

INSPIRATION AND INNOVATION: THE INTRINSIC DIMENSION OF THE ARTISTIC SOUL

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ABSTRACT

Copyright's provision of economic incentives is completely consistent with its underlying utilitarian philosophy. A perspective grounded in economic and conventionally understood utilitarian rationales for legal protection emphasizes the commodification and dissemination of intellectual works. This perspective fails to take into account that human enterprise also embodies inspirational or spiritual motivations for creativity. This failure creates turmoil for many authors because it fosters a dominant market exchange reality that ignores the importance of non-economically based motivations for innovation.

This Article demonstrates that narratives illuminating spiritual or inspirational motivations for innovation are integral to understanding more fully the artistic soul, and challenges the dialogue on authors' rights in this country to consider the implications of such narratives. The intrinsic dimension of creativity developed herein is one characterized by spiritual or inspirational motivations that are inherent in the creative task itself as opposed to motivation resulting from the possibility of economic reward.

Inspirational motivations for artistic creation can be understood better through an examination of a variety of narratives illuminating the intrinsic dimension of innovation. This Article examines both theologically based

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and secular narratives about creativity drawn from a variety of sources. The analysis demonstrates how deeply inspirational motivations are embedded in Western civilization's perceptions about creativity and illustrates how the insights derived from these narratives featuring inspirational motivations for creativity can inform the discourse about the law of authors' rights.

Subsequently, the discussion demonstrates that the American legal system historically has ignored the insights derived from these narratives as fundamental sources of human sensibilities regarding artistic creation, resulting in a legal system manifesting an incomplete view of artistic creativity. It probes how the United States' law governing authors' rights has been shaped in response to a largely different perspective, one that focuses on economic as opposed to inspirational motivations. The analysis also demonstrates that the insights derived from this perspective can facilitate the development of appropriately tailored moral rights laws that would promote the policies underlying authors' rights in this country. Finally, the discussion tackles how the United States' law should be changed so that it can be more responsive to all authorship interests rather than just those that are economically motivated. It proposes a viable framework for stronger moral rights protection consistent with our existing legal system.