

## *Copyright, Culture, and the Intellectual Property Servitude*

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Now that the next copyright act has become a matter for discussion, the time is propitious to think about the consequences of the extension of intellectual property protection and the nature of the theory that has, in part, led to those consequences. Having examined the historical origins of the mythology of common law copyright in the past, I am turning my attention to the operation of the common law theory in modern times. The article will assess some of the effects that the extension of copyright has had on culture and law. First, the theory of common law copyright has led to a distension of culture that results from placing copyright before culture. Legal doctrine has also suffered distortion in the effort to protect a species of property that is becoming more unstable. As it becomes more difficult to protect intellectual property, the law has shown an increasing determination to do so. As I have argued elsewhere, the conception of property has itself come under stress. The burden of protecting this property has fallen increasingly on the public. This can be seen in recent attempts to educate young people in copyright thoughtways, and in the emergence of something like a private intellectual property police force. These measures are part of a grander effort by the content industries to recast moral and legal sensibilities so as to turn the norms of intellectual property into fundamental moral norms. The overall consequence is that intellectual property now threatens to become boundless, representing a species of property that must be protected by a servitude (in a general sense) that is a statement of new boundaries in social relations between content owners and the public.

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