

Protecting the Mind

1. Digital Barbarism

[1a] It is clear in his brief statement that Mark Helprin has a passionate stance on the term of copyright. Congress extended copyright in 1998 with the “Sonny Bono” Act to be life of the author plus 70 years. Helprin believes congress should exercise its power once again and elongate the term as far as legislation will allow. It is important that he mentions the creation of arts and composition is an uncertain profession. It is common that being a lucrative artist can be a difficult endeavor. Therefore, works produced by these individuals should be protected diligently, because individuals put their livelihood at risk. **[1b] I wholeheartedly agree with Helprin’s sentiment.** In the modern age, intellectual property can be comparable to, if not more valuable than, physical property. **[1c]** In the *Harvard Journal of Law and Technology*, an argument is constructed that by extending the term of copyright, we would encourage artists and content creators to not be discouraged in their production of original work. The journal asserts that “there is certainly a possibility for some authors, in some range of income and propensity to create, that a small increase in present value could make an important difference in their creative output due, perhaps, to reaching a point where authors switch to full-time writing” (Liebowitz & Margolis 2005). This means that extending copyright, and giving financial compensation to artists, could potentially push them to create more. This fact cannot be ignored, and Helprin goes as far to say there is “no good case can exist for treating with special disfavor the work of the spirit and mind” (Helprin 2009). Disapproving of an extension of copyright is inherently against the preservation of creative ideas. No valid argument can be made that struggling artists and

authors should have any more odds against them. By extending copyright more, congress would help aid in the prevention of intellectual abuse.

2. James Boyle's *The Public Domain*

In *The Public Domain*, James Boyle draws an intriguing, and surprisingly relevant, metaphor. He emphasizes that to preserve the public domain, we need to create an empowered crusade that demands attention to the urgency and fragility of the matter. He draws correlations to the environmental movement that began in the 1950s, and has grown into a worldwide phenomenon of awareness and conservation. Boyle uses the term “cultural environmentalism, an environmentalism of the mind” (Boyle 241) to make the point that the public domain is as susceptible to exploitation as nature. **[2a] I agree with Boyle's statements that the environmental movement can be used as a framework for how we move forward defending the public domain.** Before restrictions, companies would fail to internalize their own costs, specifically environmental costs. For example, a factory would dispose of toxic waste in nature, instead of spending the effort and money to safely handle discarded materials. We need public outcry to be a catalyst for reformation in congress. Rallying the general population in support of the public domain is the only way to gain the leverage needed to inflict real change. **[2b]** James Boyle argues in another paper published in *The Duke Law Journal* that “our intellectual property regime has enormous importance in terms of distributional justice, free speech and public debate, market concentration, scientific research, education, bio-ethics...the list goes on and on. Intellectual property is important. Yet our decisionmaking processes do not reflect that fact” (Boyle 1997). Boyle stresses how far reaching the complications relating to intellectual property truly are. The insufficient decision making he refers to is the complacency the government shows

in being proactive about the public domain. In response to this monumental problem, we need an army of activists. The environmental movement has national park enthusiasts, bird watchers, hunters, and farmers all rallying around a cause. In the world of intellectual property there are even more players. Many intellectuals have a stake in the public domain. Individuals such as “start-up software engineers, libraries, appropriationist artists, parodists, biographers, and biotech researchers” (Boyle 2008) all have reason to be up in arms to protect their rights. The public domain is a critical cog in creative expression. Inspiration can be drawn from a multitude of sources, and many of them are contained within the public domain. In the last few decades we have seen the “green” movement foster a worldwide conscientiousness towards nature, animals, natural resources, and nature. It is now “cool” to recycle, drive an electric car, or support sustainable agriculture. This is the compassion that Boyle believes will jumpstart the movement in support of the public domain. Once global recognition is achieved, genuine transformation can begin in our daily lives and in congress. The fight will not be easy, but it is necessary to defend the mind and spirit.

References

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