The Battle of the Books

By Steven Zeitchik

Last week, just before a group of activists and scholars paid a whopping $32 million to buy Martin Luther King’s papers for his alma mater, Morehouse College, and save them from the auction block, experts were showing their disdain for the King family. By putting the papers up for auction, they argued, the King children had thumbed their nose at scholarship and engaged in greedy self-interest. Even the former director of the archives at the King Center in Atlanta, Louis Cooke, got in on the act. The sale “reflects the disregard that the King Estate has had over the years for really allowing—not only allowing but championing—the scholarship that could have made use of the papers,” she told the New York Sun.

The Kings aren’t the first family to be accused of misappropriating a cultural legacy. Thanks to changing copyright laws, the descendants of numerous public figures and creators have stepped forward to regain or strengthen rights to their progenitor’s work.

Descendants of John Steinbeck recently wrestled back rights from a group that included the publisher Penguin. The granddaughter of A.A. Milne has been in a epic struggle to take control of “Winnie the Pooh,” a fight that took a hit this week when the Supreme Court declined to hear her appeal. James Joyce’s grandson, Stephen Joyce, has been so persistent with permissions that earlier this month, Stanford law professor Lawrence Lessig sued him on the usual grounds of “copyright misuse.”

In almost every case the struggle is painted in bold strokes. Hardworking academics—or, in the case of Steinbeck and Milne, devoted longtime publishers—who simply want to do their jobs are being thwarted by grubby estate managers. Fearing the loss of their lone claim to fame, the heirs to literary genius are tightening their grip on what is sufficiently theirs and impeding the publishing process or intellectual progress. “Extremely long copyrights have given artificial voice and weight” to these descendants, wrote the intellectual property lawyer Robert Sopo in a 2004 volume on Joyce studies. Without these rights, Mr. Sopo argues, a literary figure’s heir “would be an ordinary participant in the life of art and letters like most of the rest of us.”

That’s an appealing democracy to this argument. The greats should be available to all of us. It’s as much a karmic entitlement as anything else; after all, isn’t public recognition what helped confer greatness in the first place? But the argument that Penguin wasn’t exploiting the rights as fully as it could.

It’s too early to say how the Steinbecks will make use of their regained copyrights. But it’s not inconceivable that the heirs will authorize the publication of new editions and sell new film and television rights. These iterations could well surpass in quality the earlier versions. If they don’t, at the very least they will help a new generation appreciate one of the great writers of the 20th century. Not bad for an “ordinary participant in the life of art and letters.”

In the “Pooh” case, Clara Milne charges that the outfit that has controlled the bear for decades, the Slesinger Co., has mismanaged the brand. It’s hard from the outside to know exactly how much merit there is to this claim or why she is making it. But even if her motivations are financial, the effect will be more exposure for the character, not necessarily a bad thing.

The argument changes somewhat in the King and Joyce cases, where what’s at stake is not the exposure of art but the quality of scholarship. But there are misconceptions here, too. Much of the coverage of the King papers sale missed the essential point that the debate was over who would house the physical documents. The content was hardly a secret; in fact, the papers were on display at Sotheby’s as the controversy was raging, with details from them spilling out all over the Internet. They had even been on display at Sotheby’s three years before.

Even if the papers had gone to auction and not to Morehouse College, it wouldn’t have been the worst development. The interested bidders were hardly cultural Cossacks—unless one puts Duke University, the Library of Congress and the Reading Public Library at the bottom of the list. The argument that Penguin wasn’t exploiting the rights as fully as it could.

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of creator dignity. That’s the one step Joyce, for all his reportedly gooshing tactics, makes most convincingly. Certainly many scholars deepen their understanding of James Joyce’s work. But there is scholarship and there is scholarship. An essay like “Recognizing Masochism: Psychoanalysis and the Politics of Sexual Submission in Ulysses,” the contribution of one scholar to the Summer 2002 edition of the Joyce Studies Annual, may have a place in the intellectual commons, but does it automatically entitle the scholar to use Joyce’s private letters to make the point? Does it automatically trump a grandson’s right to protect his grandfather’s privacy?

Most of us are inclined to believe that the loosening of copyright laws will allow for a blossoming of creativity. It seems intuitive—copyright is by its nature restrictive; the loss of it you have, the more art you’ll get. But copyright is tricky. It operates not only as a protection of an intellectual material but as a creative catalyst. In the graphic-novel category, there has been an explosion of ambitious literary titles precisely because comic-book heavyweights like Marvel and DC have historically enjoyed such strict protection. Their restrictiveness is now prompting artists to move away from Marvel’s and DC’s onerous work-for-hire deals and toward devising their own creations. And thanks to strong copyright, these creators have more incentive to come up with this work.

Strict copyright has had a beneficial effect on other media too. Thanks to laws that favor the original creator, EMH has been able to develop a robust music library for its old tracks and sell them to a host of new properties.

And the Dreamworks film library has become so valuable that its new owner, Paramount, was able to sell it for more than half the purchase price of the whole studio.

In both cases, copyright has protected and commoditized older rights in a way that’s profitable for the companies—but also useful for us. Sure, a loose copyright would have shaken these worthy but forgotten ten songs and movies into the public domain. But who would have had the incentive to push so hard to expose them?

Perhaps the most concrete example of this incentive is the purchase last year of the MGM library—which contains classics such as “Some Like It Hot” and the original “Pink Panther” —by a consortium that includes the cable company Comcast. It was strong copyright that prompted the library to be packaged by MGM, bought by Comcast and, now, made available to subscribers as part of a free on-demand service that

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In almost every case the struggle is painted in bold strokes. Hardworking academics—or, in the case of Steinbeck and Milne, devoted longtime publishers—who simply want to do their jobs are being thwarted by grubby estate managers. Fearing the loss of their lone claim to fame, the heirs to literary genius are tightening their grip on what is tenuously theirs and impeding the publishing process or intellectual progress. “Extremely long copyrights have given artificial voice and weight” to these descendants, wrote the intellectual property lawyer Robert Spoo in a 2004 volume on Joyce studies. Without these rights, Mr. Spoo argues, a literary figure’s heir “would be an ordinary participant in the life of art and letters like most of the rest of us.”

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It’s too early to say how the Steinbecks will make use of their regained copyrights. But it’s not inconceivable that the heirs will authorize the publication of out-of-copyright editions and sell new film and television rights. These endeavors could well surpass in quality the earlier versions. If they don’t, at the very least they will help a new generation appreciate one of the great writers of the 20th century. Not bad for an “ordinary participant in the life of arts and letters.”

In the “Pooh” case, Clara Milne charges that the outfit that has controlled the bear for decades, the Disney Co., has mishandled the brand. It’s hard from the outside to know exactly how much merit there is to this claim or why she is making it. But even if her motivations are financial, the effect will be more exposure for the character, not necessarily a bad thing.

The argument changes somewhat in the King and Joyce cases, where what’s at stake is not the exposure of art but the quality of scholarship. But there are misconceptions here, too. Much of the coverage of the King papers sale missed the essential point that the debate was over who would have control of the physical documents. The content was not a subject secret; in fact, the papers were on display at Sotheby’s as the controversy was raging, with details from them spilling out all over the Internet. They had even been on display at Sotheby’s three years before.

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Strict copyright has had a beneficial effect on other media too. Thanks to laws that favor the original creator, EMI has been able to develop a robust music library for its old tracks and sell them to a host of new properties. And the Dreamworks film library has become so valuable that its new owner, Paramount, was able to sell it for more than half the purchase price of the whole studio.

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Perhaps the most concrete example of this incentive is the purchase last year of the MGM library—which contains classics such as “Some Like It Hot” and the original “Pink Panther”—by a consortium that includes the cable company Comcast. It was strong copyright that prompted the library to be packaged by MGM, bought by Comcast and, now, made available to subscribers as part of a free-on-demand package that...
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In almost every case the struggle is played in bold strokes: Hardwiring academics—or, in the case of Steinbeck and Milne, devoted longtime publishers—who simply want to do their jobs are being thwarted by grubby estate managers. Fearing the loss of their tone claim fame, the heirs to literary genius are tightening their grip on what is wittily theirs and impeding the publishing process or intellectual progress. "Extremely long copyright have given artificial voice and weight" to these descendants, wrote the intellectual property lawyer Robert Spoo in a 2001 volume on Joyce studies. Without these rights, Mr. Spoo argues, a literary figure's "voice would be an extraordinary participant in the life of art and letters like most of the rest of us."

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Arabian Knight

York, Pa.

Three days before terrorist Abu Músab al-Zarqawi was killed by a U.S. air strike in Iraq. Pastor Moussa Joséph Moussa led a group of 500 believers in praying for the insurgency to be defeated. After the bombing, Mr. Moussa says, "I really believe that because we prayed, God dealt with the evil forces."

Inside his evangelical Arabic Christian Church on Alliance Avenue, Mr. Moussa, a native of Syria, proudly deliver such patriotic lines. "I really commend this nation for having the heart to stand with another nation that has been oppressed." While in Baghdad two years ago, he recalls telling U.S. troops: "You are doing a noble job. I believe in you. Sometimes it is costly, but you are doing the right thing, and we are praying for you."

The 41-year-old pastor isn’t the typical portrait of Arab America that most Americans see. Drowned out in the post-Sept. 11 media frenzy to cover Muslims, Arab-American Christians have been neglected. But 65% of the country’s estimated 3.5 million Arab Americans are Christian. Most are Catholic, while a smaller number are Protestant and Eastern Orthodox, which is the Antiochian, Syrian and Coptic traditions. These Middle Eastern churches date to the dawn of Christianity. Most are Egyptians who believe the Apostle Mark founded their church in Alexandria. Many Maronites hail from Lebanon, believed to be where disciples of St. Maroun took refuge in the fifth century.

In addition to their diverse religious beliefs, Arab Christians also represent a variety of American political perspectives, not a monolithic bloc. In the last presidential election, nearly 36% of Arab Catholics and 48% of Orthodox Arabs polled by Zogby voted for President Bush; just over half of Arab Catholics and almost 47% of Orthodox Arabs voted for John Kerry.

After Sept. 11, many Arab American Christians worked to voice their allegiance to the nation. In Richmond, Va., the Rev. Fakhri Yacoub of the Arabic Christian Fellowship church wrote a letter to the local newspaper explaining that, "As Arab-American Christians, we condemn and denounce such evil actions."

Pastor Esther Ajaq of the Arabic Baptist Church in Washington, D.C., worried that the Arabic writing on his church’s front sign would scare passersby. So he put up an English sign that read, "Don’t Mess With the U.S. God Bless America."

But Arab Christians still find themselves the victims of public wariness toward Islam. In a recent Washington Post–ABC News poll, the percentage of Americans who admitted holding prejudices toward Arabs—one in four—was the same as the percentage who admitted prejudices toward Muslims.

Mr. Moussa is doing everything he can to combat these attitudes. He considers it his duty to not only spread the Gospel but also to help other Arab immigrants be "good American citizens." Indeed, church is a strong force for assimilation. Arab parishes commonly share space with more established non-immigrant churches, which helps them into the larger community. The mixing also extends to where Christians live. In the Detroit area’s large Arab community, Christians tend to be dispersed throughout the suburbs, while Muslims cluster in the Dearborn region. Half of the area’s Muslim Arabs say they’re not respected by mainstream society—compared to just 11% of Christian Arabs and Chaldeans, according to a University of Michigan study.

Worshippers at Mr. Moussa’s church are encouraged to vote and pray for the country’s leaders, children’s Bible study is taught in English and church picnics feature barbecue. Mr. Moussa is also spreading his message via satellite TV. His program, called "Peace With God," which features Mr. Moussa’s sermons, currently reaches America, Mexico and Canada and soon will be seen in 20 countries in the Middle East.

In August, Mr. Moussa plans to return to Iraq and visit Syria and Jordan for missionary work. If possible, he will also try to get back in front of the troops in Baghdad. "Many of the people in Iraq feel liberated," he says. "In the news, we only hear of negative things. But a lot of things are getting better. Freedom is coming."

More than 200 years ago, the day before America’s Declaration of Independence, was signed, John Adams wrote to his wife, Abigail, about what the country’s birthday should mean to future generations. He said it "ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty." So it is fitting that Mr. Moussa will spend July 4 hosting his church’s eighth annual Bible conference, a reunion expected to attract some 250 Arab Christians from across the country to "hear God’s word and build our faith."

Mr. White, a Philadelphia foundation fellow, said, "The conversation has changed. People used to think of Arab Muslims first. Now the conversation is more balanced."

Maintaining the ship, soldiers returning from combat are no less inspiring than Americans who free pants rigged a sail in the boat's decks to steer the way back to Ford Harbor. The price of liberty is not eternal vigilance but also a whole of elbow grease.

And Middle America has plenty to spare. In World War II, it was the farm boys used to tinkering with tractors and combines who pro-duced at repairing tanks in the fields when their German counterparts abandoned theirs. Today a general of videogame-playing GIs maintain computer systems that run the intern-wear machines in Iraq’s deserts.

The Intrepid Sea, Air and Space Museum’s president, Bill White, offered me a warm welcome. "I’ve never been down there," he admitted as we prepared to descend a steep set of stairs. Deep in the lower decks there are engine rooms, boiler rooms and pipes headed every which way. Few of them are in the kind of shape that the Navy would demand before setting sail. It’s hard to maintain a ship, Mr. White notes, without thousands of sailors plugging leaks, painting hulls and combating rust.

There are standing pools of water in the deep recess of the hull. Gas "Shippy" Shepard, a Guiana-born immigrant who knows just about every nook and cranny of the boat, says the biggest problem isn’t water seeping in. It’s the Hudson River pipes that drain water into the ship rather than out of it. There are many running through the ship, plumbers installing new sinks or other fixtures are prone to con- drains to the wrong pipes.

That’s one reason why the Intrepid is now rumored to be heading dry-dock for repairs. Mr. White comment on this, except to say "all to be revealed" within the week or two.

But the ship is in pretty good shape—considering that it has sitting here for nearly 25 years. In 1976, real-estate magnate Zsold Fischer decided to rescue the Intrepid from the scrap heap and paid $9 million to have it brought to New York and set up as a museum. Today, the museum spends $17 million a year overhead and millions more each year to keep the ship and full of water at its $700,000 visitors. The Intrepid also money through its Pallet Fund to helped wounded service members from Iraq and Afghanistan and their families, and is building million physical rehabilitation in San Antonio.

One soldier who visited the recently had just returned from where he had lost his left eye his right hand, most of his and his right leg. He came to his gratitude to the Intrepid in helping him. But Mr. White think that any thanks are not. Maintaining the ship, the troops returning from combat and inspiring Americans that free