

Shakespeare Seminar

William Shakespeare



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(Post-)Modernist Responses to
Shakespeare

Shakespeare Seminar 7 (2009)

HERAUSGEBER

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BY

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Cultural Capital and Cultural Resources

What is a cultural resource? In economic terms ‘resource’ (from Latin: *resurgere*) means: a supply of raw materials, the existence of vital goods like water, pastures, forests or mines. A region can be rich in natural resources. “I recently travelled across a small African country”, noted John Terborgh, Professor of Environmental Sciences and Policy at Duke University, in his review of Steve Nicholls’s study *Nature in America at the Time of Discovery*, “everywhere I went, foreign commercial interests were exploiting resources after signing contracts with the autocratic government” (45). This idea of natural resources has entered the domain of culture. The metaphorical term ‘cultural resources’ was created by archaeologists in the 1970s (King 19-34; Richman 17-36). It addresses the management of collections and historic sites, but also the conservation of cultural practices, religious traditions, interpretative arts, storytelling, music, and drama.

Literary critics are more familiar with the counter-metaphor introduced by Pierre Bourdieu (“Le marché”; “Cultural Reproduction”; “Forms of Capital”): ‘cultural capital’, a term which emphasizes the idea of private property and investment. Like economic capital in Marxist theory, ‘cultural capital’ is distributed asymmetrically. The important difference is that the latter does not only mean material assets (‘objectified cultural capital’), but also the access to knowledge and sophistication (‘embodied’ and ‘institutionalized capital’). According to Bourdieu’s interpretation, families, dynasties, and elites reproduce themselves, leaving their ‘cultural’, i.e. educational and intellectual ‘capital’ to their descendants. These enjoy cultural privileges, being entitled to enrich or gamble away their material and abstract heritage (Rössel & al. 498-510).

Choosing the term ‘resources’ instead of ‘capital’ means shifting the focus from investment to exploitation. The example from Terborgh’s review suggests that limited resources attract private enterprises and are in need of public protection. Who has the right to make use of a common supply of goods? Does the principle ‘first come, first served’ guarantee sustainable rationing for future generations? Are local communities more efficient in negotiating and administrating open resources than centralized political or economic structures (Ostrom 7-15; Reese 707)?

While the access to exhaustible goods is no longer a question of personal heritage, the process of distribution and participation is becoming more complex. In Western civilizations, the aspects of property, accessibility and utilization regulate the exploitation of resources in general (Radkau 164-172). Thus, the question of ‘cultural resources’ is not only a metaphorical problem, but a political and legal issue (in Germany: §§ 29-31 UrhG). Who disposes of an object of art

- (a) in a material sense (property),
- (b) in a perceptive sense (accessibility),
- (c) in an intellectual sense (copyright, utilization)?

James Cuno (1-20), president and director of the Art Institute of Chicago, intervening in the debate on looted art and global restitution, posed the question “Who owns Antiquity?” A question like this needs to be debated with regard to these three different aspects. In this paper I cannot trace the discussions centred around “cultural heritage” in Britain, “Kulturerbe” in Germany, and “patrimoine” in France (Packham; Wellheiser). Instead, I will concentrate on Shakespeare’s works as a paradigm of how texts and documents are cultivated in a post-postmodern sense, i.e. in the light of a rediscovery of the author after postmodernism and a growing awareness of cultural practices and products as ‘cultural resources.’ Inevitably, I will have to oversimplify complex historical developments. Especially, the question of copyright and utilization in 17th and 18th century Europe and its relevance for contemporary criticism would deserve closer attention. The following outline does not contribute to highly specialized Shakespeare scholarship, but, varying a line from *Hamlet*, to the reflection on “what Shakespeare is to us” (Maslin C9).

Self-Regulating ‘Cultural Resources’

The British Library offers 107 digital copies of the 21 plays by Shakespeare printed in quarto before the closure of the theatres in 1642 (<http://www.bl.uk/treasures/shakespeare/homepage.html>). The excellent database called “Treasures in full” permits scholars all over the world to compare the first quarto (1603) of *Hamlet* with the second quarto (1604), for example. Apart from the important textual differences, the first page of the first quarto shows the traditional signet of the British Museum, the provenance “Halliwell-Phillipps” and the handwritten remark next to the stage direction “Enter two Centinels”: “now call’d Bernardo and Francisco”, whereas the second quarto shows the influence of fire, water, or ink. European and American provenance research projects have pointed out that each singular copy with its individual ‘biography’ and ‘characteristics’ needs special attention. Therefore, the database directs the reader’s attention to the library which has made its copy available: “Copyright © The British Library Board.” The second quarto is copyrighted with a link to the “© Folger Shakespeare Library ®” in Washington, DC.

The digital copies of the two early prints reveal two contradictory notions: first, they remind us of the instability of the text. Shakespeare as a ‘cultural resource’ has been rewritten and republished in so many versions that the modern idea of the ‘original text’ is inapplicable. Second, the reproductions evidence the agenda of institutional re-monopolization. A library investing financial means in the conservation and presentation of its ‘cultural resources’ (including their provenance and the history of their utilization) wants to draw the user’s attention to the ‘real’ site, the singular volume, the stacks, the reading rooms, the librarians’ expertise. Anyone who plans to reproduce the digital version is obliged to ask the institution for a special permission. Apart from the treasuries, depots and stacks of public and private archives, libraries and museums, copyright is a perfect example of how ‘cultural resources’ can be legally

protected.

Does a ‘cultural resource’ need such protection? Does it demand open or limited access? Is it, by definition, something extremely fragile? Or something extremely dynamic that cannot be constricted by rules of usage and reproduction? André Schmitz, Secretary of Cultural Affairs of the Federal State of Berlin, recently explained that, “unlike coal, crude oil and gas, creativity is an infinite resource” (quoted in Hellmuth / Stillich 50). Can we treat Shakespeare as a self-regulating ‘cultural resource’ that will never ‘run dry’? Or is it a treasure that requires a centralized custody system? Who is authorized to deal with precious ideas, singular works of art? How does an orthodox interpretation of modern copyright comply with postmodern arguments of illimitable circulation?

Author-Related Demarcations

In matters of copyright, we usually explain the difference between ‘modern’ and ‘postmodern’ by referring to the invention and the end of the ‘author’ (Rose 31-48; Jaszi 501). Although privileges and patent rights were an important issue in early modern Europe (Ilfie 29; Miller 300), modernist movements tended to lay claim to the idea of originality and individual property (Bosse). Modern copyright law protects the author’s rights to his work. It comprises the claim to reproduction, distribution, exposition, public performance, and adaptation. The author’s copyright begins to exist from the moment of the ‘creative process.’ Beyond national differences, copyright presupposes the ideas of authorship, creativity, work, and intellectual property. Thus, copyright acts not only serve economic purposes, but also protect the idea of intellectual integrity. Strict copyright solutions favour the priority of individual development. Those supporting the extension of copyrights have argued that a longer term “encourages creative activity” (Liu 410). Rose concludes that legal attempts as those by eighteenth-century lawyers to settle the notion of literary property were “both futile and necessary”: futile because literature is able to subvert privileges, necessary because copyright “remains inescapably an economic concern,” a matter of establishing conceptions of real property for author, bookseller and purchaser in an age of good and bad copies (Rose 112). Indeed, since the passage of the first copyright acts in the early 18th century, national legislation has extended the copyright term from an original maximum term of twenty-eight years to the current term of seventy years after the death of the author.

Postmodernist tendencies tried to deconstruct any kind of author-related demarcation. Intertextual circulation, fluctuating discourses, and network utopias replaced the ‘inventive genius.’ Curiously, modern copyright has survived the postmodernist movements in literary and cultural theory. Postmodernist buzzwords like ‘piracy’ (against access systems), ‘proliferation’ (of dangerous goods) and ‘contamination’ (of irreplaceable resources) have proven to be fundamentally ambiguous. In return, it has become clear that modern copyright does not solve the most important problems which concern ‘cultural resources.’ Due to their time limit, copyright laws shelter the most recent, but not necessarily the most eminent works of art. Lawyers have postulated that the older a copyrighted work is, the greater the scope

of ‘fair use’ should be – “that is, the greater the ability of others to re-use, critique, transform, and adapt the copyrighted work without permission of the copyright owner.” Conversely, the more recent the work, the narrower the scope of “fair use” (Liu 410). This might be convincing as far as Mickey Mouse or Harry Potter are concerned, but what about Shakespeare? The specificity of a post-postmodern approach to ‘cultural resources’ seems to consist in the rediscovery of sustainable use and responsibility (Lubkoll and Wischmeyer).

Copyright vs. Cultivation

Of course, there is no copyright on *Romeo and Juliet*, but there is a copyright on the *William Shakespeare Hand Puppet*, designed for U.S. consumers and produced in Brazil (© 2004, “All rights reserved”). The latter (the reproduction of a cultural icon, made from coloured felt) is subject to the rules of contemporary global cultural industry, whereas the former belongs to those cultural goods which have been passed on from one generation of publishers and readers, spectators and specialists to another. At first glance, Shakespeare’s texts are not protected against any sort of reproduction, abridgement, bad performance, deficient translation or misleading interpretation. Apparently, Shakespeare is for an early modern public (Haekel 81-90) and still for us (Maslin C9) what Ovid’s *Metamorphoses* are for the comedians in *A Midsummer Night’s Dream*. Shakespeare scholars know how skilfully the author stages the transformation of hypotexts. When Quince, Snug, Bottom and Flute are performing the “comedy of Pyramus and Thisby”, they discuss unrestrictedly whether they “must leave the killing out”; that Quince should write “a prologue” in “eight and six”; that the moon has to be replaced. “Else one must come in with a bush of thorns and a lantern, and say he comes to disfigure, or to present, the person of Moonshine” (*MND* III, 1, 23-26).

“To disfigure” or “to present”, that is the question. In a discussion on ‘cultural resources’, a student once asked why the accessibility of classics should be a problem at all. Does the world wide web provide us not with numerous versions of Shakespeare (or Goethe or Calderón)? Supposing that access to internet infrastructure is assured, anyone interested in Shakespeare will be able to choose a text, find a quotation, print a copy, just with a few free clicks, without consulting a library or buying a theatre ticket. Everyone is invited to bring his or her own contributions and commentaries, transcriptions and translations. But what about the copyright on the digital reproduction of the first quarto of *Hamlet*? What about recent editions? Would the access to singular ‘cultural resources’ be disputed, if the supply of creative potential and intellectual goods was infinite and ubiquitous, unvarying in quantity and quality? Remarkably, the editors of Pedro Calderón de la Barca’s plays claimed their right to their version of the text when they protested against public performances in two Spanish villages in 2009. Their lawyers argued that the theatres had not used the 17th century prints, but the new version, which should be regarded as part of the editors’ intellectual property (*FAZ* 2009, 32).

We all know that the copyright on Shakespeare has not expired because it has never existed in the first place, at least not in a modern sense. The trivial difference between

Shakespeare and the inventor of the Shakespeare puppet is that Shakespeare wrote his plays in an age prior to modern copyright. The interesting point is that the rediscovery of Shakespeare during the 18th century is embedded precisely in the process which leads to the proclamation of the ‘original genius’ (Blinn, *Shakespeare-Rezeption*; Greiner and Sprang, 631-633). Herder’s and Goethe’s essays on Shakespeare mark the conflict between exhaustibility and inexhaustibility, between early modern emulation and a specifically modern claim to originality (Blinn, *Bibliographie*). According to Goethe’s interpretation in *Zum Schakespears Tag* (1771), Shakespeare is not only an example, but the paradigm of the contemporary ‘original genius’ – including the important difference that, as far as Shakespeare was concerned, the appropriate instrument of protection and preservation could not be legal privilege and copyright, but re-appropriation and cultivation.

Towards a Post-Postmodern Cultural Economy

In his essay *Le prix de la vérité* (2002), Marcel Hénaff establishes the fundamental difference between the pre-modern order of gift, sacrifice, guilt and grace on the one hand and the modern and postmodern disenchanted market economy on the other hand. Following this interpretation, Shakespeare’s texts would be embedded in a pre-modern context, whereas the Shakespeare libraries which claim a copyright on their reproductions are clearly modern. Hénaff himself confesses his sympathy for a postmodern idea of gift culture, which explicitly revitalizes early modern concepts of exchange and transformation. In a preview of his new book on copyright, published in the *New York Times Magazine*, the American poet and philosopher Lewis Hyde on his part pleads for such a relaunch of gift economies: “Shakespeare’s plays will never collapse, no matter how many people read them” (Hyde in Smith 42). It would be worthwhile studying closely how Shakespeare’s texts deal with the ideas of gift and sacrifice, exhaustion and inexhaustibility.

In the given context, I have to confine myself to observing that the postmodern argument of gift and participation mentioned above reproduces, to some extent, rather the modern invention of the ‘classic text’ than early modern ideas of rhetorical performance. The classic text is supposed to be ‘too big to fail.’ In this respect, it was Hans-Georg Gadamer who defended the metaphor of the ‘source’ from a hermeneutical perspective: according to Gadamer, genuine intellectual sources always provide “fresh water.” They constantly give us something new, something unknown (Gadamer 383; Scholz 42). Following Hénaff and Hyde (who refer to Marcel Mauss’ essay on gift culture rather than Schleiermacher’s hermeneutic theory), creativity is closely related to this very act of donating, spending, celebrating. The difference is that Gadamer would have preferred the scholarly celebration of the classic text, whereas Hénaff and Hyde sympathize, as it were, with Quince, Snug, Bottom and Flute and their adorable misinterpretation.

What will a post-postmodern cultural economy look like? Can ‘cultural resources’ be renewable? The Shakespeare puppet mentioned above might be pretentious kitsch, but it draws our attention to the crucial point: the re-appropriation of ‘cultural resources.’ Art historians employ the term ‘appropriation art’ for the principle of

annexing and copying a work of art. When Jeff Koons adopted a postcard showing a happy couple with eight puppies, the photographer brought an action against him and won the case (Pfortmüller 27). In other cases, the re-appropriated product is protected more carefully than the ‘resource’ itself, as the Spanish performance of Calderón exemplifies. Marxist theories and workshop scenarios have clearly underestimated the impact of intellectual competitiveness (Richter).

A post-postmodern concept of ‘cultural resources’ can learn from previous practice that strict copyright laws do not prevent misuse. On the contrary, a weak definition of copyright does not lead automatically to the universal exchange of goods, but to a secondary ‘land grab’, a process of appropriation and redefinition. Remarkably, it is neither the modern idea of legal control nor the postmodern idea of deregulated distribution, but the permanent process of re-appropriation that seems to be vital for the cultivation of ‘cultural resources.’ This is the message of a Shakespeare database like “Treasures in full”; this is the gist of recent studies on contemporary appropriations of Shakespeare’s texts (Grady; Halpern; Bristol and McLuskie; Garber). Legislators and public institutions can set basic parameters. But only the fair competition between cultural players, between publishers and libraries, performers and readers, experts and non-experts, guarantees that a ‘cultural resource’ like Shakespeare keeps enriching us, haunting us.

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Zusammenfassung

Zeitgenössische Künstler aller Mediengattungen, Museen, Archive und Bibliotheken, Theater und Universitäten, Sendeanstalten, Verlage und Datenbankbetreiber sind täglich mit Fragen der Zugänglichkeit und des Urheberrechts, der kreativen Aneignung und des Schutzes von Kulturgut konfrontiert. Wie verhält es sich urheberrechtlich mit Shakespeare? Eine offizielle, monopolisierte Bewirtschaftung gibt es auf den ersten Blick nicht; genau dies macht Shakespeares Texte, die vor der Implementierung geltender urheberrechtlicher Regelungen globale Verbreitung fanden, unter dem Gesichtspunkt der Verwertung interessant. Der Beitrag erkundet die Spielräume, die der Begriff der ‚kulturellen Ressource‘ für das Verständnis eines modernen, eines postmodernen und eines post-postmodernen Umgangs mit Shakespeare bietet. Entdeckt ein (1) modernes Literaturverständnis in Shakespeare das Paradigma der Originalität, so greifen (2) postmoderne Shakespeare-Interpretationen auf ein frühneuzeitliches Verständnis von Rhetorizität und intertextueller Zirkulation zurück (3). Post-postmoderne Annäherungen an Shakespeare lassen, so lautet die These, sowohl den Originalitätskult als auch die Vorstellung universeller Verfügbarkeit hinter sich und setzen stattdessen auf kompetitive Wiederaneignung und Pflege.