

THE SOCIAL CONTRACT AND AUTHORSHIP

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ABSTRACT

Political and moral philosophy teach that there are norms governing how individuals and states ought to behave to ensure a well functioning society. This paper argues that authorship is essentially an activity that can only occur when other individuals in society are constrained by particular moral and ethical norms, and when the copyright system is built on a theoretical framework where individuals in society agree to waive certain rights in order that authors may have the incentive to produce literary and artistic works. The law as it presently stands allocates entitlements without ethical or moral restraints on the exercise of private individual rights. Considerations of fairness and justice ought to be serious considerations in deciding how entitlements in literary and artistic works are allocated, and this paper utilizes theories of moral and political philosophy as a normative model for how individual rights ought to be exercised. This paper concludes that the allocation of entitlements in literary and artistic works ought to be in accordance with the mutual agreement individuals in society enter to provide rewards to authors, and prescribes certain ethical and moral norms that ought to be incorporated into the copyright system to fulfill this agreement.

Keywords: Copyright, Intellectual Property, Political and Moral Philosophy, Property Rights