

Identifying Information

Name:	Frye, Brian
School:	University of Kentucky College of Law

Paper Information

Title:	The Stolen Poem of Saint Moling: Authorship & Literary Ownership in Medieval Ireland
Abstract:	<p>One truism of copyright scholarship holds that the concept of literary ownership was a function of the printing press. As the marginal cost of producing books plummeted, the exclusive right to reproduce a particular book became increasingly valuable, and copyright was born. Another holds that it grew out of the idea of the Romantic “author-genius,” who created an entirely new and unprecedented work of authorship, and was thereby entitled to ownership. But are either of these truisms entirely true? Surely, both the printing press and the idea of the Romantic author changed the concept of literary property. And yet, neither the idea of authorship nor the concept of literary property was entirely new. The idea of authorship had existed since at least the classical era, and the concept of literary ownership had long existed in different forms, shaped by particular literary economies. I will explore the idea of authorship in medieval Ireland, and investigate how its literary economy shaped its concept of literary ownership. Copyright scholars often puckishly refer to the Irish legend of Saint Columcille and the Battle of the Book as the “first copyright litigation, and the Supreme Court has recognized it as the “mythical” origin of the “natural rights” theory of copyright. Supposedly, in the 6th century, Columcille copied Saint Finnian’s book without permission. Finnian and Columcille both claimed the copy, and asked High King Diarmait to resolve the dispute. He ruled, “To every cow its calf, to every book its copy,” and awarded the copy to Finnian. But Columcille raised an army and reclaimed the copy by force. Copyright infringement and self-help, in one package! As I have shown elsewhere, the Columcille legend is not literally true, and it has nothing to do with copyright or literary ownership. On the contrary, it was created in the 16th century by Manus O’Donnell, and was intended as an allegory, justifying the O’Donnell clan’s leadership and connecting O’Donnell to Columcille, his clan’s patron saint. But perhaps the legend of Saint Moling’s stolen poem, which legal scholarship has entirely ignored, can help illuminate the idea of authorship and concept of literary ownership in medieval Ireland. In the 7th century, the King of Leinster sent Saint Moling to ask the High King of the Ui Neill to stop taxing Leinster. Moling composed a poem in honor of the High King, in exchange for remission of the tax. He brought a bard to recite the poem, but the bard stole ahead and recited the poem to the High King as his own. When Moling arrived and recited his poem, the High King accused him of plagiarising the bard. Moling ordered the bard to prove his authorship of the poem by reciting it again. But the bard could speak only gibberish, proving that Moling was the author, so the High King apologized to Moling and suspended the tax. Obviously, the legend of Moling’s stolen poem is not literally true. It first appears in the Bórama, a text created in about the 11th century to explain why the Ui Niall were not entitled to tax Leinster. However, it reflected a prevailing norm of authorship and literary ownership, which gave poets a right of attribution and discouraged poetic plagiarism. And this norm had a long pedigree, possibly dating back to the 7th century or earlier. In medieval Ireland, poets were effectively a professional class. They enjoyed special legal rights and observed special professional rules. Among other things, poets could</p>

	<p>demand compensation for their poems, but only if their poems satisfied the professional rules of composition. One of those rules prohibited plagiarism, meaning that a plagiarized poem was worthless in the poetic economy. As a consequence, poetry was always attributed to an author, and could not be changed, while prose was often anonymous, and could be changed. Of course, these rules were often observed in the breach. But they were rules nonetheless, and they effectively governed the medieval Irish literary economy. They show that medieval Irish poets developed an idea of authorship and concept of literary ownership adapted to the literary economy in which they practiced. And they suggest that different medieval societies may have different ideas of authorship and concepts of literary ownership that we do not yet fully understand.</p>
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