



---

## Shakespeare Transformed: Copyright, Copyleft, and Shakespeare After Shakespeare

**Sujata Iyengar**

---



**Electronic version**

URL: <https://journals.openedition.org/shakespeare/3852>

DOI: 10.4000/shakespeare.3852

ISSN: 2271-6424

**Publisher**

Société Française Shakespeare

**Electronic reference**

Sujata Iyengar, "Shakespeare Transformed: Copyright, Copyleft, and Shakespeare After Shakespeare", *Actes des congrès de la Société française Shakespeare* [Online], 35 | 2017, Online since 01 February 2017, connection on 07 December 2022. URL: <http://journals.openedition.org/shakespeare/3852> ; DOI: <https://doi.org/10.4000/shakespeare.3852>

---

This text was automatically generated on 29 September 2020.

All rights reserved

---

# Shakespeare Transformed: Copyright, Copyleft, and Shakespeare After Shakespeare

Sujata Iyengar

---

## Introduction

- 1 Much critical ink has been spilled in defining and establishing the terms of discussion: appropriation, adaptation, tradaptation, off-shoot, recontextualization, riff, remix, and so on have been used interchangeably or under erasure.<sup>1</sup> This paper both examines the utility of such nice distinctions, and critiques existing taxonomies. It takes as its starting point the premise that scholars must carefully articulate our reasons for deploying particular terms, so that Shakespearean thinkers, readers, writers, and performers can develop a shared, even if contested, discourse. Ultimately, however, it suggests a new rubric or heading under which to consider Shakespearean appropriations: as transformations.
- 2 I suggest that Shakespearean appropriations potentially metamorphose or mutate culture, literary form, creativity, pedagogy, and, most provocatively, the market economy, in part because Shakespearean texts antedate current US copyright law and thus any use we make of them is already “transformative” (this is a version of the phenomenon that Julie Sanders has classified slightly differently by imagining Shakespeare as an “open-source” creative repository).<sup>2</sup> In particular, Shakespearean appropriations, I will argue, *transform* creative production and intervene in contemporary commodity culture or the hypermediatized, monetized creative self. Transformative Shakespeares recreate Shakespearean and literary ontologies (What is Shakespeare? What is the literary?), genres and media (Where do we find Shakespeare? What elements do we consider Shakespeare?), motives and audiences (For whom and to whom is this Shakespeare?) and markets (Who is capitalizing from or on Shakespeare, and in what ways?). If we take even a single play such as *A Midsummer Night’s Dream* we can find

ventures that appropriate or transform it formally (the gay teen comedy-musical film *Were the World Mine* or the market-driven “Graphic Novel” Shakespeares and the strange hybrid *Manga Shakespeare*); theoretically (present-day editions and the gender politics of editorial apparatus and line distributions); pedagogically (the use that teachers make of the play in my local public and independent schools in the Southeastern US); and creatively (the art and writing generated by so-called amateurs in “Web 2.0” fora such as YouTube, Flickr, DeviantArt, GoodReads, WordPress, and other media).<sup>3</sup> All such examples return obsessively, I will suggest, to questions of originality and ownership, transforming Shakespeare in the process into the fungible fluid of currency.

## Terms of Art and Terms of Law: Adaptation, Appropriation, Participation, Transformation

- 3 Many scholars have suggested that we can read Shakespearean appropriations as indices to late capitalist cultural production.<sup>4</sup> Many have also noted that there exists no single “original” or “authentic” Shakespeare, but rather what Denise Albanese dubs, adapting Foucault’s “What is an Author?”, a “Shakespeare-function.”<sup>5</sup> Shakespeare *means* within a rich context in which instantiations and appropriations from different historical eras engage in a “dialogic” conversation that generates relevance and import by working as a hermeneutic or interpretive system.<sup>6</sup> Interactive and social media networks have not only expanded access to Shakespearean works and enabled creative or cultural production but have also extended the reach of advertising and marketing into our personal lives and rendered creative or transformative professions of all kinds (teaching, music, writing, the fine and applied arts, theatre) increasingly precarious. So-called participatory cultures remake Shakespeare in venues such as YouTube (video) or WordPress (fanfic).<sup>7</sup> Current work in labor studies suggests that we are now all Shakespeare “prosumers” who make and re-make Shakespeare in different commodity and cultural contexts.<sup>8</sup>
- 4 I would further like briefly to contextualize Shakespearean appropriation in light of the history of media and copyright law, in particular the doctrine of “fair use” in the United States. Copyright itself in the US derives, as is well known, from English law, notably the so-called Statute of Anne (officially the “Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned,” 8 Ann.c.21) in 1710, which limited the length of time under which publishers or stationers could print particular works but which also enabled the entrepreneurial printer Jacob Tonson “to publish new editions, with new editors” so that he could through each editor theoretically extend his copyright in Shakespeare.<sup>9</sup> At the same time, those same editors “inaugurated a scholarly examination of the text [...] and began the identification of an editorial role”; it is to Tonson’s business acumen, which enabled him to pass on the profitable tradition of Shakespeare editing to his descendants, that we owe the industry of Shakespearean scholarship and the entire tradition of textual editing, as the literary critic James Marino and the intellectual property lawyer Jeffrey Gaba independently observe.<sup>10</sup>
- 5 Gaba, however, notes that the notoriously litigious Tonsons “never went to court to protect their claimed copyright [in Shakespeare],” instead preferring to drive competitors out of business by “flood[ing] the market” with cheap and small Shakespeare editions, as they did to counter Robert Walker’s innovative “penny parts” (“[a] single

sheet, costing a penny, was published in a journal, and purchasers of the three or four of the sheets that constituted a play could bind them together for a copy of the play for a total cost of about four pennies”).<sup>11</sup> If, as suggested by Gaba, “claims of copyright had the effect more of limiting, rather than promoting, the dissemination of Shakespeare to the public,” then it is easier to understand why Walker’s competition resulted in “copies of the Shakespeare plays bec[oming] accessible to a far larger public.”<sup>12</sup> Don-John Dugas has likewise argued that “[T]he availability of the Tonson single editions created a new kind of interest in and desire for straight Shakespeare plays,” notably all of the plays, not just those that were most popular in performance.<sup>13</sup> Courts later in the eighteenth century upheld the statute of Anne against suits brought by booksellers, finding in *Donaldson v. Becket* (1774) against a perpetual copyright and asserting that after a copyright term expired, a work would fall into the public domain. Shakespeare thus entered the public domain, where he has remained and flourished ever since.

- 6 Thus the terms we use to discuss transformations of Shakespeare, “adaptation” and “appropriation,” mean something very different in law and in literature. Broadly speaking, legally in both writing and in the visual arts, an “adaptation” has been understood as subsidiary to an original copyrighted work, an “appropriation” to be the theft of an original copyrighted work, both adaptations and appropriations to be “derivative works” if taken from an original copyrighted source, and if you produce either one, somebody – the creator of the original, the copyright holder, the distributor, the performer, or all or some portion of these entities – might ask you for some money.<sup>14</sup> Where an “adaptation” was understood to modify an original work to make it fit a new or altered situation, however, an “appropriation” was understood to *re-present* the original work with few or no changes; its new meaning was thought to accrue from its recontextualization in a different time, space, or social environment.
- 7 In 1990, a highly influential *Harvard Law Review* commentary by Judge Pierre Leval clarified the US concept of “fair use” and singled out the “transformative principle” in copyright law.<sup>15</sup> Transformative use, he wrote, “must be productive and must employ the quoted matter in a different manner or for a different purpose from the original”.<sup>16</sup> Returning to decisions from the eighteenth and nineteenth centuries, Judge Leval added:
 

Quoting is not necessarily stealing [...] The first fair use factor calls for a careful evaluation whether the particular quotation is of the transformative type that advances knowledge and the progress of the arts or whether it merely repackages, free riding on another’s creations [...] Factor One [the transformative principle] is the soul of fair use.<sup>17</sup>
- 8 Where Lawrence Lessig had worried in 2006 that fair use provided too fragile a pillar to support the edifice of intellectual freedom and what he called free culture, the strength of fair use doctrine has been buttressed by some recent rulings, in the suit of the Authors’ Guild v. Google, Inc. (2005-13) and the US Supreme Court’s refusal, in April 2016, to reconsider a lower court ruling in favor of Google.<sup>18</sup> In the Google Books settlement of 2013, the Supreme Court laid out some of the effects they thought texts ought to have in order to be transformative. The court ruled that one of the most important aspects of whether or not a new work that quotes or is based upon a prior copyrighted work adheres to fair use is whether this new work uses the old in a manner that is “transformative,” that is, whether the new work creates something fresh from the old that is qualitatively different, transfigured, metamorphosed. In the Google Books ruling, the transformative principle outweighs the old heuristic under which publishers and creators could carefully control the proportion of a copyrighted work that was quoted.

The old rule-of-thumb claimed that if you showed less than a certain percentage of a copyrighted work AND you were not interfering with its market value, you were in compliance with fair use. The transformative argument takes an entirely different set of premises, according to Kevin Smith, formerly of Duke University and now at the University of Kansas.<sup>19</sup> In sum, transformative works have to take you somewhere new. The old percentage standard (which was never really a standard), and the monetary argument are much weaker now, although publishers and media companies appear neither to have relinquished this control nor to have altered their own requirements for authors. Most publishers still demand permissions based on the *quantity* of material used, rather than whether or not the borrowing demonstrates transformative *qualities* (see: Routledge author guidelines, OUP, and CUP).

- 9 A couple of case-studies demonstrate the range and constraint of the fair use doctrine. While research, scholarship, and journalism were protected under the “fair use” doctrine of copyright law, until recently an artist’s strongest protection if she adapted a copyrighted work was the so-called “parody” exemption. For example, when Alice Randall published her adaptation of Margaret Mitchell’s classic *Gone With the Wind*, re-written from the point of view of the slaves at Tara, *The Wind Done Gone*, the Margaret Mitchell estate sued her, won the initial case, then lost the case on appeal because the court found the book to be parody. “Parody” might seem to a lay-reader to offer an inappropriately facetious term for a serious book, whose strictures, implied and outright, against the disingenuous rosiness of Mitchell’s fictional world were precisely what the Mitchell estate found objectionable. Legally, however, the parody exemption provided the best strategy to protect Randall’s expression as a “transformative” use; earlier courts had found “satire,” understood as a general critique of society, to be inadmissible as fair use and “parody,” understood as a specific commentary on an original text, to comprise fair use. The Randall settlement “redefined parody by eliminating any requirement that parody include humor,” observes Barbara Murphy, who pungently notes, however, that such a ruling “seems to be an end-run around the fact that the copyright term [on *Gone With The Wind*] is much longer than it needs to be.”<sup>20</sup> One can also see how this situation played out in the visual arts in the United States with the success of Richard Prince’s appeal in 2013 in *Prince v. Cariou*. In 2009 the photographer Patrick Cariou sued the artist Richard Prince over the latter’s use in appropriation art of Cariou’s photographs of Rastafarians in Jamaica, originally published in Cariou’s book *Yes, Rasta*.<sup>21</sup> Appropriation art recontextualizes prior artefacts in new settings or situations in order to make a political point; it considers the mass circulation of images and treats them as a public or semi-public repository for future creativity, regardless of such images’ provenance and authorship.<sup>22</sup> Prince resized, overpainted, collaged, and otherwise dramatically altered Cariou’s black-and-white photographs for his “Canal Zone” paintings, originally displayed at the Gagosian gallery in New York in 2008; the following year Cariou filed suit against Prince for copyright infringement.<sup>23</sup> Prince lost his case in 2011 (before the Google case), but in 2013, under appeal and the new standard, his appropriation was found to be transformative and thus protected, in all but five cases (Prince settled with Cariou in 2014 out-of-court with regard to those five). This was a huge victory for artists who mix/remix/sample/appropriate/adapt existing works, which is what artists and writers have always done to varying degrees.<sup>24</sup>
- 10 At the same time, copyright and creativity continue to collide. Consider the case of the suit brought by Marvin Gaye’s family against performers Robin Thicke and Pharrell

Williams for the hit recording “Blurred Lines.” This case proved fascinating to anyone interested in copyright law and creativity for many reasons, not the least of which is that the suit was won on the basis of sheet music alone in an era when, suggests Jon Caramica, “the arrangement of notes on a sheet of paper is among the least integral parts of pop music creation” and in which jurors were instructed to decide whether “Blurred Lines” imitated the “feel” and the “sound” of Gaye’s work (even though such a “groove,” observes Alex Sayf Cummings, is shared by any “funky, winsome [...] late 1970s R&B”).<sup>25</sup> Matthew D. Morrison’s canny account of the case outlines the legal and musicological issues arising from the case, criticizes the jury’s reliance on “structural” musicological elements, predicts misgivings and a certain chilling effect among artists and performers, and perhaps indirectly anticipates Judge John A. Kronstadt’s ultimate decision to reduce significantly the Gaye family’s demand for damages and instead to award them a share of future earnings from the song.<sup>26</sup>

- 11 One of the reasons I am suggesting that we use “transformation” for anything to do with Shakespeare is that what we do with him/it is *necessarily transformative*. As far as I can tell, the first person to use “transformation” in a theoretical sense to discuss versions or modifications or adaptations of Shakespeare was Ruby Cohn in *Modern Shakespeare Offshoots*.<sup>27</sup> Cohn distinguishes between what she calls “emendations” (the routine changes made to a play before it is performed on stage, changes that are, she writes, properly the province of “theater history” rather than appropriation studies); “adaptations” (more radical changes to Shakespeare on stage that change the language but nonetheless maintain large plot, structural, and characterological similarities) and “transformations,” where plot and structure from Shakespeare may be jettisoned altogether and Shakespeare’s characters may appear in entirely new situations. I suggest that, punning on the transformative principle in law, we call all of Cohn’s categories transformations. Whenever we do what we do to Shakespeare, we are transforming it. We don’t have access to positivist historical truths and so we are reinventing it/him and ourselves with every iteration, appropriating it in the sense that we make it part of our own mental furniture and even our embodiment, our property.
- 12 And yet it is only “property” in that it can be freely stolen, appropriated, made over. It is, suggests Graham Holderness, malleable and ductile, like gold.<sup>28</sup> Gary Bortolotti and Linda Hutcheon suggest that we should recuperate the term “adaptation” in the sense of genetic adaptation to particular environments (this takes it closer to the sense in which we use “appropriation”).<sup>29</sup> But we cannot “adapt” Shakespeare in a genetic sense: we lack access to its unmodified DNA, and moreover Shakespeare is (if we are going to stretch this metaphor) epigenetic. Or maybe Shakespeare is more of a *chimera*, a half-human-hybrid that bears in its manifestation in the world (in its material and textual forms) traces of other forms that it did not “inherit” in a straightforward manner, a creature that has inherited two or more distinct and identifiable lineages or that has mutated during the process of growth or reproduction.
- 13 To sum up: legally, within the US, asserting either adaptation or appropriation transports one into a discussion of ownership and copyright. The freedom from copyright of classic authors such as Shakespeare, Jane Austen, and Charles Dickens has enabled the emergence of amateur and fan cultures that stimulate additional interest in the copyrighted derivative works as well as in the non-copyrighted texts. As Lessig, Henry Jenkins, Cory Doctorow and other writers on creativity have argued, one of the guiding principles of art is its tendency to generate MORE art: its plenitude, its *copia*. Jenkins has

written about what he calls the “convergence culture” where fan or amateur cultural production encounters professional work, and more recently (with Sam Ford and Joshua Green) about “spreadable media,” so-called because it is grabbable, shareable, mixable, and able to be recreated.<sup>30</sup> Shakespearean chimeras flourish because the texts are shareable or “spreadable.”

## Dandelions, Marble, and Honey

- 14 We find an added complication with regard to European requirements for transparency in publicly funded research. Such research must often be made available to the public free of charge, or published open-access. The difference in funding structures in the US and in Europe and Canada and also the shrinking of available reputable publishing outlets as major publishers have consolidated mean that despite the promise of digital technologies and Web 2.0 for the rapid and inspiring exchange of knowledge, research in the US is often siloed behind paywalls, since most public US institutions will not pay the open-access fees *necessarily required* by commercial publishers. And I say necessarily required: “information doesn’t want to be free,” as Cory Doctorow’s latest non-fiction book, which is not free, is entitled, nor is publishing, print- or electronic.<sup>31</sup> Doctorow’s punning title distinguishes between two senses of the word “free” in English that are helpfully demarcated in French. If something is *libre*, it is available without restriction or censorship, but not necessarily free of charge or free from cost (*gratuit*). Online open-access scholarly publishing presents a good example. Those of us who “tag” essays for digital publication perform the labor of the typesetter or compositor, and those who build the software platforms on which that scholarship appears are the new punch-cutters or machine-tool operators, with skills as rare and highly specialized. Moreover, as Janelle Jenstadt and Brett Hirsch succinctly write, where print editions, once published, require minimal maintenance (they can be left untended, as long as they are kept from flood and fire),

The digital editorial platform must adapt to changing technological specifications, redesign its interface periodically, plan for succession if the life of the project is to be longer than academic careers, check for “link rot” and “bit rot,” and think about maintaining the functionality of digital tools that are built into the edition. Like a puppy, a digital edition is for life, not just for Christmas.<sup>32</sup>

Enabling information to be free (*libre*) sometimes means that that information cannot be free (*gratuit*).

- 15 How, then, to enable more recent, copyrighted creative works both to make money for their authors and to remain “spreadable” and generative, given the draconian extensions to copyright law (in some cases, re-creating the state of perpetual copyright that existed prior to the Statute of Anne) under the Copyright Term Extension Act of 1998 (also called the Sonny Bono Act)?<sup>33</sup> Lessig developed the Creative Commons license, which allows creators to maintain some control over their work without demanding the full protection of copyright law.<sup>34</sup> The concept of Copyleft similarly lays out rights for the creator, but insists that users must continue to allow their own remixed material to be reused at liberty; its critics call it “viral licensing,” because it propagates itself.<sup>35</sup>
- 16 Shakespearean transformations model both the plenitude and the chimeric or hybrid nature of the emerging creative economy. Lessig anticipated the difficult birth of this hybrid economy, the awkward combination of a commodity economy and a gift culture.



Both older models require expenditure, but the former is monetary and the latter is emotional. Where the barriers are clear there is an easy transaction. But (this is Henry Jenkins and Sam Ford): “any viable hybrid economy needs to respect the rights and interests of participants within these two rather different systems for producing and appraising the value of transactions.”<sup>36</sup> Jenkins additionally suggests that we are encountering “a growing recognition that profiting from freely given creative labor poses ethical challenges which are, in the long run, socially damaging to both the companies and the communities involved.”<sup>37</sup>

- 17 Doctorow has suggested what the current complex and convoluted situation with regard to copyright and creative expressions means in a frequently quoted metaphor that contrasts mammalian reproductive strategies with those of the dandelion. A mammal, Doctorow suggests, has one or two offspring that take a long time to mature, require significant parental attention, are significant, and take up space in the world. The dandelion, contrasts Doctorow, produces 2000 seeds: literally fluffy or insignificant, they cannot tell where they will travel; they are highly mobile and transportable; most will be ignored; a few will take root; some will flourish and form plants and seeds of their own. The key, Doctorow suggests, is not to think about individual sales but about royalties on the aggregate, commissions for directing others towards content (as on an Amazon Partners page, for example). Jenkins and Ford contextualize Doctorow’s metaphor in light of the media theory of Harold Innis. Innis contrasted marble – slow, permanent, heavy, indelible, authoritative – with paper – fast, temporary, light, erasable, receptive, suggesting that while the former offered control over time and knowledge-dissemination, the latter offered control over space and knowledge-creation.<sup>38</sup>

- 18 Others in less academic realms have independently made these analogies among books, children, marble, in the context of our current digital media revolution. Popular journalist Joe Queenan makes this point colloquially in *One for the Books*, his recent homage to the approximately 6,128 books he estimates he has read during his lifetime:

People who need to possess the physical copy of a book, not merely an electronic version, believe that the objects themselves are sacred. Some people may find this attitude baffling, arguing that books are merely objects that take up space. This is true, but so are Prague and your kids and the Sistine Chapel. Think it through, bozos.<sup>39</sup>

- 19 What does this have to do with Shakespeare? Implicitly, printed books are to digital media as marble is to paper. Shakespearean transformations in both legacy and emerging media offer models for these new economies and hybrids in part because of Shakespeare’s “spreadability.” It is an accident of copyright law and a function of iterability (the ability of Shakespeare to be performed over and over again, remade on stage and page and its subsequent ability to generate yet more art through every additional iteration). Shakespeare can model the engagement of community producers with consumers and the places where so-called hybrid economy seems to work. The difficulty is matching producers with consumers who would be willing to pay for their content: finding what economists call the “long tail” of publishing, the half-life of books after they are first released.<sup>40</sup> Marketers also prize “stickiness” in media, attributes and relationships that make consumers (readers, viewers, rewriters) return repeatedly to the source or inspiration or that viewers and readers remember and bring to mind even once the advertisement or cultural product has disappeared from their proximate screen or immediate line of vision.



- 20 Can we find examples of Lessig's hybrid gift and commercial economy in Shakespeare studies, or of Doctorow's metaphor of mammals versus dandelions? A search I made on January 8, 2016 of the top ten listing of Shakespeare's works on the US Amazon.com site showed seven out of the ten to be paperback Folger Library editions, an excellent example of this hybrid marketing with its combination of free digital, shareable, mashable, searchable texts online and commercial products (Simon and Schuster print editions). The other three were print versions of the notorious US series *No Fear Shakespeare*, also available freely online with additional content and context through the SparkNotes portal. The rest of the top *twenty* were ninety-nine-cent electronic Kindle Shakespeares, the Riverside Shakespeare (listed as both a rental or as a used copy), and James Shapiro's *Year of Lear*. So this list typifies Lessig's prediction ten years ago: it contains one single breakout best-seller (Shapiro) and then the literally low-rent *No Fear Shakespeare*, and a mid-list (Folger Shakespeare editions) that survives by knowing its market and by intensive outreach and having it partly available for free. Such titles are also indicative in a sense of how writers and scholars can monetize copyleft – derivative works, supplementary works on how to read Shakespeare, lectures, performances, readings, tasters for paid content.
- 21 We can all think of examples of such supplementary hybrid content: the website PlayShakespeare.com, which includes open-source and open-access texts and resources about Shakespeare, run by writers and journalists who are not professional academics but who successfully run along a para-Shakespearean track.<sup>41</sup> A more creative example of appropriation and an excellent example of both the "long tail" in publishing and of how audiences, authors, and actors can collaborate in the imaginary playing space – perhaps we can call it an imaginary globe – would be the relationship between the young New Zealand theatre group The Candle Wasters and their Shakespeare web-series. Work-in-progress by Doug Lanier discusses their adaptation of *Much Ado About Nothing*, "Nothing Much to Do," which takes the form of mock vlogs, iphone video, some shot as if *cinéma vérité* and some as though a student project (the very funny Dogberry and Verges sequences), so I will not discuss the content here but rather I will comment about how the troupe models for us how to get content to users.
- 22 The vlog has become a cult hit, and commenters on Tumblr who say they didn't know anything about Shakespeare claim that they went BACK to Shakespeare because of their interest in the vlog. This symbiotic interaction between producer and consumer appears vividly in Episode 45 of their sequel to "Nothing Much to Do," "Lovely Little Losers" (an appropriation of *Love's Labour's Lost*). In this episode, "Whisper," the flatmates undergo a contest known as the "whisper challenge," in which one character plays loud music via headphones in order to deafen another, while whispering a phrase to him, after which he in turn whispers it to his partner. The characters sign to each other to try to make each other understand over the music, while the spectators laugh at their misunderstandings. The scene is presented as comic. Some commenters on YouTube objected strongly to the representation of hearing impairment as a temporary comic relief, and also to the mockery of sign language. The company apologized, and asked the crowd whether they should pull down the offending episode or leave it there along with the commentary. A consensus emerged to leave the episode up, with a note acknowledging the offense inadvertently given, and to leave the commentary intact.<sup>42</sup>
- 23 As of the time of this writing, the Candle Wasters are running a Kickstarter crowdfunding project, aimed at their established clientele, to produce a version of *A Midsummer Night's*

*Dream* that picks up on the crowd's delight at their non-traditional cross-gender, cross-race, cross-sexual casting. Young viewers loved the bisexuality of the Don Pedro character in *Nothing Much to Do* and the mix of homo- and heteroerotic orientations in their web-series *Lovely Little Losers*. The Candle Wasters' version of *A Midsummer Night's Dream* looks from its trailer as though it too will employ cross-gender and color-conscious casting. In a sense we can see this transformation as the next phase from Gustafson's film *Were the World Mine*: in that film the gayness makes the comedy, but if this version turns out as planned the comedy will have to rely upon character, as in (arguably) its original conditions of production. This "prosumer" or crowd-sourced or subscription model might include the film *Still Dreaming*, by Jillian and Hank Rogerson, an account of *Midsummer* as rehearsed and performed in a home for elderly actors, many of whom have Alzheimer's disease. After an initial screening of the rough cut at the Shakespeare Association of America, two Kickstarter campaigns, and intensive fundraising predominantly among that pre-selected audience, the completed film was shown at SAA 2016 in New Orleans. This is both a long tail and a long development: we could perhaps fancifully modify Doctorow's model to imagine dandelion seeds and plants as potential nourishment for your herbivorous mammal cultural product.

- 24 Plants finally take me to *A Midsummer Night's Dream* and to the transformations enacted upon the natural world through technology that seems, sometimes even to those who create it, magical. Bottom visually manifests the Shakespeare chimera. Many scholars, particularly those who have written about the persistence of the Apuleius myth of the Golden Ass, have characterized the play as a hybrid and Bottom as a figure for Shakespeare: half-human, half-ass, at the mercy of magical mischievous external forces, worshipped to insanity by some with superior powers and garlanded perforce by children, feared by mortals (non-academics) and yet nonetheless wistfully poetic even before he is translated. Shakespeare itself appropriates multiple sources: classical mythology, English fairy-lore, popular romance, even Englished Georgics or "how-to" manuals such as Thomas Moffett's *The Silkworms and Their Flies*.<sup>43</sup> Hybrid or chimera Shakespeare is human, animal, faerie, mechanical. Like Bottom, it is a grotesque yet precious mammal, nourished on vegetable matter – not dandelions, but "apricocks and dewberries [...] purple grapes, green figs, and mulberries" and of course a substance that is both "spreadable" and "sticky": honey.<sup>44</sup>
- 25 Holderness extends Descartes' metaphor of applying flame to beeswax and finding that, however it is melted, loses its shape, and is molded and reformed, is still "redolent of honey and pollen" by arguing that in a much-appropriated play such as *Hamlet* the critic applies the flame and Hamlet is the wax: endlessly mutable and yet somehow still redolent of honey and pollen, still capable of providing surprise and freshness.<sup>45</sup> Coincidentally, there are only five references to honey in *A Midsummer Night's Dream*, all of them surrounding Bottom, either when Titania bids her fairies steal for him "honey-bags [...] from the humble-bees," or when he himself bids good Cobweb to "bring [him] the honey-bag" and to "have a care the honey-bag break not" and not be "overflown with a honey-bag" or when Titania compares herself as she embraces him to the honeysuckle twining about the woodbine.<sup>46</sup> Preservative, sweetener, and antibiotic therapy, honey is one of the most ancient of foods and yet one that shows itself still to contain essential elements for a post-human world.<sup>47</sup> So now I think that Shakespeare is not the wax: in a Web 2.0 environment, we do not need the flame to make Shakespeare sticky and spreadable. We do not need Shakespeare only to preserve our connections to the past and

to sweeten the present but also to emphasize our entanglement in the messy, natural world even amid our technology. Shakespeare is no longer the wax but the honey.

---

## NOTES

1. There is a rich literature on Shakespearean adaptation, appropriation, “tradaptation,” borrowing, reworking, and so on towards which I can only gesture in this essay. On versions of Shakespeare as appropriations, see Christy Desmet and Robert Sawyer, eds., *Shakespeare and Appropriation*, London and New York, Routledge, 1999; Craig Dionne and Parmita Kapadia, *Native Shakespeares: Indigenous Appropriations on a Global Stage*, London and New York, Ashgate, 2008; Alexa Huang and Elizabeth Rivlin, eds., *Shakespeare and the Ethics of Appropriation*, London and New York, Palgrave, 2014; as adaptations, see Margaret Jane Kidnie, *Shakespeare and the Problem of Adaptation*, London and New York, Routledge, 1999; as “tradaptations,” see Roshni Mooneeram, *From Creole to Standard: Shakespeare, Language, and Literature in a Postcolonial Context*, Amsterdam, Rodopi, 2014, p. 145; Jennifer Drouin, *Shakespeare in Quebec: Nation, Gender, and Adaptation*, Toronto, Toronto University Press, 2014, p. 22, p. 62, p. 89-110 *et passim*; as offshoots, see Ruby Cohn’s classic *Modern Shakespearean Offshoots*, Princeton, New Jersey, Princeton University Press, 1976, reprinted Princeton, New Jersey, Princeton Legacy Library, 2015; as recontextualizations, see Daniel Fischlin and Mark Fortier, eds., *Adaptations of Shakespeare*, London and New York, Routledge, 2000, 2nd ed. 2014, p. 3, p. 5, p. 7; Douglas Lanier, “Recent Shakespeare Adaptation and the Mutations of Cultural Capital”, *Shakespeare Studies* 38 (2010), ed. Susan Zimmerman and Garrett Sullivan, Madison and Teaneck, Fairleigh Dickinson University Press, p. 107; as riffs, see Charles Marowitz, *The Marowitz Shakespeare: Adaptations and Collages of Hamlet, Macbeth, The Taming of the Shrew, Measure for Measure, and The Merchant of Venice*, New York, Drama Book Specialists, 1978 p. 9; Peter Erickson, *Citing Shakespeare: The Reinterpretation of Race in Contemporary Literature and Art*, New York and Houndmills, Basingstoke, Hampshire, Palgrave Macmillan, 2007; as remix, see Fran Teague, “Using Shakespeare with Memes, Remixes, and Fanfic”, *Shakespeare Survey* 64 (2011), 74-82. Work in progress further characterizes Shakespeare through the “uses” to which amateur cultures and fan cultures put it (Louise Geddes and Valerie Fazel, eds., *The Shakespeare User: Critical and Creative Appropriations in a Networked Culture*, Palgrave Macmillan, forthcoming, 2017).

2. Julie Sanders, “The Sonnets as an Open-source Initiative”, *Shakespeare Survey* 64 (2011), 121-32.

3. References to the works of Shakespeare come from *Shakespeare’s Plays*, *Folger Digital Texts*, edited by Barbara Mowat, Paul Werstine, Michael Poston, and Rebecca Niles, Folger Shakespeare Library, <http://www.folgerdigitaltexts.org/?chapter=0&?target=about>, last accessed May 17 2016. See also *Were the World Mine*, dir. Tom Gustafson, 2008; Richard Appignanesi and Kate Brown, *Manga Shakespeare: A Midsummer Night’s Dream*, London, Self-Made Hero, 2008.

4. See, for example, John Drakakis, “Ideology and Institution: Shakespeare and the Roadsweepers”, in Graham Holderness, ed., *The Shakespeare Myth*, Manchester, UK, Manchester University Press, 1988, 24-41, p. 34; Michael Bristol, *Big-Time Shakespeare (Is Shakespeare Great? Or is it all just Hype?)*, New York and London, Routledge, 1996, p. 93, p. 113-114 *et passim*; Richard Finkelstein, “Disney Cites Shakespeare: The Limits of Appropriation”, in *Shakespeare and Appropriation*, *op. cit.*, 179-196, p. 193; and the essays in the collection *Shakespeare’s Cultural Capital*:

*His Economic Impact from the Sixteenth to the Twenty-first Century*, eds. Dominic Shellard and Siobhan Keenan, London, Palgrave Macmillan, 2016.

5. Stephen Orgel, "The Authentic Shakespeare", in *The Authentic Shakespeare and Other Problems of the Early Modern Stage*, London and Abingdon, Routledge, 2002, 231-56; Michel Foucault, "What is an Author?" in *Language, Counter-memory, Practice: Selected Essays and Interviews*, ed. Donald F. Bouchard, trans. Donald F. Bouchard and Sherry Simon, Ithaca, New York, Cornell University Press, 1977, 113-138; Denise Albanese, *Extramural Shakespeare*, New York, Palgrave Macmillan, 2010, pp. 5-6, 116-17, *et passim*.

6. Christy Desmet, "Introduction", *Shakespeare and Appropriation*, *op. cit.*, p. 8; Terence Hawkes, *Meaning By Shakespeare*, London, Routledge, 1992.

7. Fran Teague, "Using Shakespeare with Memes, Remixes, and Fanfic", *op. cit.*; Stephen O'Neill, *Shakespeare and YouTube: New Media Forms of the Bard*, London, Arden/Bloomsbury, 2014; Peter Holland, "Spinach and Tobacco: Making Shakespearian Unoriginals", *Shakespeare Survey* 68 (2015), 197-209.

8. Christian Fuchs, "Dallas Smythe and Digital Labor", in *The Routledge Companion to Labor and Media*, ed. Richard Maxwell, New York and London, 2016, 51-62, p. 57.

9. On the history of Shakespeare and copyright, see James Marino, *Owning Shakespeare, Owning William Shakespeare: The King's Men and their intellectual property*, Philadelphia, University of Pennsylvania Press, 2011, p. 1; Jeffrey M. Gaba, "Copyrighting Shakespeare: Jacob Tonson, Eighteenth Century English Copyright, And The Birth Of Shakespeare Scholarship", *Journal of Intellectual Property Law* 19.1 (2011), 21-63, p. 31. Marino argues that even in the absence of what we now understand as copyright in intellectual property, the King's Men modified Shakespeare's plays for theatrical production idiosyncratically as a way of asserting their transformative authority and ownership of the plays they performed.

10. Gaba, *op. cit.*, p. 44.

11. *Ibid.*, p. 62, p. 44, p. 43.

12. *Ibid.*, p. 44, p. 63. On Walker's penny parts, see also Robert B. Hamm Jr., "Walker v. Tonson in the Court of Public Opinion", *Huntington Library Quarterly* 75.1 (2012), 95-112.

13. Don-John Dugas, *Marketing the Bard: Shakespeare in Performance and Print, 1660-1740*, Columbia, University of Missouri Press, 2006, p. 232.

14. I write here as a lay-person and a private individual and do not speak for my institution, the French Shakespeare Society, or any organization. Those with personal, financial, and institutional interests in copyright should consult a qualified expert in intellectual property law. I take my definitions from Cornell University Law School's invaluable Legal Information Institute; the definition of "derivative work" appears at <https://www.law.cornell.edu/uscode/text/17/101>, accessed May 17 2016.

15. Pierre N. Leval, *Harvard Law Review* 103 (1990), 1104-1136.

16. *Ibid.*, p. 1111.

17. *Ibid.*, p. 1116.

18. Lawrence Lessig, *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*, New York, Penguin, 2004, <http://www.free-culture.cc/freeculture.pdf>, accessed May 21 2016; United States Court of Appeals for the Second Circuit, "Authors Guild v. Google, Inc.", Argued Dec. 3 2014, Decided Oct. 16, 2015, [http://www.ca2.uscourts.gov/decisions/isysquery/b3f81bc4-3798-476e-81c0-23db25f3b301/1/doc/13-4829\\_opn.pdf](http://www.ca2.uscourts.gov/decisions/isysquery/b3f81bc4-3798-476e-81c0-23db25f3b301/1/doc/13-4829_opn.pdf), accessed May 21, 2016.

19. Kevin Smith, "A Wide-Angle Lens on Fair Use", *Scholarly Communications@Duke*, Nov. 17, 2013, <http://blogs.library.duke.edu/scholcomm/2013/11/17/a-wide-angle-lens-on-fair-use/>, accessed May 21, 2016; "Google Books, Fair Use, and the Public Good", *Scholarly Communications@Duke*, October 18, 2015, <http://blogs.library.duke.edu/scholcomm/2015/10/18/google-books-fair-use-and-the-public-good/>, accessed May 21, 2016.

20. Barbara S. Murphy, "The Wind Done Gone: Parody or Piracy? A Comment on *Suntrust Bank v. Houghton Mifflin Company*", *Georgia State University Law Review* 19.2 (2002), Article 7, p. 594, p. 598, <http://readingroom.law.gsu.edu/gsulr/vol19/iss2/7>, accessed May 18 2016; see also Richard Schur, "The Wind Done Gone Controversy: American Studies, Copyright Law, and the Imaginary Domain", *American Studies* 44.1-2 (2003), 5-33.
21. Patrick Cariou, *Yes, Rasta*, New York, Powerhouse Books, 2000.
22. Robert Nelson and Richard Schiff, *Critical Terms for Art History*, 2nd edition, Chicago, Chicago University Press, 2010, p. 165; Kathleen K. Desmond, *Ideas about Art*, Oxford and West Sussex, Wiley-Blackwell, p. 151; Tom Williams, "Appropriation Art", *Grove Art Online*, *Oxford Art Online*, Oxford University Press, 2010.
23. Filmmaker and artist Greg Allen has written extensively about the case in "Richard Prince's Canal Zone Paintings: Now With 83% Less Infringiness!", "greg.org: the making of", [http://greg.org/archive/2013/04/25/richard\\_princes\\_canal\\_zone\\_paintings\\_now\\_with\\_83\\_less\\_infringiness.html](http://greg.org/archive/2013/04/25/richard_princes_canal_zone_paintings_now_with_83_less_infringiness.html), accessed August 25, 2016, and archived Prince's "Canal Zone" images at [http://greg.org/archive/canal\\_zone\\_collage\\_rprince.jpg](http://greg.org/archive/canal_zone_collage_rprince.jpg), accessed August 25, 2016.
24. Jonathan Francis, "On Appropriation: Cariou v. Prince and Measuring Contextual Transformation in Fair Use", *Berkeley Technology Law Journal* 29 (2014), Article 10, available at <http://scholarship.law.berkeley.edu/btlj/vol29/iss4/10>, accessed May 21, 2016.
25. Jon Caramanica, "What's Wrong With the 'Blurred Lines' Copyright Ruling", *New York Times*, 11 March 2015, [http://www.nytimes.com/2015/03/12/arts/music/whats-wrong-with-the-blurred-lines-copyright-ruling.html?\\_r=0](http://www.nytimes.com/2015/03/12/arts/music/whats-wrong-with-the-blurred-lines-copyright-ruling.html?_r=0), accessed 17 May 2016; Alex Sayf Cummings, "The 'Blurred Lines' of music and copyright: Part one", *OUP Blog*, 28 April 2015, <http://blog.oup.com/2015/04/blurred-lines-copyright-part-one/#sthash.Gi1PA9Xq.dpuf>, accessed May 17 2016.
26. Matthew D. Morrison, "Gaye vs. Thicke: How blurred are the lines of copyright infringement?", *OUP Blog*, 26 March 2015, <http://blog.oup.com/2015/03/blurred-lines-copyright-infringement/#sthash.CG3bws7g.dpuf>, accessed May 17 2016; Guardian Music and Associated Press, "Pharrell Williams wins back \$2m in Blurred Lines case", *The Guardian*, July 15 2015, <http://www.theguardian.com/music/2015/jul/15/pharrell-williams-wins-back-2m-in-blurred-lines-case>, accessed May 17 2016.
27. Cohn, *op. cit.*
28. Graham Holderness, *Tales from Shakespeare: Creative Collisions*, Cambridge, Cambridge University Press, 2014, p. 4.
29. Gary R. Bortolotti and Linda Hutcheon, "On the Origin of Adaptations: Rethinking Fidelity Discourse and 'Success'—Biologically", *New Literary History* 38.3 (2007), 443-458.
30. Henry Jenkins, *Convergence Culture: Where Old and New Media Collide*, New York, New York University Press, 2008; Henry Jenkins, Sam Ford, and Joshua Green, *Spreadable Media: Creating Value and Meaning in a Networked Culture*, New York, New York University Press, 2015.
31. Cory Doctorow, *Information Doesn't Want to Be Free*, New York, McSweeney's, 2014.
32. Brett D. Hirsch and Janelle Jenstad, "Beyond the Text: Digital Editions and Performance", *Shakespeare Bulletin* 34.1 (2016), 106-27, p. 107.
33. Cory Doctorow, "We'll Probably Never Free Mickey, But That's Beside the Point", *Electronic Frontier Foundation*, Jan. 19, 2016, <https://www.eff.org/deeplinks/2016/01/well-probably-never-free-mickey-thats-beside-point>, accessed May 21, 2016.
34. Creative Commons, <https://creativecommons.org/>, accessed May 21, 2016.
35. Copyleft.org, <https://copyleft.org/>, accessed May 21, 2016.
36. Jenkins, Ford, and Green, *op. cit.*, p. 67.
37. *Ibid.*, p. 68.

38. Harold Innis, *The Bias of Communication*, 1951, Toronto, University of Toronto Press, 1999, discussed in Jenkins, Ford, and Green, *op.cit.*, p.37.
39. Joe Queenan, *One for the Books*, New York and London, Penguin, 2012, p. 239.
40. Chris Anderson, *The Long Tail: Why the Future of Business is Selling Less of More*, New York, Hyperion, 2006.
41. PlayShakespeare.com, 2005-2016, <https://www.playshakespeare.com/>, accessed May 21 2016.
42. The Candle Wasters, "Whisper", *Lovely Little Losers*, Episode 45, <https://www.youtube.com/watch?v=IUxpttxjyzs>, accessed January 15 2016.
43. On Shakespeare's sources for *Midsummer Night's Dream*, see Geoffrey Bullough, *Narrative and Dramatic Sources of Shakespeare*, Volume 6, New York, Columbia University Press, 1957, p. 367-424. Whether or not Shakespeare used Moffett remains the subject of debate: see Katherine Duncan-Jones, "Pyramus and Thisbe: Shakespeare's Debt to Moffett Cancelled", *Review of English Studies* 32 (1981), 296-301; Roger Prior, "'Runawayes eyes': A Genuine Crux", *Shakespeare Quarterly* 40 (1989), 191-195.
44. William Shakespeare, *A Midsummer Night's Dream*, 3.1.172, ed. Barbara Mowat, Paul Werstine, Michael Poston and Rebecca Niles, <http://www.folgerdigitaltexts.org/html/MND.html>, accessed May 21 2016.
45. Holderness, *Creative Collisions*, *op. cit.*, p. 8.
46. Shakespeare, *A Midsummer Night's Dream*, *op. cit.*, 3.1.174; 4.1.12, 15, 16, 41.
47. Katrina Brudzynski, Calvin Sjaarda, "Antibacterial Compounds of Canadian Honeys Target Bacterial Cell Wall Inducing Phenotype Changes, Growth Inhibition and Cell Lysis That Resemble Action of  $\beta$ -Lactam Antibiotics", *PLOS One*, September 5, 2014, <http://dx.doi.org/10.1371/journal.pone.0106967>, quoted in Andrea Ford, "Is Honey the New Antibiotic?", *Scope*, Stanford Medicine, January 18 2015, <http://scopeblog.stanford.edu/2015/01/28/is-honey-the-new-antibiotic/>, both accessed November 14 2016.

---

## ABSTRACTS

Much critical ink has been spilled in defining and establishing terms for how we discuss versions of Shakespeare: appropriation, adaptation, off-shoot, recontextualization, riff, reworking, and so on have been used interchangeably or under erasure. This paper both examines the utility of such nice distinctions, and critiques existing taxonomies. It takes as its starting point the premise that scholars must carefully articulate our reasons for deploying particular terms, so that Shakespearean thinkers, readers, writers, and performers can develop a shared, even if contested, discourse. Ultimately, however, it suggests a new rubric or heading under which to consider Shakespearean appropriations: as transformations. In a US context, to evoke either "adaptation" or "appropriation" is to evoke copyright law. I suggest that Shakespearean appropriations potentially metamorphose or mutate culture, literary form, creativity, pedagogy, and, most provocatively, the market economy, in part because Shakespearean texts antedate current US copyright law and thus any use we make of them is already "transformative." In particular, Shakespearean appropriations transform creative production and intervene in contemporary commodity culture or the hypermediatized, monetized creative self. Shakespearean transformations in both legacy and emerging media also offer models for the new hybrid creative economies predicted ten years ago by Lawrence Lessig in part because of

Shakespeare's "spreadability" (Henry Jenkins, Sam Ford, and Joshua Green's term for content that can be remixed, shared, grabbed and so on) and its "stickiness" (a marketing term popularized by Grant Leboff, *Sticky Marketing: Why Everything in Marketing Has Changed and What to Do About It*, London, Kogan Page, 2011, that connotes the power to draw repeat users who forge a lasting connection with the source material).

Comment définir les différentes versions des œuvres de Shakespeare ? Le vocabulaire est foisonnant : on utilise, de façon presque interchangeable ou sous rature, les termes d'appropriation, d'adaptation, de produit dérivé, de recontextualisation, de variation, de réélaboration, etc. Cet article évalue l'utilité de telles distinctions et passe en revue les taxonomies existantes en prenant comme point de départ la nécessité pour les chercheurs de justifier l'emploi de tel ou tel terme, et ce pour permettre aux penseurs, aux lecteurs, aux écrivains et aux artistes qui s'intéressent à Shakespeare de disposer d'un discours commun, même si celui-ci fait l'objet d'un débat. L'ajout d'une nouvelle catégorie semble souhaitable : celle des transformations. En effet, dans le contexte américain, les notions d'adaptation et d'appropriation appartiennent à la législation sur la propriété intellectuelle ; or, si les appropriations shakespeariennes peuvent transformer la culture, les formes littéraires, la créativité, la pédagogie, et même poser un défi à l'économie de marché, c'est en partie parce que les textes de Shakespeare ont été écrits avant les lois sur le copyright en vigueur de nos jours aux États-Unis. L'usage que nous pouvons faire de ces textes est donc déjà une « transformation ». Les appropriations shakespeariennes transforment la production créative et jouent un rôle dans la culture standardisée contemporaine ou dans l'expression d'une identité hypermédialisée et monétisée. Les transformations de Shakespeare, à la fois dans les médias traditionnels et dans les nouveaux médias, fournissent un modèle pour les nouvelles économies créatives hybrides annoncées il y a dix ans par Lawrence Lessig, en partie à cause de sa « diffusabilité » (mot employé par Henry Jenkins, Sam Ford et Joshua Green pour parler d'un contenu qui peut être remixé, partagé, saisi, etc.) et de son « adhésivité » (*stickiness*, terme popularisé par Grant Leboff, *Sticky Marketing: Why Everything in Marketing Has Changed and What to Do About It*, Londres, Kogan Page, 2011, qui renvoie au pouvoir d'attirer des usagers fréquents qui vont développer un lien durable au document original).

## INDEX

**Mots-clés:** adaptation, adhésivité, appropriation, contenu généré par les usagers, Candle Wasters (The), créativité, diffusabilité, fair use, interactivité, intermedia, principe de transformation, prosommateur, Songe d'une nuit d'été (Le), vlog, Web 2.0

**Keywords:** adaptation, appropriation, Candle Wasters (The), creativity, fair use, interactivity, intermedia, Midsummer Night's Dream (A), prosumers, spreadability, stickiness, transformative principle, user-generated content, vlog, Web 2.0

## AUTHOR

SUJATA IYENGAR

University of Georgia