

日本英文学会第79回大会

2007年5月20日 於：慶應義塾大学三田キャンパス

## 19世紀前半における著作権——ワーズワースを軸に 園田 暁子

### 1. イギリスの著作権法により定められた著作権の保護期間の変遷

1709年 出版から14年、最初の14年経った時点で著作者が存命の場合さらに14年

1814年 出版から28年、もしくは著作者の存命中のいずれか長いほう

1842年 出版から42年、もしくは著作者の死後7年までのいずれか長いほう

### 2. ワーズワースの著作権に関する基本的考え

The law as it now stands merely consults the interest of the useful drudges in Literature, or of flimsy and shallow writers, whose works are upon a level with the taste and knowledge of the age; while men of real power, who go before their age, are deprived of all hope of their families being benefited by their exertions.

(*WL*, II, 266; 27 Sept 1808; WW to Richard Sharp)

### 3. ワーズワースの詩作による収入について

Upon the general merits of this question it would be presumptuous in me to enter in a Letter to you. But as to my own interest in it, it may not be superfluous to say that within the last three years or so my poetical writings have produced for me nearly 1,500 pounds, and that much the greatest part of them either would be public property to-morrow, if I should die, or would become so in a very few years. Is this just, or can a state of law which allows the possibility of such injustice be favourable to the production of solid literature, in any department of what is usually called Belles-Letters?

(*WL*, VI, 536; 23 Mar 1838; WW to William Ewart Gladstone)

### 4. 自分の死とともに作品の大部分が **Public Domain** に属してしまうことへの言及

I have myself some claim upon my country as a man who in the most disinterested way has devoted his life to the service of sound literature; and now, when the success with which this has been done, is generally acknowledged, and a pecuniary return might be expected to be made to my family, the Law respecting copyright steps in, and declares that the greatest part of my productions, shall be public property the moment I cease to breathe; it would be surely therefore hard, if under these circumstances, my wish to resign in favor of my son were not complied with.

(*WL*, VI, 16; 24th January 1835; WW to Lord Lonsdale)

## 5. 1837年6月6日付の著作権法改定案

- ① 複数の著作権法の一本化  
文学作品、版画、劇作、講演など、保護する対象により別々の法律であった著作権を一本化
- ② 著作権の保護期間  
著者の死後60年までとする（ワーズワースにとってはこれでも妥協であった）
- ③ 外国の作品の著作権保護  
イギリス国外で最初に出版された外国人の作品も、出版から1年以内にイギリスにおいて登録されれば英連邦内でも著作権を保護

## 6. アメリカとの間の国際著作権保護に関するアイデア

... that the proper way of proceeding, would have been to lay the case before our foreign Secretary, whose duty it would be to open a communication with the An(=American) foreign Sec<sup>y</sup> and thro' that channel, the correspondence would regularly proceed to Congress.

(*WL*, VI, 493; 15 Dec 1837; WW to Henry Crabb Robinson)

## 7. Talfourd の著作権法案が救いうる文学者たちのおかれた状況

... the Bill has for its main object, to relieve men of letters from the thralldom of being forced to court the living generation, to aid them in rising above degraded taste and slavish prejudice, and to encourage them to rely upon their own impulses, or to leave them with less excuse if they should fail to do so.

(*Prose Works*, 319.)

## 8. Galignani による「海賊版」が大量に容易にロンドンで入手できることについて

A few years back I went into a Booksellers shop, Piccadilly, where I was unknown and asked if I could have a copy of Galignani's Edit: of Wordsworth's Poems.—Yes—Could I have five?—yes—ten?—yes—100? yes, and so on till 500, with the same answer, adding as to the latter numbers, “give me only time.”—

(*WL*, VII, 327; 19 April 1842; WW to Lord Mahon)

## 9. アメリカ議会に提出された請願にサインしなかった理由

First, I cannot speak of my own knowledge to the very important fact of English books being garbled by American Publishers at all, much less for any sordid purpose. . . Secondly, I submit whether it would be politic to condemn those Publishers in such strong language;

(*WL*, VI, 321-22; 16th November 1836; WW to Talfourd)

## 1 0. Henry Reed がワーズワースの詩集をアメリカにおいて編集・出版した動機

. . . the Editorship was assumed by me solely for the purpose of placing myself between you and the reprinters here and thus guarding your works from the errors and the abuse to which in the present defective state of legislation on International copyright the writings of foreign authors are more or less exposed.

(*Wordsworth and Reed*, 5.)

### 1 1. 財産を持つことと文学者の社会的ステイタスについて

The apprehensions of evil would be proved to have been vain, and the character of the literature of the Country would I trust be considerably improved. Authors as a Class could not but be in some degree put upon exertions that would raise them in public estimation—And say what you will, the possession of Property tends to make any body of men more respectable, however high may be their claims to respect upon other considerations. And as to the real independent Authorship of the Country, I mean that in which men act from higher motive than instant impressions, and immediate gains,—is it not in a deplorable State?

(*WL*, VI, 636; 25 Oct 1838; WW to Thomas Noon Talfourd)

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