

# Copywrongs

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Having done every step of production in the publishing industry, both for myself and others, I have one irrefutable empirical conclusion about the economic effect of copyrights on prices and wages: nada. Zero. Nihil. So negligible you'd need a geiger counter to measure it.

Before I move on to exactly what copyrights do have an impact on, one may be interested as to why the praxeological negligibility of this tariff. The answer is found in the peculiar nature of publishing. There are big publishers and small publishers and very, very few in between. For the Big Boys, royalties are a fraction of one percent of multi-million press runs. They lose more money from bureaucratic interstices and round-off error. The small publishers are largely counter-economic and usually survive on donated material or break-in writing; let the new writers worry about copyrighting and reselling.

Furthermore, there are a very few cases of legal action in the magazine world because of this disparity. The little 'zines have no hope beating a rip-off and shrug it off after a perfunctory threat; the Biggies rattle their corporate-lawyer sabres and nearly anyone above ground quietly bows.

Book publishing is a small part of total publishing and there are some middle-range publishers who do worry about the total cost picture in marginal publishing cases. But now there are two kinds of writers: Big Names and everyone else. Everyone Else is seldom reprinted; copyrights have nothing to do with first printings (economically). Big Names rake it in—but they also make a lot from ever-higher bids for their next contract. And the lowered risk of not selling out a reprint of a Big Name who has already sold out a print run more than compensates paying the writing the extra fee.

So Big Names writers would lose something substantial if the copyright privilege ceased enforcement. But Big Name writers are an even smaller percentage of writers than Big Name Actors are of actors. If they all vanished tomorrow, no one would notice (except their friends, one hopes). Still, one may reasonably wonder if the star system's incentive can be done away with without the whole pyramid collapsing. If any economic argument remains for copyrights, it's incentive.

Crap. As Don Marquis put in the words of Archy the Cockroach, "Creative expression is the need of my soul." And Archy banged his head on typewriter key after typewriter key all night long to turn out his columns—which Marquis cashed in. Writing as a medium of expression will continue as long as someone has a burning need to express. And if all they have to express is a need for second payments and associated residuals, we're all better off for not reading it.

But, alas, the instant elimination of copyrights would have negligible effect on the star system. While it would cut into the lifelong gravy train of stellar scribes, it would have no effect, on their biggest source of income: the contract for their next book (or script, play or even magazine article or short story). That is where the money is.

“You’re only as good as your last piece”—but you collect for that on your next sale. Market decisions are made on anticipated sales. Sounds like straight von Mises, right? (Another great writer who profited little from copyrighting—but others are currently raking it in from Ludwig’s privileged corpse—er, corpus.)

The point of all this vulgar praxeology is not just to clear the way for the moral question. The market (praise be) is telling us something. After all, both market human action and morality arise from the same Natural Law.

In fact, let us clear out some more deadwood and red herrings before we face the Great Moral Issue. First, if you abolish copyrights, would great authors starve? Nope, in fact, the market might open a trifle for new blood.

Would writers write if they did not get paid? Who says they wouldn’t? There is no link between payment for writing and copyrights. Royalties roll in (or, much more often, trickle in) long after the next work is sold and the one after is in progress.

Is not a producer entitled to the fruit of his labour? Sure, that’s why writers are paid. But if I make a copy of a shoe or a table or a fireplace log (with my little copied axe), does the cobbler or wood-worker or woodchopper collect a royalty?

A. J. Galambos, bless his anarchoheart, attempted to take copyrights and patents to their logical conclusion. Every time we break a stick, Ug The First should collect a royalty. Ideas are property, he says; madness and chaos result.

Property is a concept extracted from nature by conceptual man to designate the distribution of scarce goods—the entire material world—among avaricious, competing egos. If I have an idea, you may have the same idea and it takes nothing from me. Use yours as you will and I do the same.

Ideas, to use the ‘au courant’ language of computer programmers, are the programmes; property is the data. Or, to use another current cliché, ideas are the maps and cartography, and property is the territory. The difference compares well to the differences between sex and talking about sex.

Would not ideas be repressed without the incentive (provided by copyrights)? ‘Au contraire’ the biggest problem with ideas is the delivery system. How do we get them to those marketeers who can distribute them?

My ideas are pieces of what passes for my soul (or, if you prefer, ego). Therefore, everytime someone adopts one of them, a little piece of me has infected them. And for this I get paid, too! On top of all that, I should be paid and paid and paid as they get staler and staler?

If copyrights are such a drag, why and how did they evolve? Not by the market process. Like all privileges, they were grants of the king. The idea did not—could not—arise until Gutenberg’s printing press and it coincided with the rise of royal divinity, and soon after, the onslaught of mercantilism.

So who benefits from this privilege? There is an economic impact I failed to mention earlier. It is, in Bastiat’s phrasing, the unseen. Copyright is a Big publisher’s method, under cover of protecting artists, of restraint of trade. Yes, we’re talking monopoly.

For when the Corporation tosses its bone to the struggling writer, and an occasional steak to the pampered tenth of a percent, it receives an enforceable legal monopoly on the editing, typesetting, printing, packaging, marketing (including advertising) and sometimes even local distribution of that book or magazine. (In magazines, it also has an exclusivity in layout vs other articles and illustrations and published advertisements.) How's that for vertical integration and restraint of trade?

And so the system perpetuates, give or take a few counter-economic outlaws and some enterprising Taiwanese with good smuggling connections.

Because copyrights permeate all mass media, Copyright is the Rip-off That Dare Not Mention Its Name. The rot corrupting our entire communications market is so entrenched it will survive nothing short of abolition of the State and its enforcement of Copyright. Because the losers, small-name writers and all readers, lose so little each, we are content—it seems—to be nickel-and-dime plundered. Why worry about mosquito bites when we have the vampire gouges of income taxes and automobile tariffs?

Now for the central moral question: what first woke me up to the problem that was the innocent viewer scenario. Consider the following careful contractual construction.

Author Big and Publisher Bigger have contracts not to reveal a word of what's in some publication. Everyone on the staff, every person in the step of production is contracted not to reveal a word. All the distributors are covered and the advertising quotes only a minimal amount of words. Every reader is, like Death Records in Phantom of the Paradise, under contract, too; that is, every reader who purchases the book or 'zine and thus interacts with someone who is under contract—interacts in a voluntary trade and voluntary agreement.

No, I am not worried about the simultaneous creator; although an obvious victim, he or she is rare, given sufficient complexity in the work under questions. (However, some recent copyright decisions and the fact that the Dolly Parton case even got as far as a serious trial—means the corruption is spreading.)

One day you and I walk into a room—invited but without even mention of a contract—and the publication lies open on a table. Photons leap from the pages to our eyes and our hapless brain processes the information. Utterly innocent, having committed no volitional act, we are copyright violators. We have unintentionally embarked on a life of privacy.

And God or the Market help us if we now try to act on the ideas now in our mind or to reveal this unintended guilty secret in any way. The State shall strike us—save only if Author Big and Publisher Bigger decide in their tyrannous mercy that we are too small and not worth the trouble.

For if we use the ideas or repeat or reprint them, even as part of our own larger creation—bang! There goes the monopoly. And so each and every innocent viewer must be suppressed.

By the Market? Hardly. The entire contractual agreement falls like a house of cards when the innocent gets his or her forbidden view. No, copyright has nothing to do with creativity, incentive, just desserts, fruits of labour or any other element of the moral, free market.

It is a creature of the State, the Vampire's little bat. And, as far as I'm concerned, the word should be copywrong.

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<https://www.sek3.net/copywrongs.html>

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