything we have been discussing and repeating the same thing like a parrot over and over and over?

Kappa: Beta!

Beta: OK, OK, sorry.

Teacher: I think we have gotten to a very interesting point. At the very moment of creating, you arrange things in your mind in some unique-to-yourself way. I think this is the essence of 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 things aside from art as well.

Alpha: To 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 theme of test. Maybe you have a say on that?

Teacher: Actually, I do not see what the specific situation of the 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 to research different examples.

Teacher: This is absolutely perfect! Who is to implement the idea?

Gamma: I can do it: A creation happens when a creator catches a form so that he can arrange his subject in some 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 some 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: If you say “arrange things in some new way” it is just long for “create.”

Kappa: For me these are not simply “long” and “short” because the long formulation 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 some new form.

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

Gamma: For example?

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

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

Alpha: Ah. The Chinese invented gun powder rockets looong ago. And there were aircraft invented. What it took was just to join these 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—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 a very interesting assumption! A new idea equals to the new form in which to arrange some known things!

Alpha: Is it not what we were discussing for the last half an hour?

Delta: Five minutes at most... After Gamma gave away her last definition.

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

Delta: I am not up to it either, to be frank... Beta, can you elaborate?

Beta: I realized that a new idea is totally equal to the 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 still 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,... 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 a new content by arranging the old one 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 here?

Teacher: I think it is possible.

Alpha: How?

Gamma: It is probably like investigation. You have to restore all the details in one right picture for yourself.

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

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

Alpha: What does it mean on earth!

Gamma: Look, Alpha, when it comes to investigation, different people see different things although they all look at the same crime scene!

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

Beta: Hey! You've got a good point!

Kappa: Wait, wait. What is it? It does not matter what you are looking at? I mean, whatever you are looking at, you have to arrange what you see in some form in your mind...

Delta: And if this is 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: Looks like it can be even more creative than the original work.

Alpha: Oooops.

Gamma: How is that?

Beta: May I?

Delta: Go ahead.

Beta: Say, you arrange things in some new form. This means you invent 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, you are kind of doing two arrangements at once.

Kappa: Ha! This is why people do not understand each other!

Gamma:... So, we have 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 is in invention as in arts, like with jets. That example that 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 whenever we come across it—in arts, in technology, in investigation, in pure human communication, everywhere! The only things which change are the subject and the role of the outcome.

Teacher: And this is always arranging 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 the original work. Is that not weird?

Kappa: Hmm. It actually sounds very 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 does not exist when it gets created for the first time, but it does when it gets grasped by someone else, not the creator.

Delta: It is obvious, but what does "gets 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 takes sometimes centuries for humankind to understand some new ideas, inventions, or art that some individuals came up with. Understanding is creative!

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

Journalist and Writer: Going in Circles

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 ever-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, photography?

Teacher: Yes, like those.

Delta: Do you have something specific in mind?

Teacher: I am not sure yet. Cannot we collect some examples together?

Beta: What are we looking for? I am 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 it?

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 there.

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

Beta: Well, the question stands as usual. One journalist makes up the story that nobody wants to read, and another one does so that people rip the paper out of each other's hands to read it!

Delta: I am not talking about "made up stories"!

Beta: Actually, I am not either. But whatever the facts are, you have to arrange them in a story! Different journalists would do this differently, right? It can be terribly boring, and it can be incredibly exciting, right? And facts on the ground still would 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: Could it be only in those cases when a journalist does not have a specific task and encounters something extraordinary?

Beta: But this changes nothing!

Alpha: What do you mean “nothing”?

Beta: I don’t see how this specific case changes anything about what we understood of creativity itself. If it is always the arranging of known things in a new form, then all of circumstances mean nothing.

Kappa: But we are exploring how it works in different circumstances now. This, 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, the creativity itself is the same here. Both the writer and the journalist have to arrange things in some 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 to make them feel involved...

Kappa: This is right! This is perfectly right!

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

Alpha: I didn’t get that. It is all the same, it is all the same, it is all the same, it is different!

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

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

Beta: But they use those differently!

Alpha: How?

Beta: 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 engage the public into the events happening right away, and he can use whatever he wants to do it.

Beta: Hmm. Actually the same thing can happen to the 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 writer is not? People just know that the journalist 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 equal work, it is judged and valued by the public on different bases?

Beta: This is what the public would think.

Teacher: What do you mean?

Beta: It is simple. If they both do the same 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 one in a newspaper.

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

Alpha: The writer can write about his dreams, what the world could be like. The journalist is writing about reality.

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

Gamma: We are all going in circles, but I got a kind of 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. Is it not the same about fiction?

Alpha: Like in Stargate, ha ha ha.

Gamma: Like in Stargate. The difference is that those fictitious events substitute real ones, and thus, they stand for general ideas while in a newspaper, it is directly about what it says. Ah! All of this was already said today!

Kappa: Yes, but it is amazing how differently things look in the beginning of a discussion and after a while. My first impression was that fiction and newspaper articles have nothing in common. Then you start to analyze them. The journalist writes about current events, but the 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 how the public perceives their writings. If it is fiction, the public gets involved in fictitious events and feels easy about them. If it is news, the public gets involved in thinking about the immediate physical reality. Well, I am asking myself if this is really so, and I am in doubt again.

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

Discrepancies between Two Worlds

I want to reformulate the very first assumption I started with. Copyright and patent related laws in the United States are all based on the 8th item of the Article I, Section 8 of the Constitution, which states that one of the powers of the 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 to play games? It is not an assumption. To the best of my knowledge, I understand that 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). Naturally, I mean culture as I understand it, as I tried to describe, explore, and explain it thus far.

Now we have an assumption too. Exclusive rights cannot provide for promotion of the progress of science... (read on the Constitution). 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 are applied to.

This is a crucial and decisive point. 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 certain basic human rights in the Western World. Ownership of real property (belonging to the world of civilization), for example, is considered a basic right and an owned property is unalienable from the owner and his 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? The exclusive rights have “to promote the progress of science and useful arts.” A 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 formulated a few points of difference between “things” belonging to these two worlds. The term “discrepancies” which I used here, is not quite proper one, because the world of culture cannot, must not, and does not coincide 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.”

Material Things Versus Cultural Phenomena

Exchange

Cultural phenomena and material things can be shared, but cultural phenomena cannot change hands. Once more: physical things change hands while cultural phenomena can be copied or just remembered by other people. One does not lose an idea when it becomes known by others. One does not lose a movie when it gets watched or copied by others. One does not lose a musical piece when it is heard or recorded by others. In general: one does not lose a cultural phenomenon when one shares it with others.

It is important to note the extremely interesting fact that ideas reflecting values of physical things must be shared by both parties for these things to be traded. The trading of physical things or services without sharing of ideas is either impossible, or meaningless, or harmful for one or both parties and for the trade itself, for market, and real property in the end.

Usage

Let us take tools, for example. They gradually lose their physical abilities, 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 single usage.

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

Use of Physical Things

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

Material Need Versus Cultural One

When your body feels a physical need, it signals you. After the body is satisfied, you normally do not feel the need any more. 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 one needs access to culture. Nothing would signal a person the need to read a book, to listen to music, or to watch a painting. Satisfaction from a cultural phenomenon is of different nature. It is close to satisfaction from a normal communication between people. The latter develops if it is interesting to interlocutors and thus is growing with “satisfaction.” Generally, we can state that the need for culture increases with “usage” and “satisfaction.”

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

Relationships between Physical Things and Cultural Phenomena

First of all, it is necessary to distinguish between physical things that have their own value and pure media that actually have no value of their own, but derive their value entirely from bearing cultural phenomena (books, musical records, movie tapes, etc.). I would term the issue as “value dynamics in consumer goods versus tools versus media versus artifacts.” Let us define these categories.

- Consumer goods mean things to be consumed and thus to disappear. They lose their form while activating their value. The most typical representative of this group is food. People who buy and use consumables are consumers. An important point is that normally people do not “put their soul” into

consumables, do not feel a personal affiliation with or attachment to them.

- Tools are supposed to be 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, fit the notion of customer. Since tools are normally used for some prolonged time, people can develop some personal feelings toward them, but this phenomenon is not in direct relationship with the nature of tools. They do not appeal to feelings by nature, they just have to function.
- Media are things that do not have intended value as physical ones, but get value exclusively from inscribed cultural phenomena. They are exclusively intended to communicate with people. Media gradually physically depreciate while being used, like tools do, while inscribed cultural phenomena normally appreciate at the same time. People, who buy and “use” them, are audience.
- Artifacts normally are things which once were intended to be valuable for their physical features, but derive their value mainly from unintended cultural use. These are, for example, unique old buildings, cars, tools, other relics, collectibles, etc. People, who buy them or buy access to them, are collectors-visitors, tourists. The best general name for these categories would probably be “collectors,” but I do not insist on that.

There are two general points we have to stress. Firstly, some physical things can compound features of the types described above. Secondly, this happens when people mix their social conduct or attitudes toward things. For example, a family can live in a unique old mansion suitable more for a museum than for casual dwelling. Another example is when someone buys a house, but treats it like a consumable, puts no feelings in it, and sells it at the first opportunity. Yet another example of a general nature is that when a work of art is considered as something “to entertain” (and usually to be forgotten by) people, thus turning the work in some kind of a consumer good and correspondingly turning the audience with such attitudes into consumers.

The above were my first thoughts, which hadn't looked as clear as I would like them to. Anyway, I brought them to my students. I had not even tried to be very elaborative, because I expected nothing else 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—this was what I got. Moreover, the subject had slipped away and provoked us to turn to economics, ethics, and other areas all along.

OK, you can see and judge it for yourself. When I finished my short speech in the class, I faced a real curiosity. It did not take long to get the first question.

Books-People-Meals

Alpha: Why is that “cultural satisfaction” increases desire? When you go to 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 never watched movies, you wouldn't know whether you need it, or not. You probably wouldn't know this even after watching a few movies. However, if you don't eat for a while, your body starts to bother you and it is doing so until you feed it.

Delta: By the way, if you are getting hungrier, you become less selective.

Alpha: So?

Delta: Let's see...

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

Delta:... True.

Kappa: What kind of difference does it make? It makes sense. If you like certain music, say classical, you will not listen to something completely different, say rap, even if you have not had access to any music for a long time... We are differently selective with meals and 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, valuing some and being disgusted by others...

Alpha: Isn't it the same with 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 sometimes change your preferences when it comes to arts?

Kappa: Hmm.

Delta: Interesting... Listen, food companies try to bring new products to the market pretty often. While entertainment companies keep certain kinds of stereotypes as long as they can.

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

Delta: One movie? No. But the same stereotypes you recognize all along.

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 it 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 will not.

Kappa: I will.

Alpha: Baloney!

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

Alpha: Because you make 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 to. It is their religion.

Teacher: And you are sure this does not make any sense beyond the obligation?

Gamma: It always does. It is 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 one like a boring person, generally speaking?

Gamma: Say, parents are boring. Someone can have boring parents. But they still can be parental, kind, lovely guys.

Alpha: I bet their kids do not take every single chance to visit the old folks.

Kappa: Probably, you're right, but this is not normal.

Alpha: Why?

Kappa: You can't measure people like things! This one's useful, this 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 plain a jerk, or whatever negative character trait you can only imagine. I read all kinds of stories like this.

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

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

Alpha: It probably has something to do with reality, but you never know what. 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 matter of perfection at all. You don't choose friends on those grounds... I mean, whoever you choose to make friends with, is perfect for you, that's it. I don't know what that means, really.

Beta: It is the same with books, music, movies...

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

Teacher: It is an impressive list.

Delta: But those things are different.

Alpha: What do you mean?

Delta: Remember, I said this before. I just lost the idea then. 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 take 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 gets in your way. 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 would rather wait until you can watch that one you wanted. Say, if you like comedies, you will not watch a thriller under any circumstances... I said, it is different. It is obviously different. You would understand.

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 would 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 is stealing.

Beta: I wonder, why? I am perfectly comfortable with the notion that the sharing of 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 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 into this. Why don't we consider this stealing?

Alpha: Hasn't he been advertised by my efforts in this case?

Gamma: Yes, but this is not quite the same. He has to tell who 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 you are getting! If I make a product or service, that is based on your recipe, to be more known, I serve you! Moreover, if I make you more known as the introducer of that wonderful product or service, I advertise you and your business! You get more customers that 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 is mine, thus money derived from this idea belong to me!

Gamma: You can share it. A portion of it will be attributed to the idea, that's called royalties, and all that remains belongs to the business.

Alpha: That's what I meant.

Beta: How about those revenues gained by Alpha from my work? He clearly gets them. Shouldn't he share?

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

Gamma: Listen, listen! I've got 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 such a law that if you get my recipe, you have to tell everybody who you got it from! You will not advertise me, and I don't owe you anything whatsoever, but you do!

Gamma: Who was talking about a law?

Alpha: Law is reality, isn't it? What are we talking about if it does not concern 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. I would say that we want to figure out what a law is supposed to be to ideally fit specifics and relations of 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 I was interested in. 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 in order to serve.

Alpha: To serve what? Or whom? You or me?

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

Delta: Law is to serve the people and the country. We have to look at the issue from this stand point.

Teacher: May I narrow this down a bit? Our question can sound like this: in which case does a law serve Alpha and Beta and our country best? The first case is when Beta is required to pay royalties for usage of Alpha's recipe. The second case is when Beta is required to give Alpha proper attribution.

Alpha: Why not both?

Kappa: True, why not?

Delta: Well, if you ask why not, someone may ask why yes?

Beta: I agree. We have to put forward criteria.

Gamma: We already did. It is the general 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, it compromises my business and decreases my competitiveness. I can do everything as good as Alpha does. I can make meals as fresh and delicious, I can maintain the premises as comfortable, I can put as much money in marketing, and still I will 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 absolutely fair because you built your business on my recipe!

Delta: The business is built by Beta's effort.

Gamma: Well, it is natural that Alpha wants Beta to share his money, but what about our criteria? What is good 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 recalled my question...

Alpha: Remember what Beta offered? He wanted to advertise me for free! Does this not put me in better conditions?

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

Alpha: Really? This 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 even this is always good 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 says, who he learned the recipe from, this does not necessarily mean he loses. 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, but some would admire the fact of the tribute. Both businesses get in 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 are not afraid to name a competitor, this means your business is that strong that you are not afraid.

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 can 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, he didn’t jump on the desk, like someone else sometime ago.

Teacher: Gamma, what about your question? Are you still keeping it?

Gama: Aha. When you cook some exotic meal, you use a lot of different ideas, inventions, and techniques, 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! What do you think?

Delta: So everybody will have to sit down and calculate royalties day and night and do nothing else.

Gamma: And this will make no sense at all.

Beta: And then they’ll forget about the royalties one day, stand up, and go about their business normally.

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 go with attribution. What about those thousands of ideas now? Do I have to sit down and write down all ideas I use, to conduct a research, to determine their authors, and then to 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 all life long but for some 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 that very time when it is the most difficult 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 some conclusion. Free sharing of ideas plus honest attribution boosts businesses, competition and thus benefits everyone!

Gamma: Yes, and why would we look for anything else?

Beta: Well, Alpha can argue that profits reward businessmen efforts and benefit the public in the end; but how then is creativity itself 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 as well. 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 will not reveal it whatsoever!

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 into 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 tell something really new. Reveal your recipe in exchange for attribution.

Alpha: Ah, it is new. 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 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 repeat yourself what we concluded earlier.

Alpha: You concluded?

Beta: Yes, we—I, Kappa, Gamma, Delta, our Teacher... 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 here, we just have different ideas.

Alpha: Exactly. Different ideas we have, we do.

Gamma: Well, I believe they all deserve some respect.

Alpha: And I displayed disrespect, right?

Beta: I would say so. You don't even want to repeat others' ideas. What 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 repeat after me?

Beta: It is not that I want to, but I can, if you wish me to.

Teacher: Yes, Beta, please do. Let it be our first summary today. Do you mind, Alpha?

Alpha: (*sbrugs*)

Summaries

How Royalties Are Supposed to Work

Beta: OK. Some inventors would like to get attribution and royalties from every business using their inventions. This seems to be fair and will reward creative work. Thus, it becomes more attractive for people to invent and to reveal their inventions to the public. Did I tell everything, Alpha?

Alpha: (*sbrugs*) There is one more point. You cannot give attribution for every single idea you use. This is why I proposed a limited time, say ten years. After ten years of public use, an idea becomes common knowledge and attribution is not necessary any more. Then business use of the idea does not require attribution anymore, and you don't have to collect zillions of references.

Teacher: Very good, Alpha. We have all of your ideas summarized. Now it is your turn. Please, make a summary of Beta's ideas.

Alpha: I had to fix what Beta said about my ideas, anyway. I believe he will 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 in the end of the day we have to do summaries of each others' ideas, we will pay more attention to what everyone says.

Alpha: I remember everything all of us said. I just do not feel like I want to repeat after Beta.

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 a proper

attribution, then he gets advertised by all these people, becomes famous and rich. He becomes even more credible if he gives references back to those who use his invention. All the uses and attributions increase 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 as businesses do normally... Did I get it right?

Against Attribution

Teacher: I think so. Now, I believe, we can summarize 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 sustained.

Teacher: Please, Alpha.

Alpha: Firstly, as a creator, I would not like to wait and see how other people make money out of my creative work and tap me on a shoulder for gratitude, because that reference of yours is nothing more but a tap on a shoulder. It costs you nothing, while you earn money and I don't. I would not introduce any other invention in that case. Secondly, you cannot provide all of zillions of references anyway. So, some royalties paid for limited time will 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: Yes, summary of what was argued against royalties, so far.

Kappa: May I?

Teacher: You bet.

Kappa: Firstly, if there are two businesses based on one and 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 business and give it to another, this would give an advantage to it over the first one, hamper the competition, and so forth. I even believe that business, which has to pay royalties on the top of all other expenses, may not start at all.

Alpha: So? The owner may go about something else. Why would they take something from me for free? Why don't they take my equipment as well? Ah?

Delta: When someone takes your equipment, you lose it. When someone copies your idea, you still retain it. You lose nothing. There is a big difference here.

Alpha: But I lose money! How many times should 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 told this yourself at one point and then you called it "tap on the shoulder!" You changed your opinion ten times today, never considering all 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: (*Puzzled*)

Kappa: That Alpha's limited time and amount of royalties cannot be determined by market forces and should be set up artificially, based on nobody knows what...

Alpha: I haven't heard this argument before... All of it, except for royalties.

Beta: Does this really affect the logic behind it?

Alpha: We agreed to do a summary and proceed to the initial issue.

Teacher: All right.

Starting Over

Gamma: OK, if we turn back to our topic, I'd like to recall one thing which impresses 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 works of art, while we do this much more easily with other types of things.

Beta: And I would like to repeat what impresses me. Each single use or reference increases the value of the creative work and publicity of its author.

Kappa: By the way, royalties don't!

Delta: Too bad.

Alpha: Hey, stay focused.

Gamma: I think we are. It was one out of our initial suggestions that cultural phenomena increase value while being used. I believe it relates somehow to the thing I was saying.

Alpha: How can we determine this increase in value? There is some sense in your "... reference logic," which can cause increase of value. But there is some rationale behind my "competition logic," which can cause a decrease of value for me. These two logics are just logics. 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 hurting them! Still, it is considered to be a positive phenomenon for an entire society!

Kappa: Actually, yes,... and if we turn to our very subject, this is even more so... I think.

Delta: Why?

Kappa: Because a piece of knowledge is definitely more valuable if it is more known! Isn't it obvious?... I mean, valuable for society.

Teacher: What do you think, Alpha?

Alpha: I think that someone saw a problem two minutes back and now one doesn't. Someone changes one's opinions pretty quickly!

Teacher: Still, what do you think about the idea that a piece of knowledge is more valuable for society if it is more 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 the advice? Just to keep talking without thinking?

Teacher: Hmm, a nailing question... I would say that I have to do two things in a conversation like ours. Firstly, I have to be easy on new ideas... and that actually means putting thinking aside. Secondly, I have to juxtapose different ideas in order to see how they relate to each other and how they relate to reality, and this difficult-to-accomplish job of juxtaposition actually does require, or just is a thought.

Kappa: Wow, that resonates! It is pity we cannot go 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: (!?)

Kappa: Look... But it is a very strange one... I am not really sure.

Gamma: Well?

Kappa: All right, say you got a car, right?

Alpha: Of course, right! Ha!

Kappa: All right... The car works if all of its details work, and all assembled properly...

Alpha: That's new!

Kappa: Now, take one part out and the entire 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 always for it.

Kappa: You can have a small portion of it and it works for you... And the more you have, the more it satisfies you, right? Until you are completely full.

Beta: Well?

Kappa: Now, if you read a fragment of a story or listen to a fragment of a music, it may tell you a lot about the entire work. A fragment can be as meaningful as the entire piece would.

Alpha: But you would like to read the entire story!

Delta: That is right, but the more you read, the more you want to reach the end!

Alpha: 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,... while you eat as much as you need, no matter how much is left.

Kappa: It is my fault. I shouldn't go for meals here. My thinking was about tools... The car was the right

example... A car part is nothing without the car, while a piece of story is always something. It speaks to you .

Teacher: That is right. Looks like another discrepancy around the corner, although it is not quite clear yet what it is. We probably do need to see how meals or other consumables reflect this idea, if they do.

Beta: We stopped at the point that you can judge a meal even if that is just a small piece... And it seems to be the same with music or books.

Kappa: But the meal in this case is all the same, every piece of it! And the story is all different!

Beta: Yeah, but wait, let me finish. There is another similarity here. If you have a dish, even just a small piece of it, and it tastes good, you want more of it then, you eat until you get satisfied. Seems to be the same with music, doesn't it?

Gamma: No, it's different. You may want it, but the music or the novel will never bring you a satisfaction in the same meaning as with food. Music may make you more hungry for it. 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 got lost. It feels like we have an issue with those parts in a car versus part in a meal versus part in an artwork, but it is not clear what it is.

Beta: Yeah. We can summarize it as that when it comes to art a part is in a different relation to the whole than it would with things in the physical world.

Teacher: Aha! Still, it is not clear what comes out of it.

Beta: Yeah... Still this is important... A part of a story can be of the same importance as the entire story... It is like with a person again. You can like or dislike a person at first impression, and this could stay the same over time.

Teacher: Yes, it is the same about idea. You can appreciate it in a short formula, and it will be the same idea in thousands of pages of explanations... Did you finish, Beta?

Beta: Not quite... When it comes to a complex thing in a physical world, it is difficult to judge an entire thing by its part. You may only guess... And the part normally does not work by itself and has no real value. The entire thing without a single 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 bears value, it always does. Having a part, you can restore it.

Alpha: You can restore a car too.

Beta: Yes, but a broken car bears no value, unless you use it as a blueprint! You can retrieve some information from it! It's another discrepancy!

Teacher: Can you squeeze it out for us?

Beta: Well, a broken thing having no physical value may 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 things can be used directly because of their physical features. In this case, cultural phenomena serve to use physical abilities. In case of a broken tool, it is opposite: it serves as a media first, as a bearer of the information, which, in turn, can be used to restore the tool in its physical abilities... A broken tool cannot be used in its supposed 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 use can very well make it less usable!

Teacher: Interesting. Does such decrease happen to consumables only?

Beta: I think it relates... If this is about consumables... They are supposed to disappear while used, so...

Gamma: Actually, this was said in the very beginning. Culture may make up or just increase, or decrease, or even destroy value of physical things.

Kappa: I got another idea... I don't know whether it has something to do with our topic, or not.

Teacher: What is it?

Kappa: People change value of things by using other things.

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 verrrry beginning.

Kappa: Oh, yes, I am recalling 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 happened.

Beta: All right. Kappa, this is for you. A part of an artwork is always equal or greater than the entire work! While in the physical world, 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 talked about it, this becomes quite clear. But how could it be greater?

Beta: I think it can 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 thank you yet?

Beta: Go ahead.

Gamma: Thank you, Beta, so, so, so much!

Beta: You, Gamma, are very, very, very welcome!

Alpha: Come on, people, 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 touching the very nature of cultural phenomena here. It is all about human communication. A book speaks to you, a song speaks to you, the simplest sketch speaks to you. Thus, a part of it speaks to you as much as the

entire work, right?

Alpha: This is about “Kappa’s thing.”

Beta: Right, but this is also the exact reason why we are not willing to easily substitute one piece of art for another one in our life. We would rather add another one but not substitute, right?

Gamma: Yeah, sounds good. While I tend to agree, it is not that clear yet.

The Resume

Teacher: I have never felt that exhausted. A lot of thinking and talking, a lot of ideas, a lot of confusion.

Gamma: I'm beginning to feel compassion for lawmakers.

Delta: Please, don't. It never looks like they feel much troubled by these issues.

Kappa: It is our society then, whom we have to feel compassion for.

Beta: You took it from my mouth.

Teacher: All right, let it be our resume today.

A Few Afterthoughts

These came to my mind while I listened to the students. I just did not want to interrupt them, but made notes.

To Alpha

Cultural need does not die out of satisfaction but inspires thinking, discussing (you said “walk and talk”), criticizing, generally speaking—keeping it (a cultural phenomenon) to yourself, remembering, recalling, repeating, quoting, following, etc. Sometimes you like a book so much that you start reading it over as soon as you finish it. You can read over the entire thing or do it selectively, try to remember, to relate to yourself or to others selected passages... None of that applies to a physical thing in general, to consumer goods in particular. You may like some meal and eat it once in a while, but that's it.

To Kappa

If someone is watching TV continually, it is never or rarely the same movie or show. It must keep changing and oftentimes keep being forgotten for these sorts of watchers. 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 just consume video-production. They act like consumers, not like an audience.

To Kappa, Again

Yes, if you are hungry, it doesn't matter what you eat; if you are cold, it doesn't matter how you warm up; if you haven't slept for a long while, you can fall asleep anywhere, anytime. You would probably read anything if you were deprived from reading for a long time. But if you haven't been brought up as a reader, such a deprivation would not bother you.

To Gamma

You say you will not read a boring book. It is a kind of obvious assertion. Still, there are a few ideas emerging 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 kind of obvious, although it is quite likely that a skillful person can use what an unskillful cannot. This is, probably, a point where three worlds differ—people, cultural phenomena, and physical things.

To My Reader

As I said, this discussion between students left more questions than answers. However, as usually, it spurred a lot of thinking and turned my mind in an entirely new direction.

Three Models

I recalled a remark from the discussion on the anti-DMCA list (I found the post—it was made on June 5, 2003):

“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” refers here to an author who spent a number of years writing a novel.

What is the answer to the above assertion? I want to start my deliberations on the subject from 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).

Joseph Brodsky’s ideas about art give us directions for further analysis. If a work of an artist is some kind of private enterprise, it is one of different nature than a regular business. Its “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 it seriously that art is not determined or driven by rewards or punishments, profits and losses. On the other hand, we know that regular business is possible and does go on around arts. That tells us we probably can put art on the same scale as business. But we should do it seriously, shouldn’t we? Talking about business we must take into account and apply to the subject laws, which are natural for business. Thus we have to determine what in an artwork, where and when may be traded and what, where and when must be shared, must go freely.

If we uphold this approach, if we try to follow the very nature of our subject, then there is a hope we will get most in terms of creativity and business at the same time. If we uphold this approach there is a hope to resolve and forget all of the problems caused by mixing subjects of different nature by and within the monster called “exclusive rights.”

“Somebody is going to undercut price”—what is so tragic about this when we talk business? It is a simple question. What is the honest answer to it? The normal answer is OK. There are few more as simple questions, which also require honest answers. Say, what about all other business areas? If I am going to do publishing myself, I have to be ready to compete with others and fight for my market share. Is this yes or no? If I am not going to do business myself and sell my work to a publisher, how does copyright help me? Does it or does it not, really? I hinted probably not once—I am not satisfied with the commonly accepted speculations about exclusive rights, no matter for how long those have circulated around.

Three Options to Govern Culture

In order to find out what is going on and what could be going on in Reality, I framed three options to analyze: no regulation at all, current type of regulation and possible ideal, and corresponding to the nature of the subject regulation of cultural affairs. These are:

Self-tuning

This means there is neither copyright nor any other specific regulations for cultural affairs working at all. There was a historical precedent pretty close to these conditions. In Jacobinian France, for a short period of time, which ended in 1793, all royal publishing privileges were abolished. Aside from that particular case, individual printing privileges were granted by the royalty in the pre-copyright era.

Copyright

A universal publishing monopoly. It is the ownership, similar to the private property, which is imposed onto cultural phenomena. This regime was introduced despite public outcry in Great Britain in 1710.

Authoright

In short, it is a universal right to attribution for individual authors. This regime has never existed thus far, although its partial and twisted implementations have occurred.

Method of the Research

As a method of the research, I analyze the situation of a writer, who is looking for a publisher. We will put the writer in different possible scenarios in his quest up to its resolution. It is my understanding that neither genre or kind of art nor historical time nor any other technicalities play major role in the reality we are going to scrutinize. Said scenarios, in their essential features, can be equally applied to any creator at any time in any area of human activity. Regarding fundamental points, it would be all the same for a music composer, or painter, or inventor, or any other creator in the eighteenth or twenty-first or thirtieth century. Obviously, all mentioned and countless other cases differ in detail, but details and nuances are not our first priority here. I will put my writer in the eighteenth century in order to simplify scenarios.

Self-tuning

Once again, I want to find out what is going to happen if cultural affairs are not regulated by a specific law.

Scenarios

An author has to shop for a publisher. If he never found one this is end of story.

Suppose he did find a publisher. He can conduct preliminary negotiations before letting his work go.

Suppose he got some result. For instance, in case the work is accepted, the author will be paid such and such. If the sum is considerable, we get a happy ending in the very beginning.

If the publisher wants exclusive rights, he may pay more to buy the author's loyalty. Naturally, exclusive rights are effective until the work is published only because with no regulation in the field, anyone can use it after publishing.

If the publisher does not want exclusive rights, the author may bring the manuscript to another one right away and get paid by both. He has to have more than one copy in this case.

What happens after the publishing? This depends on the acceptance of the work by the public. Generally, the author gets more and more exposure as long as other publishers use his work. And they do it while it brings

any money. Simultaneously, they all promote the author even if they don't mean to.

Does second-hand publishing bring any incentive to the author? It can do so. For example, if a publisher wants to be branded, he may pay the author so that the publisher will be the author's announced sponsor. Will any publisher do this? Some will; for this marketing idea isn't worse than any other one.

If the author is well-accepted, his next work will be sold for a greater price. Publishers will compete for the ability to get the next one first hand. Being the first in this environment means being a brand.

What if the very first publisher robs the author, say, does not give any written promise, take the work, and publish it under some other name? This does change situation but not much. If the first stolen work brings considerable money, the second one will not be stolen but bought because other publishers will intervene in order to get it. Thanks to Self-tuning, that is to say, thanks to the no-exclusive-rights situation, it will become known sooner or later who is the real author with all corresponding consequences for the author, the publisher-thief, and the entire artist and publishing communities.

As soon as this variant brings bad reputation to the thief, he must take it into account. Also, the author may turn to a court and sue the publisher under civil law. This will be a matter of proof and money but still is possible. For example, the author could have another copy of the work and a witness he had it before bringing the work to a publisher. Such measure may effectively secure the work from stealing.

Now suppose the first work does not bring money, which means the author hasn't got any popularity. In this case, the entire story starts over with his next work.

Summary

Making the first summary, let us stress that as long as this model creates a highly competitive situation, publishers have to fight to develop brand names. A publisher may achieve this by: (a) trying to always be the first; (b) trying to offer the best in terms of quality-for-price to the public; (c) trying to sponsor authors instead of making appearances as a lover of free rides. This should bring another layer of incentives to authors.

It is noteworthy that as far as all works are accessible for all publishers, success of an author depends on his talent only. On the other hand, if an author lacks talent, it is not for us to worry about his failures.

Actually, I used to think that the Self-tuning model was much worse than it appears now. It looks like it could bring up fairly self-tuned market that is very challenging for all parties. It is unlikely that any work of art may disappear unnoticed in this environment. The overwhelming spectrum of quality and prices must grow.

A Historical Excursus

The Self-tuning model is based entirely on contractual law, so eventually, publishers, after getting considerable economical power, may (and history says they do) plot to contract authors and conduct publishing in a copyrightlike manner. That is, they would try to secure their portfolios and thus revenues for some time. The next step will definitely be an attempt to make it universal and to have a government backing this so to strip authors' abilities to dictate conditions. This is what had happened in Great Britain and concluded in the Statute of Anne in 1710.

Before that, for about two hundred years, the Crown resisted the demands of licensed scribes to limit the freedom of printing and restrict the spread of the printing presses. In 1710, the Crown was eager to get rid of anonymous pamphlet writers, so the government's desire for effective censorship met with big publishers' desire for easier money, and that mutual interest brought about the Statute of Anne. It is even more

interesting that actually the same law (in its basic features: fourteen plus fourteen years of limited printing monopoly) was later adopted in the U.S. in order to provide “the progress of science and useful arts.”

The question is, how could the same mechanism work in such contradictory directions—to back monopolies for big guys and, at the same time, to provide incentives for the smallest ones, those “starving artists”?

Through centuries and countries, publishing monopolies have definitely proved to be practical for governments and big publishers. The pretext being upheld that it is to protect authors, promote creativity, develop culture, education, etc. Has this ever been proved to work in reality? There have been a lot of speculation but not any proof.

Publishing Monopoly a.k.a. Copyright

What I am going to do now is copy the above text and make changes to it when necessary to stress the differences between two models. I shall number the changes in parentheses.

Scenarios

Well, an author has to shop for a publisher. He may never find one and thus end of the story. There is no difference with the Self-tuning in this regard.

Suppose he did find a publisher. He may conduct preliminary negotiations before letting his work go. There are no differences so far.

Suppose he got some result like in case the work is accepted, then the author will be paid such and such. Happy ending in the very beginning. No differences as of yet.

If the publisher wants exclusive rights or monopoly for the printing within the legal term, here is the first difference with the Self-tuning model (1). He may pay more.

If the publisher does not want exclusive rights or the author does not want to relinquish all of his rights, he can bring the work to another publisher and get paid by both.

What happens after publishing? This depends on acceptance of the work by public. Author gets exposure depending on his (one!) publisher’s marketing efforts and abilities (2). This is the second difference with the Self-tuning model. The next work may be sold for a greater price if the first one got famous. In the latter case, publishers will compete for the ability to get the next one first. On the other hand, the publisher, having exclusive rights is interested to promote the work, no matter how talented it is (3).

There is another circumstance brought in by legally enforced printing monopoly—having secured portfolio for some prolonged time (initially for fourteen plus fourteen years, about one hundred years today), a publisher may not be interested in buying another book (4). Or he may buy it not for publishing but to prevent competitors from doing this (5) In any case, this is exactly what publishers fought for: to make their life easier at the expense of public and this is how the printing monopoly turns around and strips authors of possible income instead of providing it. The latter phenomenon fires back on an author in yet another aspect. The author having been condemned to sell a work to a single publisher has to take this in consideration and thus make adjustments to the work. This trend plainly undermines creativity (6). The last feature of the copyright-driven environment is of specific interest because it directly contradicts proclaimed goal of exclusive rights.

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 change situation because having exclusive rights the publisher has much more ability to provide that no one ever learns who the real author is (7).

However this variant can bring bad reputation to the publisher-thief, so he must take it into account. The author may turn to a court and sue the publisher under the copyright law (8). But again, if stealing is not proven, the author lost his work forever while within the Self-tuning, he may just compete with the publisher-thief. Anyway, a law suit is always a matter of proof and money, and in this respect, there is no difference between models.

Another new feature is the following. Remember, by the very nature of art we, the audience, develop personal relations with a work of art. We noted earlier these relations are, in fact, very similar in nature to those with real people. The differences are only in the consequences of the relations. When it comes to the access to some wanted work of art, generally speaking, there is no substitute available. If you want to read the Bible, then you want to read the Bible; if you want *The Lord of the Rings*, then you want *The Lord of the Rings*. It is a personal matter. Yes, in practice, if you cannot get the artistic work that you want, you may find some “substitute,” but this would hurt like losing and finding a substitute for a friend. That means a publishing monopoly on a single book is, in fact, a monopoly that is as effective as if this book were the only one on the market. Thus, copyright allows the raising of the prices to the maximum level possible (9). Like with a casual monopoly, this feature stays in the way for public access to distributed works in terms of price and thus badly affects markets.

A quite unexpected development within the copyright-driven environment is promotion of actual plagiarism (10). Plagiarism cannot survive within the Self-tuning because the public is very sensitive to it, and no publisher would like to risk his brand while all original works are at his disposal. This is not the case within the copyright-driven environment. It is very tempting here to get and sell something similar to a well-selling work. In order to do so, one only needs to provide some measured formal differences with the example to follow. What is it if not plagiarism? Interestingly enough, another publisher would prefer to buy described plagiarism instead of something really new with an uncertain projection for sales. Hence, we have one more blow to creativity caused by publishing monopoly a.k.a. copyright.

Yet another lovely consequence of copyrights is that publishers try to influence audiences in order to conserve a current level of perception of arts (11). Having secured a portfolio for years, a publisher wants to make sure all of it would be salable as long as the monopoly lasts. Publishers just need to restrain the development of public tastes. Thus, they must try to retard the promotion of new ideas, new aesthetic approaches to arts, new kinds of arts, new genres, and so forth. This trend must bear some inertia in it—while investing money in the retardation and conservation of public development, publishers are driven to get new works to fit the picture thus contributing again for the third time in the suppression of creativity.

Now let’s get back to the author. Suppose the first work does not bring money, which means the author hasn’t got any popularity. The entire story starts over with the next work. However, this would be harder for the author to start over in the environment poisoned by publishing monopolies—publishers having backed by their portfolios would not want to risk for the author, which had not succeeded already. It wouldn’t matter if he was misunderstood genius or one which just failed to convince a powerful publisher to market his work.

Summary

Actually, I used to think that the copyright model was not as bad as it appears now. It looks like it completely disrupts a Self-tuning market; applies pressure on a creator's mind to give up to tastes of the now-well-defended publishers; at least three times compromises creativity; and promotes actual plagiarism. Its important feature is that any work of art may disappear unnoticed, regardless of how talented it is. High prices must overwhelm the book/art market and undermine its development.

The last trend brings in tensions in the industry and spurs up attempts to extend the initial monopoly even further in order to restore vanishing profits. Actually, such attempts come forward even before markets shrink or regardless. As long as the idea of monopoly is considered to be the right one, holders should fight to always extend it.

The copyright trick amazes me more and more. It badly affects culture and civilization in many ways while helping big publishers to make business easier. What is funny is that "easier" does *not* mean more profitable here but rather opposite!

Authoright

I want to explain (actually, to repeat) some of the guidelines to this really simple model. We saw the Self-tuning model provides a pretty good framework for culture and culture-related market development. Still, there is some uncertainty in terms of the author's well-being because there is some room for dishonesty to exploit—an attribution is not required here (it is the exact situation of works in the public domain). Thus, it seems (just seems!) to make sense to provide backing by society for culture so that cultural phenomena would be treated according to the "law of nature" of culture. I assume the following:

- The main law of nature causing cultural development is ultimate freedom.
- There cannot be an owner to a cultural phenomenon.
- The only thing which can be owned is a material thing with a cultural phenomenon inscribed in it.
- Cultural equivalent of physical stealing is lying.
- Cultural phenomena is produced in an individual mind or in free communication of individuals.
- Culture, while being governed according to its nature, will pay back in infinitely greater degree to an author, publisher, and the entire society than under the current laws.

Hence, the main features determining the Authoright approach are:

- No entity of any kind may control or regulate in any way copying, sharing, distribution, all and any public use of an idea, work of art or any other cultural phenomena. First and foremost, there must not be any restrictions in artistic acquirement of a work of art. In short, the creation of derivatives or any

other reuse of a work.

- Every author has an eternal and unalienable right for attribution.
- An author may sell his works, not rights.
- A publisher or any other entity *may* pay an author for the right to be named his/her sponsor. The amount is the matter of negotiations.
- No company, organization, or a group entity of any kind and nature beyond the actual author(s) may be considered an author for any creative work.
- The source (publication) of a work must be attributed to in every public use of the work.
- Any sponsor of an author or a single work or a single publication deserves proper attribution.

The full text of the Authorright put in the Addendum.

What I am going to do now is to copy the copyright model text and make changes to it when it is necessary to reflect Authorright specifics. The differences with the Self-tuning model will also be noted. I shall number all the specific features of the model in parentheses.

Scenarios

Like within the other two models, an author has to shop for a publisher. He may never find one and thus end of the story.

However, we have to note now this kind of “end” is essentially less probable here (and within Self-tuning as well) than in the environment poisoned by publishing monopolies—as far as it is much more difficult to secure a monopolized portfolio for considerable time, it is vital for a publisher to be first in finding a new work or discovering a new author (1).

Suppose the writer did find a publisher. He may conduct preliminary negotiations before letting his work go.

Suppose he got some result. For instance, in the case the work is accepted, then the author will be paid such and such. Happy ending in the very beginning. However, it is noteworthy that this kind of end is more probable here than having publishing monopolies in place. An author and his new work are much more valuable assets now for many reasons (2). Firstly, because he is free to bring his work to as many publishers as he wants. Secondly, because only individual authors can claim authorship. Thirdly, because the best way for a publisher to develop a brand is to get the work firsthand.

If a publisher wants exclusive rights, (until the work is published) he may pay more. The same story happens within other models. Differences lie in time frames only, and this affects publishing only. We saw that copyrights bring nothing good in here.

If the publisher does not want exclusive rights until the moment of publishing, the author may bring it to another one 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 publishing? This depends on the acceptance of the work by the public. Anyway, the author gets more and more exposure as far as other publishers may use his work. And they do it while the work brings any money. Thus, the entire competing publishing community promotes the author (3). If a second-hand publisher wants to be branded, he may pay the author in order to be the author’s announced sponsor (4). These two features have a more powerful effect within Authoright compared with Self-tuning because attribution is mandatory here. More importantly is that an author is really *free to create* now, has no necessity to adjust to anyone’s taste but to his imaginary interlocutors only. Having his name protected by law and the work promoted by the entire publisher community, the author knows that he will be judged by the public for his work and thus talent only (5).

The next work will be sold at a greater price if the first one got famous. In the latter case, publishers will compete for the ability to get the next one first hand. It is important to underline that having no possibility to secure some prolonged portfolio, publishers must be really fast to grab any new work to use. This is important in terms of incentives for authors (6).

Now what if the very first publisher robs the author, will not give any written promise, take the work and publish it under some other name? This changes not much. If the first stolen work brings considerable money, the second one will not be stolen but bought because other publishers will intervene in order to get it.

This variant, on the other hand, brings a bad reputation to the Publisher—thief, so he must take it into account. Now the author may turn to a court and sue the publisher under Authoright law (7). However, this difference between Authoright and copyright is not essential. We just have to remember that under Authoright, an author can sue for the stealing of the name only. The important point is that even if stealing happened but is not proved, the author may just compete with the publisher-thief (8), which is one more advantage to compare with copyright.

Now remember, we were discussing, not once, that by the very nature of art we, the audience, develop personal relations with a work of art. We know these, in fact, are the same as those with real people. We remember the difference is only in consequences of the relations. We also remember that when it comes to the access to some wanted work of art, there is no substitution available by definition. We already concluded that because of that, a printing monopoly on one book allows the right’s holder to raise the price as if this book was the only one on the market. This is absolutely impossible within the Authoright environment, where a work of art is accessible for everyone to copy and publish since the very moment it is published (9).

We also remember another quite unexpected development within the copyright model, which is the promotion of actual plagiarism wrapped in hypocrisy. Having copyright, it is very tempting to promote something similar to a well-selling work with some formal differences. This absolutely makes no sense within the Self-tuning and Authoright models because the public is very sensitive to plagiarism, and no publisher would risk his reputation while all original works are at his disposal. Thus, while copyright promotes plagiarism and compromises creativity, Authoright promotes creativity and makes plagiarism impossible. It spurs the natural drive to get original works in everyone (10).

Authoright makes baseless another absolutely unacceptable consequence of copyrights—publishers’ motivation to restrain the development of audiences (11). As far as they cannot secure any portfolio for a

period of time greater than the one necessary to prepare a work for publishing, a publisher has no interest in stagnating of public taste. On the contrary, because in this environment everybody is chasing after the new, it is necessary to have a public capable of understanding the new. It would be in the publishers' best interest to push the public to learn, to develop understanding of aesthetic principles and so forth.

Now suppose the first work does not bring any money, which means the author hasn't got any popularity. The entire story starts over with the next work then. Another start is likely to be easier in the Authoright environment, where the publishers and the public are in an ongoing hunt for new works and authors (2).

After all, the only thing which really matters within Authoright is an author's talent.

Similarities and Differences Between Three Models: Summary

In general, the Authoright model comprises the advantages of both the Self-tuning and the copyright models while bearing none of their disadvantages:

1. Under the Authoright, like under the Self-tuning model, an author is more likely to find his first publisher if he is unique. And vice versa, (unlike under the copyright) an author is less likely to find the first publisher if he repeats after someone else.

2. Within Authoright, like within Self-tuning, an author is a more valuable asset in general terms to compare with copyright and thus always has a chance to get paid better from the very beginning.

3. Unlike any other environment it is impossible, under Authoright, for any entities but the individual authors of the work to claim authorship. This specific feature gives the author another push into the very center of all culture-related businesses.

4. Like within the Self-tuning model, authorighted work gets promoted by the entire competing publishing community while under copyright, the promotion of a work is restricted to the good will and real abilities of one or somewhat limited number of publishers and other public users of the work. Moreover, under Authoright, the promotion of a work automatically means promotion of its author and entirely depends on his talent.

5. Similarly to the Self-tuning environment, an author may sell his authorighted work either literally fixed in some media or in the form of sponsorship as many times as he gets. However, within the environment poisoned by publishing monopolies, he is actually condemned to one time or otherwise limited sale. Regarding sponsorship, any entity may call itself an author's sponsor if it provides agreed-upon incentives to the author. This can happen to an author in any environment but cannot be considerably useful within copyright for two reasons: firstly, because the quantity of business and other public usage of a work of art is extremely limited; secondly, because rights' owner is usually in full control of the work use and may not be interested in promotion of any sponsor. It may be useful under Self-tuning but in a lesser degree than under Authoright because of differences in the attribution requirements.

6. On the other hand, even within the Self-tuning, an author's name gets protected at least two times. Firstly, unwritten, academiclike attribution standards develop. Secondly, it is in the best publisher interest to attribute a work to its known author. A stealing may happen, as we discussed it, at the very first public appearance of an author. Still, there are certain protection abilities out there. Needless to say, the same works under the Authoright.

7. Under the Authoright, similar to the Self-tuning environment, the more talented an author is and thus the more unique, the more he gets promoted. However, within the environment poisoned by publishing

monopolies, the author is pushed to follow well-selling examples.

8. Under the Authoright, like under the Self-tuning, an author is free and encouraged to create truly new work in any and all meanings of the word. On the other hand, the author meets no restrictions to learn from others. To the contrary, under the copyright regime, an author must adjust himself to the tastes of a limited number of publishers in an increasingly greater degree and, on the other hand, is limited to learn and build upon the works of others. Shortly, the author is pushed into naivety and plagiarism.

9. Similarly to copyright, an author can protect his name under the Authoright using the special law of the mandatory attribution while under Self-tuning, he has to use nonspecific laws. This feature does not amount to a huge advantage but just makes it easier to protect the author's name. As I said earlier, it is likely that unwritten rules will emerge and work like they do in academic environment, and this will actually nullify importance of this feature.

10. Under the Authoright, similar to the Self-tuning, if a publisher steals an author's name, the author can still compete with the thief. On the contrary, under copyright, a work, if stolen and is not recovered in the court, is lost forever.

11. Like within the Self-tuning environment, under the Authoright markets are flooded with works of art with a spectrum of content, quality, and prices. Under copyright, market development is limited at least two times: firstly, by direct regulation by publishers and secondly, by monopolistic prices.

12. Within the Self-tuning and the Authoright environments, a work gets promoted by all of the publishers willing to do it. It gets exposed regardless of the economic and other abilities of specific publishers. Within the copyright environment, exposure of a work really depends on one publisher who bought it. Hence, the author is naturally forced to look for a big publisher, which means that copyright enforces regular monopolies also, not only culturally based ones. This trend once again fires backwards on the author to bow to the taste of that big publisher in order to be published, promoted, sold, and paid. Thus, an author's dilemma in the copyright-driven environment really is: "more money means less creativity."

13. Similarly to the Self-tuning, an author is discouraged to conduct plagiarism under the Authoright while he is encouraged to do so under copyright. Within no-publishing-monopolies environment, where *all works are accessible for all publishers*, the publishers are naturally driven to go after the best and have to get it by all possible means. Oppositely, under copyright, a publisher secures his portfolio for some prolonged time. This portfolio is the real essence of the entire copyright business. Here, a big publisher may invest big money into the promotion of a work. A small one is tempted to follow; he will try to buy something similar to secure his profits. There is no urgent need to find the best for anybody because the only urgent need is to find or order something somewhat different from a bestseller and to monopolize it. That is, as I said it not once, plagiarism is encouraged. It reveals itself in false diversity when the market is flooded by many talentless works following some greatly promoted ones as examples. We have to emphasize this: greatly promoted works, not the best ones, stage examples to follow.

14. This also addresses the current situation regarding derivatives. While a real creator's freedom to build upon earlier works is suppressed under copyright, a plagiarist can very easily measure the level of formal differences and follow all necessary formalities with permissions in order to be published. On the contrary, building upon work of others while being a natural way of culture development is flourishing under the Authoright and Self-tuning as well.

15. Under the Self-tuning and the Authoright, publishers are interested in public development while

under copyright publishers are interested in public retardation.

Conclusion

An amazing outcome of all the analysis performed here can be summarized as that every positive speculation about copyrights (and I understand all the same applies to patents and other exclusive rights) look somewhat rational on the surface and work in the exactly opposite direction in reality.

The Authorright-driven environment, in very general terms, creates highly competitive, aggressively growing markets with the common intention towards the novelty, providing market/competition-driven incentives to authors and publishers. The most general point here is that cultural affairs are governed according the very nature of culture. Because of that culture, intensively develops.

On Licensing in Cultural Affairs

An author may get money in different ways. Normally all these ways work fine when the artist is famous. In other words, when the artist is widely exposed. Exposure is that magic tool, which really turns an author's work into money.

Hence, the question really is in what way does licensing help to expose an author?

Let's see what we have on the plate today.

Possible License Features

Today an author or another rights owner can relinquish some or all of rights granted by law and thus to license a work for the following:

- To be used freely
- To be used noncommercially
- To be used with attribution to its author or rights owner
- To be used with notification of its author or rights owner

Just as easily, these uses can be denied and respective rights kept. It is important to note that today all possible rights of use can be traded for money or sold altogether. As of today, there is no legally enforced perpetual rights although existing ones granted for rather long periods of time.

An additional feature of a unique license is licensing of the license itself. The license can be considered by its author as usable on some open terms, particularly as a basis to build upon by other authors, or it can be restricted to the highest degree possible within a copyright law.

Any license in the fields of culture known to me is a set of different features from the above list.

Effects of License Features

Thanks to the dialogues between the first graders, I got a pretty clear understanding of the real effects of the features listed above, which are as follows:

- Restrictions in use of a work (in reality, either via censorship or via publishing monopolies, patents, and other exclusive rights) shrink the market for it, put its author in a completely dependent position, limit the work's spread, and twist its normal function in culture and society. It is particularly important to note that a work which is restricted to be built upon cannot be followed thus is effectively excluded from further development of culture until restriction term expires. All these are equally applicable to the situation when an author and his publisher are the same entity.
- Noncommercial use, if allowed, does provide some spread of the work. However, the degree to which it can do so is naturally far smaller than that of commercial use.

- Requirement of notification of use is just a light form of restriction of use.
- Unrestricted use of a work provides the most possible exposure to it. In order to translate this exposure to its author's fame, it must be combined with mandatory attribution.

All listed-above restrictions or so-called rights can be sold, and this is the way to get money by the great majority of creators as of today. However, said sale bring considerable material incentives to a selected few. The selection least of all depends on "talentness" of the work.

Attribution, in my view, is the one and only one requirement that must be kept forever and supported by law for it is a natural and unalienable right of an author. Attribution in no way prevents any use of a work. Public use without it is an absolutely ugly practice. It is the only real stealing which may happen in the field of culture. It is neither normal nor fair, regardless of its legality and all other circumstances, including material incentives to the author.

Legal Standing

Virtually, all open licenses known to me are claimed by their developers to be based on copyright laws. These laws are extremely restrictive in terms of the use of a work of art. A rights' holder, having all these restrictions backed by law, can relinquish some of them at will. Thus, any use of a work under an open license in a way causes the user to enter into a contract with the rights' holder on somewhat different terms than copyright. There are some weak points in described legal positioning:

- Any license based on a copyright law lasts as long as the copyright does.
- Copyright laws provide quite a different scope of rights and restrictions in different countries.
- Cultural affairs are not regulated by copyrights only. There are about a dozen of related laws, acts, and rulings in the U.S. only.

Hence, a license, which is supposed to support the normal existence of a work of art, should somehow adjust to the above listed limitations in order to function. It seems necessary to provide backing for such a license today through some legal flexibility and put it in the very license body. This idea is reflected in the Authoright license.

Very Basic Analysis of Some Open Licenses

The above text provides a logical framework for analyzing licenses to manage cultural affairs. It is necessary to stress that the framework does not address music, songwriting, or any other specific area, but it does address, in my view, different fundamental culture-related issues. It is important for more than one reason particularly, because today, arts, sciences, and even engineering interlace each other to such a degree that it is often hard to distinguish between fields, genres and, in the end, laws applicable to a single work.

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Location: <http://www.artlibre.org/licence.php/lalgb.html>

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- It does not offer incentives to a publisher and sponsor of the work and, consequently, limits the author's incentives.

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Comments

The following are some advantages of the license:

- Freedom of use. Although, it is not directly expressed within the license, a work under it is not restricted to commercial or noncommercial use.
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- The license text itself is not copyrighted thus can be freely used to build new licenses upon it in all countries where copyright is not automatic. This means, you cannot fearlessly build another license upon it in the U.S.

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The following are limitations of the license:

- It is limited to a use in music-related areas only.
- It does not offer incentives to a publisher and sponsor of the work and, consequently, limits the author’s incentives.
- There is a contradiction in the text when the license grants perpetual rights to the public while it can only last as long as copyright does.

GNU General Public License

Location: <http://www.gnu.org/licenses/gpl.html>

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- The license is not limited to a specific area of culture and can be applied to any form of publication.
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- It is based on copyright law only.
- It is limited to publication activity only.

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Location: <http://creativecommons.org/license/>

Excerpts

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Comments

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- They are based on a copyright law only.
- They do not prevent the sale of rights.

Public Domain

Works in the public domain undergo a treatment as if there is a total Self-tuning out there. No entity using a work in the public domain owes nothing to anyone in terms of money and attribution. That is, legally, anyone can rewrite the Bible word by word nowadays and announce it his own creation. The concept of public domain is as twisted as copyright is. It is just another side of the same coin called misconception of culture.

Authoright

Location: www.culturedialogue.org/drupal/en/authoright

Excerpts

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.

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Authoright License 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.

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- Mandatory attribution to an author, or authors, if used publicly and/or commercially.
- Mandatory attribution to a source and original source, when possible, if used publicly and/or commercially.
- Mandatory attribution to sponsor(s).

The following are limitations of the license:

- The license was designed so that it does not bear any limitations on normal functioning of cultural phenomena.

Addendum: Authoright

Once again, Authoright license have been developed with the idea in mind to ideally fit it to the nature of culture. This goal is stated in the license itself.

Glossary

author(s). An individual or a group of named individuals who have created a work. Beside direct creator of a work, these may include: translator, restorer, compiler, and so forth.

civilization. The realm of physical industries and products, social structures, and socially determined relationships.

cultural phenomena. All ideas, methods, theories, genres, literary personages, and other creations of the free human spirit, fixed in 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, 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 for a work.

work. The most important cultural phenomenon. In a work of art, philosophy, science, etc. other cultural phenomena are developed and refined. Thus, the cultural phenomena become part of the common treasury of a society. The works we are talking about are: books, paintings, sculptures, story boards, musical pieces, blueprints, models, programs, movies, Web sites, etc.

Theory

Intention

Authoright license's intention is to build a legal framework that implements ideal social relations to provide cultural development and utilize its fruition.

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, that literally means “Nature obeying one wins.” In other words, we can get the best fruits from nature if we act in accordance with its laws. Likewise, we can get the best fruits from culture if we act in accordance with its own laws and do not project on it laws that govern civilization. The quintessential law of the nature of culture is “Ultimate Freedom.”

A Few Clarifications on the License's Basic Ideas

Slavery

It has taken thousands of years to achieve the commonly accepted understanding that human being cannot be in private possession. A cultural phenomenon by its nature is much closer to human being than to a physical thing. For example, a hero of a book is an acting person for many people and influences them in a greater degree than physically alive ones. Therefore, law to govern culture has to be based on the laws to govern direct relations between people rather than ones to govern real estate.

Private Property

It has taken thousands of years to achieve the commonly accepted understanding that real property acquired through labor and trade cannot be taken from the owner at someone else's will. This principle is defining any law development regarding real property, regardless of countless details and nuances in possession and usage of it. Likewise, 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 creation and existence of cultural phenomena.

Culture

No commonly accepted understanding on proper social relations within culture has been achieved so far. Laws to govern culture are built on some kind of compromise between those to govern private property and something else, which has never been clearly stated. What is this “something”? This question has never been discussed publicly. The question must be asked and answered, and the answer must be one principle based on the nature of culture itself.

Few Discrepancies between Culture and Civilization

When it comes to culture, all imaginable relationships within it work in the opposite way to compare with relationships seemed to be their counterparts in civilization.

Message Versus Trade

Essentially, a work of art is a message to everyone. This is its very nature and driving force. You write (say, paint, sing, etc.) to be read (heard, watched, etc.) and responded to. Even when it is done for some superficial reason such as for money, in fear of punishment, or reaching for fame, this may only work on the surface.

Under the surface, creating is free communication, an unrestricted sharing of ideas. But a message is not lost when it goes out. It becomes more powerful and valuable if it is heard. When you share your 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 make the work more 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 mankind are always on par, and no one owes anything to the other side.

That is why an author does not lose his work when it gets distributed.

In the world of physical things, it is opposite: if you let a thing go, you lose it, even if you trade it for something else. The trade can or cannot be profitable for either party, but regardless, it is action of different nature than sharing of an idea or copying an artwork.

Communication Versus Depreciation

Having said the above, we understand that a work of art gains value every time it meets an audience. No matter what all other circumstances are, the more it is “used,” the more valuable it becomes. In the world of physical things, it is the opposite—the more you use something the more it depreciates.

Humanity Versus Call of Nature

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, the less you know it is important and necessary for you. In the world of physical needs, it is opposite— if you need something then your body tells you about it, you satisfy the basic need and it stops bothering you.

Technical Principles

Legitimacy

Ideally, Authoright should be based on a specific Authoright law, directly addressing the scope and features of the Authoright. However, there is no current proper law to base Authoright on. The closest by its subject, but not the only legal framework, is set by the copyright and patent law. Therefore, Authoright license can be based on and enforced within any existing law. Any law or contract, whichever singularly or in conjunction with, is suitable, may be used by the author(s) to support Authoright license for a work.

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