

DEMANDING THE ANGELS' SHARE

INTELLECTUAL PROPERTY, EMERGING RELIGIONS,
AND THE SPIRIT OF THE WORK

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The Urantia Book is striking in its design. The blue rexine cover with gold trim, the logo of three concentric circles centered on a white banner, and the substantial weight of its 2,097 pages are simultaneously uncommon yet familiar, echoing the design of old family Bibles and fashioned to elicit reverence from its prospective reader. Even more striking is the story behind the production of *The Urantia Book*: how its complex assembly, manufacture, and distribution were conceived not as incidental to its sacrality but instead as central to the production of its spiritual value. Unlike the Bible—assumed to be “a book above change,” unmediated as it was produced by the hand of God—*The Urantia Book*’s sacredness stems precisely from its all too human production through the secular mechanics of typesetting, printing plates, jacket design, and, last but not least, copyright (Gutjahr, 176). Richard Keeler, President of the Urantia Foundation wrote:

Look at your Urantia Book. At the spine it is stitched and tightly bound together. But around the remaining edges, all of the pages are free. You can flip through them with ease and turn to any page. The publishing responsibility of Urantia Foundation is like that. By the copyright, the Foundation “stitches the spine so firmly” that not a page can be added or lost. But at the same time, the Book is flexible in that all who desire to study it may open it and engage in the exhilarating quest for spiritual truth. (1)

Unusual as the Urantian story is, it is not exceptional in the landscape of contemporary American religion. In fact, it can be considered a bellwether: a sign of the increasing importance of religious media, and especially its reliance on intellectual property law, in modern spiritual practice.

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Figure 1. Photograph of the Urantia Foundation's version of *The Urantia Book*.

Like the Urantia Foundation, many religious organizations in the United States are turning to intellectual property law to assert control over sacred texts and other forms of religious media. The Church of Scientology, the Church of Jesus Christ of Latter Day Saints, the Worldwide Church of God, and Bikram Yoga exemplify this trend, all having found themselves in disputes in which the nature, logic, and ethics of their ownership in religious media has become subject to increasing legal as well as public scrutiny (Urban; Fish). The Vatican enacted its own copyright laws to protect the texts of the Magisterium while pastors across denominations engage in debates about sermon-stealing, a growing problem linked to the accessibility of sermon texts online (Gaudium Press; Gibson; McKay; Bollier). Elsewhere, scholars like Heather Hendershot and Mara Einstein have tracked the increasing importance of religious branding for evangelical megachurches in the United States that are themselves reliant on religious businesses like the proprietary Bible software developer Logos and worship licensing services such as Christian Copyright Licensing International for the

provision of critical information infrastructure. Countervailing edicts to spread religion as gospel or to freely disseminate the work of divine Word have done little to brake efforts by these groups to claim their proprietary entitlements.

For these organizations, coherence no longer lies in a centralized institution like the church but is found in a shared dedication to sacred texts and other religious media. By strategically deploying their property rights, these institutions successfully construct and police new religious communities within the contemporary spiritual marketplace but also venture into juridical terrain that has few tools with which to adjudicate religious conflict. These transformations are encapsulated in the disputes surrounding the circulation and use of *The Urantia Book*, a divinely revealed text published in 1955 and embraced by a small group of believers. The battles surrounding this book prompted leaders within the Urantian community to legally and ethically justify ownership in religious texts to both the courts and their followers. Further, their willingness to mobilize the juridical power of intellectual property demonstrates a conviction shared with other emerging religious organizations that religious media can retain their auratic power even as they are mass produced, packaged, and sold in the American marketplace.

The Urantia Book consists of 196 different papers describing the characteristics of humanity's divine nature, the myriad journeys of the soul in the afterlife, the complex cosmology of the universe, and countless other features of the spiritual environment. Beginning in 1923 and continuing over the next thirty years, the papers were authored by celestial beings, "received" by an anonymous sleeping person, and compiled into their current form in Chicago by a group known as the Contact Commission (Gardner, 116).¹ Shortly before the book's first publication, the Contact Commission created the Urantia Foundation, a nonprofit educational institution formed to "perpetually preserve inviolate the text of *The Urantia Book* and to disseminate the principles, teachings, and doctrines of *The Urantia Book*" (Urantia Foundation [UF] 1950). The Foundation thus committed itself to two complementary tasks: an act of *textual preservation* of the divine revelation and an act of *social outreach*, circulating the new gospel for the twentieth century.

Beginning in the 1980s, many different versions of *The Urantia Book* (both print and digital) were produced and distributed specifically to

challenge the legitimacy of the Urantia Foundation's copyright. The actors responsible for these infringing publications were not outsiders or critics of the movement but were rather engaged believers in the Urantian Revelation. Their challenge, which in turn resulted in a series of court cases, was motivated by a genuine belief that the book's divine message was better served if no single entity controlled exclusive rights in the text and instead all could publish, copy, and distribute the work as they saw fit. The cases that emerged from this conflict have grappled with questions about the protections granted to divine authorship, the differences between channeling, inspiration, and original creation, and the tension between the religious freedom of readers and the monopoly rights granted by copyright and trademark. In 1995, Kristen Maaherra—who was earlier sued by the Urantia Foundation for distributing a full-length digital version of the book on CD—clarified just what was at stake, writing, "By suing me, the Foundation has swallowed a poison pill. If they admit the superhuman authorship of the Papers in court, they lose the copyright. If they say they hired a human to write the Papers, they lose their credibility with the readers—not to mention the Ancients of Days" (quoted in Gardner, 413).²

These cases, undoubtedly outliers in the formal history of intellectual property law involving inhuman authorship and litigious spiritualists, in fact point both to the deeper metaphysics of copyright and the powerful organizing effects of the law in contemporary religion. The ensuing disputes revolved around two interrelated questions, one legal and the other theological. First, could the Urantia Foundation properly maintain secular ownership in the book without abandoning the claim that it was legitimately authored by a multitude of angels? And second, was ownership of the copyright in the book the best tool for the development and maturation of an incipient spiritual community? That the Foundation emphatically answered yes to both questions points to its development of a radical new idea: intellectual property—as a means of control over the book and its distribution—could itself be a spirited thing.

By "spirited" I mean not only that the Urantia Foundation considered its rights to be based on the divine spirit that inspired the writing but also that intellectual property, while a thoroughly secular legal tool, could achieve crucial spiritual effects. The Foundation could have justified its copyright with a rationale similar to that of traditional

intellectual property rights: that just as the author's personal expression is imprinted in unique form on the work, making it the author's property, the angel's unique imprint produced a religiously justified copyright in the divine work. But finding this rationale both legally and theologically unsatisfying—as it could not clearly claim how or why it was granted the rights originally bestowed on the angels—the Foundation shifted its argument.

It instead drew attention to results: articulating what intellectual property rights would allow it to *do* rather than *why* they should *be*. Rather than emphasizing angelic authorship, it dismissed the concept of authorship altogether as a legal invention unimportant to its claim and focused on the spiritual objectives that legal ownership would allow it to achieve: protecting the text from misuse, fostering the growth of community with careful distribution strategies, and strengthening ties between reader groups through licensing. Meanwhile, in the courtroom, the Foundation turned to the many corporate tools increasingly codified in modern copyright law, including work-for-hire doctrine, corporate authorship, control of derivative works, rights of transfer, and ownership in compilations, in order to establish its varied legal entitlements without invoking traditional claims of authorship, be it by the angels or its human "receivers." In sum, it mobilized all the tools from copyright law's toolbox but not the framing ideology / narrative of copyright based on the figure of the Romantic author.

In this way, its conception of spirited property also answered the second concerns produced by the case: namely whether ownership in the text was the best thing for the Urantian movement. The Foundation argued that the complex tools of intellectual property law deployed in the ensuing litigation were themselves uniquely suited to the protection of spiritual value as well as the production of an emergent spiritual community. Thus, the resulting conception of *The Urantia Book* as spirited property is tied less to the notion of "spirit" as noun: the vital trace of the original (divine) figure animating the text. It instead operates closer to the conception of "spirit" as verb: a book spirited by the Foundation through the marketplace on behalf of the angels ultimately to alight into the hands of enlightened readers; a property oriented toward utopian futures rather than a prophetic past; a text producing readers sharing in the spirit of togetherness rather than learning the spirit of its origins.

SPIRITED PROPERTIES

The Urantia cases elucidate emergent religions' capacity to develop and sustain new forms of spirituality by mobilizing the tools of intellectual property. This development is not as surprising as it seems. Since its inception, copyright law has folded within itself alternate rationales that sit alongside those of distributive economic justice (the just rewards given for mental labor) or individual moral right (the work protected as an extension of the self) and that focus instead on controlling and stabilizing meaning, monitoring circulation, and attending to the publics for whom the text is produced. For instance, copyright has historically manifested a recurring tension between property and propriety—an interest in propertization not simply for individual profit but also for the management of morals and behavior in new and evolving media environments (Hyde, 225). Mark Rose recounts this logic in the early Stationer's copyright in eighteenth-century Britain, which was grounded less in an ideology of possessive individualism than in a regime of regulation in which the legal management of the book trade was linked to broader state attempts to monitor and regulate public discourse. "Since both copyright and censorship were understood in terms of regulation of the press, it was difficult to even think about them as separable practices" (15). In this milieu, the notion of the author functioned first as the figure held accountable for the production of seditious or heretical material and only second as the person to whom economic benefits could accrue.³

Further, copyright originated around the protection of texts attributable to an inspired author—a figure of "genius" construed through the reworking of older forms of inspiration (by gods, spirits, or muses) into a source of uniqueness and creativity internal to the author (Woodmansee, 20). In this respect, the Urantia Foundation's ownership of *The Urantia Book*, mobilized as part of a religious obligation to its angelic authors, harkens back to a logic predating the establishment of the Romantic figure of the author. Yet, the Urantians were not simply attempting to resurrect historically submerged notions of property rights. Instead, as we will see, they were fully cognizant of the increasing strength of modern intellectual property law, which has heightened the constitutive cultural power of objects of property. As

Rosemary Coombe notes, current law on the length and durability of contemporary U.S. intellectual property rights—particularly after the most recent revisions in 1998—“legitimizes new sources of cultural authority by giving the owners of intellectual property priority in struggles to fix social meaning” and, by extension, the worldviews that they produce (26). This attention to semiotic authority and circulatory control, which manifests alongside or even in the absence of strong author-based or economic rationales, is crucial to understanding the role of intellectual property law within the religious domain.

This study of the *Urantia* cases thus contributes to a growing body of literature that understands discourse on property and the commons as fundamentally palimpsestic and multiple, neither philosophically coherent across time nor uniformly applied across varied sociocultural contexts. Contrary to earlier copyright critiques that were governed by the question of whether certain cultural products (e.g., mash-ups, cooking recipes, fashion) should be considered property, I follow scholars like Caren Irr who understand the category of property and the legal discourses that produce it as neither self-evident nor coherent. Irr writes, “By treating the property concept itself as self-evident and asserting that only the historical and cultural distortions involved in certain contemporary interpretations of property law should be understood as worrying, the reigning liberal consensus fetishizes the law. History and culture influence the law, according to this account, but the law remains the determining factor, the first cause” (6). In fact, legal discourse is inseparable from the unique historical and cultural conditions that provoke its summoning in the courtroom. As such, the law is inherently and fundamentally malleable, reproduced anew by litigants’ unique demands and repeatedly turned to emanant ends.

Yet, despite its flexibility, intellectual property law is not formless. It is both shaped by the case law that preceded it and bound by the statutes that originally encoded it. Thus, every new engagement with the law involves a complex dialectic between its accreted historical meanings and the emergent meanings produced by its novel application. The *Urantia* cases demonstrate this Janus-faced quality of the law as their (re)definition of intellectual property looks simultaneously backward to earlier proprietary logics and forward to an

ever-strengthening intellectual property regime. In this respect, a careful analysis of the *Urantia* cases reveals a religious conceptualization of property that has existed and continues to exist in attenuated form underneath and alongside dominant property claims. Like *Irr*'s analysis of the pink commons, which puts forth a feminist literary account of the cultural commons, the *Urantia* cases uncover a spiritualized interpretation of property that is "both a historical residue of and a site for an emerging culture" (8). They point to early modern printing privileges designed to assist in the censorship, regulation, and repression of media while also gesturing forward to our contemporary environment in which increasingly robust property rights extend beyond the moment of market exchange to increasingly monitor the reader's use of the text.⁴

In doing so, the religious property holders in the *Urantia* cases uncovered the metaphysical dimensions of intellectual property law and turned them to spiritual ends. "Intellectual property" is a strange concept, corralling a complex and varied set of legal doctrines and rights (copyright, patent, trademark, trade secret, publicity rights, and other media-specific rules and regulations) while analogizing them to private property rights in physical objects.⁵ Yet, any one manuscript, drawing, or invention considered as an object of intellectual property becomes much more than the material object "fixed in tangible form."⁶ It alchemizes into something different, something that is also fundamentally immaterial. Intellectual property identifies and, by identifying, produces the spirit of the physical object created: the style and expression of a particular story or idea as well as its myriad derivative expressions, a symbol connoting a wide range of industrial market practices, a technical innovation. Further, intellectual property law creates a set of rules and prohibitions around the object that empowers its owner while constraining all others that come into contact with it. The original material object—the inert manuscript, the physical prototype—becomes something more lively and yet more abstract, carrying an aura of authority and dominion propped up by the power of legal enforcement.

Similarly abstracted and ephemeral is the notion of the author attached to the object created. While the original text or invention is purported to be inextricably linked to the author or inventor that produced it, intellectual property rights in the United States are imminently

alienable. In order to exact the kind of robust legal control entitled to the intellectual property owner, rights are often transferred to companies and corporations capable of actualizing the strength of those rights, enforcing them through lawsuits and multiplying their power by linking them to other forms of institutional and legal authority. Hence, Mickey Mouse, ostensibly the singular creation of Walt Disney and Ubbe Iwerks, can morph into the anchor for a global brand that uses the character as part of a complex assemblage of rights over media, merchandising, entertainment, and tourism.

As intellectual properties are produced, bought and sold, transferred and consolidated, the original author is left as a historical vestige, sometimes contributing to the legitimacy and value of the object but legally relegated to the sidelines, the line on a company ledger identified as a fixed percentage of quarterly royalties. These particular transformations have only accelerated throughout the nineteenth and twentieth centuries as the model of the corporation has increasingly claimed legal personhood while its employees are figured not as autonomous actors but rather as human assets within a company portfolio and whose role in authoring corporate intellectual property grants them few legal rights (Fisk, 220). In turn, these trends have contributed to subsequent revisions in copyright law extending the duration of copyrights and formalizing the complex mechanisms of transfer, licensing, and distribution structuring varied media industries (17 USC).

The objects of intellectual property then assert a kind of ghostly ontology, shaping every commercial exchange and governing the movement of a wide range of materials, embodied in every material copy while never fully located anywhere. This uncertain property right in the intangible has been considered by scholars like Mark Rose, John Feather, Ronan Deazley, and others to have generated the legal and philosophical complexities governing the evolution of intellectual property law all the way from its premodern origins as a printer's right in the copy to the twenty-first century's digital turn: a history characterized by law's repeated attempts to make sense of and "to contain and restrict the intangible—to capture the phantom" (Sherman and Bently, 59). Only in moments of legal conflict—in copyright, patent, or trademark lawsuits—are intellectual property rights and their property owners required to reveal themselves. Like a *séance*, the courtroom

becomes the space to call intellectual property into being, to discover its contours and its movements, to locate its origins in manuscripts and printing plates, or to find its signature written on registration forms. Thus, intellectual property, the most secular of legal forms born from theories of legal personhood and the logic of economic incentive, is at heart a spirited thing.

The curious case of *The Urantia Book* exemplifies this process. The Urantia Foundation defended its rights using the same legal tools designed to facilitate increasing corporate ownership in intellectual properties as unique economic assets. The same way corporate interests paid lip service to the mythical figure of the individual genius author but actually lobbied for the development of copyright law away from that figure, the Urantia Foundation foregrounded God as author but did not treat him as such. In fact, it acted like a corporation, that is, it used all the corporate-friendly (and corporation-lobbied) nuts and bolts of copyright law to carefully manage, distribute, package, rework, and expand its products. These tools—the products of profound transformations reconceptualizing copyright as an intangible object understood in terms of “market value”—allowed control over an increasing number of markets operating downstream from the original work (Bracha, 228). Ownership in *The Urantia Book* thus allowed the Foundation to manage the community of believers through the various “markets”—Urantia schools, reader groups, and organizations—independently aggregating around the sacred text. Rather than evidencing crass commercial calculation, the Foundation’s intellectual property strategy thus turned the marketplace into a space for directed religious cultivation.

Spirited properties like *The Urantia Book*, increasingly created and mobilized by contemporary media-savvy religious organizations, neither simply emerge whole-cloth from prior religious practice nor uncover preexisting yet underutilized logics in intellectual property law. Instead, these spirited properties are uniquely hybrid: juridico-religious innovations produced by harnessing the affirmative power of law to generate and vivify new legal objects. That is, religious organizations like the Urantia Foundation recognize in law what Derrida calls “the mystical foundation of authority”: that “the founding and justifying moment that institutes law implies a performative force” (Derrida, 937, 941). Yet, instead of disavowing this quasi-mystical

generative capacity of legal authority, the Urantia Foundation recognized precisely its mystical qualities and identified it as divine.

As emerged in the Urantians' legal arguments, this recognition of the quasi-sacred power at the heart of the legal system freed them to articulate deconstructions of the letter of the law in a manner remarkably similar to that employed by scholars in Critical Legal Studies; however, instead of destroying the power of the law by tracing it to its irrational source, Urantians affirmed its usefulness in the service of their greater religious project. *The Urantia Book* as spirited property in the former sense—a book spirited into existence by “supermortal” beings—was transformed through the ensuing legal actions into a spirited property in the latter sense, a spiritual asset leveraged by its owner in order to exert influence over those among whom it is bought, sold, exchanged, and consumed. The disputes surrounding *The Urantia Book* are therefore not simply presented as yet another example of the limitations of the tools of Western intellectual property regimes, nor are they cautionary tales about the ever-expanding dominion of copyright law as it colonizes areas of religious practice. They instead tell a story of legal generativity as unexpected cultural actors utilized the power of ownership in material and immaterial goods to produce new legal objects, assemble new communities, and produce new modes of spiritual belonging.

ORGANIZING AN EMERGENT RELIGION

The Urantia Book is an unwieldy and challenging text. It traces the history of humanity, beginning with descriptions of the Isle of Paradise where God lives at the center of the cosmos, continuing with the history and development of our local universe of Nebadon and our home planet, Urantia, and concluding with a new gospel—“The Life and Teachings of Jesus”—in which Michael, the creator of our local universe, chose to descend to Urantia as Jesus and live as a mortal in order to better understand his creation (*Urantia Book*). Filled with book-specific terminology and written in a mélange of styles varying from chapter to chapter, *The Urantia Book* provides a unique and intimidating challenge to new readers. The Urantia Foundation was thus tasked with figuring out the best methods for distributing and

promoting this idiosyncratic book to a wider audience and for cultivating a robust community of readers who could responsibly interpret and apply the teachings of this new revelation.

By early 1955, the Foundation had registered the copyright of *The Urantia Book* and attempted to trademark both the word “Urantia” and the central symbol of three blue concentric circles.⁷ These legal maneuvers were not simply a means to generate revenue or to protect the economic rights of the book’s heavenly authors but rather a critical strategy for the fulfillment of the Foundation’s religious obligation. In August 1942 the Revelatory Commission—the angels tasked with the responsibility of conveying their message to humanity—spelled out such obligation in no uncertain language:

You have not done enough to safeguard your name. Make it safe for one generation so the name Urantia cannot be pre-empted. In a common-law trust you hold the name. You do it also in a corporation. A corporation has status in law. You also do it in the copyright. You must carefully register it with the division of government that I have looked into, that controls trade relations, Trademark. . . . In all those ways you must safeguard the name. This is one of your most important duties. (Kendall)

Intellectual property rights thus allowed for the construction of carefully designed and spiritually motivated strategies of distribution for *The Urantia Book*. This divinely sanctioned property right was to remain central to the Foundation’s policies for the next forty years as evidenced by an analysis written in 1973 emphasizing that “Copyright was a logical necessity to the plan of gradual presentation of *The Urantia Book* to Urantia. Such a copyright is simply necessary in order to control the rate and means of dissemination of *The Urantia Book* to Urantians” (Calabrese).⁸

While control over the text was paramount, the Foundation was cautious, seeking to avoid developing traditional religious practices around *The Urantia Book* and fearing what it called the threat of a “churchification” of the movement.⁹ One of the draws of the incipient Urantian community was its mistrust of traditional forms of religious belonging in favor of an orientation toward the book as a resource for spiritual investigation (Myers). The Foundation endeavored to shape and control a community of readers without alienating the growing “spiritual, but not religious” psychographic, a sector central to the success of *The Urantia Book*. For this growing category of spiritual

consumers, the term “religion” is, in the words of Michael Brown, “freighted with negative meanings: empty rituals, inflexible rules, and struggles for power,” and their spiritual lives are accordingly organized around individual religious sensibilities rather than a shared sense of community and belonging (1997, 116). The Foundation’s solution was to produce a network of licensed reader groups—called the Urantia Brotherhood—that collectively shared a universal commitment to *The Urantia Book* yet were oriented to local community and attentive to the diverse spiritual needs of individual readers. The Foundation’s legal control over *The Urantia Book* would then act as a legal surrogate for other forms of religious control that the community actively disdained.

The Foundation operated as an autocratic group responsible for maintaining the integrity of *The Urantia Book* and encouraging its dissemination, while the Brotherhood was a democratic organization that provided membership, belonging, and community to readers (Sadler 1958). The two organizations were linked by an intellectual property agreement in which the Foundation gave the Brotherhood permission to utilize the name “Urantia” and the tri-concentric circle service mark (Sadler 1955; Hales). The establishment of these twinned institutions created a balance of power in order “to avoid over-organization and thus to permit the individual to enjoy religious liberty in the full expression of his own personal interpretation of the truths of religious belief.” The Foundation managed the legal and financial issues related to the book while the Brotherhood provided “a vehicle for the socialization of the Urantia teachings and to serve as the scaffolding for the development of a real brotherhood which would act as a living transmitter of the Urantia message” (Myers, 3-4).

Martin Myers, an attorney appointed to the Urantia Foundation Board of Trustees in 1973, identified the potential impact this approach would have on shaping the religious character of Urantians. He believed the Foundation’s strategies produced the Urantian community not as a particular church or sect but instead as a collection of individual “religionists” similarly dedicated to the propagation of *The Urantia Book* (Myers). This model of religiosity was characterized not as a form of identity (the reader as Urantian) but rather as a general spiritual orientation to the world prompted by a shared belief in the truth of the revelations. Distribution of the book was simply a means to the greater end of promoting the spiritual uplift of humanity, and sharing

the book was a concrete way to demonstrate loyalty to the theology expressed in the revelation. In Myer's words, the Urantia Brotherhood was imagined not as a *religious* group but as *social* group with a religious objective.

The Foundation's contracts with the Brotherhood's reader groups were designed to maintain this particular configuration of community, one sturdy enough to rebuff external challenges (from the distortions of mass media, the growing attacks of anticult activists, and the appropriation of *The Urantia Book* by UFO religions and other fringe groups) but flexible enough to allow for the spread of the Urantian revelation throughout the world. Nonetheless, these licenses also constricted members' freedom to circulate and promote *The Urantia Book* and standardized spiritual practice. Readers carried wildly divergent opinions about the best strategies for promoting the Urantian revelation, often debating the degree to which *The Urantia Book* should be advertised, how it should be introduced to outsiders, how much the Foundation should charge, and even how the book jacket and back cover should be designed. But the Foundation leveraged its rights to impose its own model of distribution and even threatened legal action against those groups that deviated too far from Foundation-established norms (*Urantia v. First Urantia Society of Houston*).

In this respect, the Foundation used intellectual property to determine the movement of the book and consequently to own the social relationships produced through that movement.¹⁰ It did so not simply to consolidate its power over readers but to ensure that the book's exchange was sufficiently charged with spiritual energy that it could catalyze the moment of market exchange, transforming it into a lasting spiritual bond and configuring each recipient of the book as a putative co-owner of the revelation, a shareholder with an equal (albeit symbolic) stake in the revelation's religious value. This tactic used the *The Urantia Book* as a mediating object through which the Foundation determined the social contours of the emergent Urantian community.

The Urantians were not unusual in their attempt to define themselves against traditional American religion conceived as a community organized around a centralized church and subservient to denominational and congregational hierarchies of power. Contemporary new religious movements frequently experiment and innovate in their development of new networks of spiritual practitioners

united by common interests rather than bound by formal membership. Courtney Bender has likened the difficulty of studying these developing modes of spirituality to “shoveling fog.” Still, the tendency to view spirituality as amorphous, dispersed, and highly individualized neglects the very real ways in which “spirituality is produced in multiple social situations, including many that we regularly do not consider religious” (182). Sociologists of contemporary religion, most notably Wade Clark Roof and Robert Wuthnow, have similarly observed how spirituality signifies the reorganization of religion around different nexuses of activity, dominated by new institutional forms and created in alliance with secular institutions (medicine, publishing, arts) (Roof, 89–92).¹¹ This aptly captures the ways in which the American legal system, and eventually the courtroom itself, was to become an alternative, perhaps even experimental, space for the formation of a spiritual organization for the Urantia Foundation: it functioned both as a theater in which the Foundation performed its religious authority and as a domain whose rules of law were mobilized to make visible and resolve inchoate issues of identity and belonging in the wider Urantian community.¹²

The Foundation’s use of intellectual property thus differs from that of other religious organizations that also came into being during the age of copyright. The Church of Christ, Scientist, the Church of Scientology, and the Church of Jesus Christ of Latter Day Saints have used their rights to consolidate power in a centralized organization that unreservedly claims unilateral theological and legal authority. These churches have often deployed their rights as a tool for censorship and the suppression of unfavorable critiques. The Church of Scientology, for instance, has aggressively engaged in protracted legal battles to “stifle criticism” directed toward the church’s founder and spiritual leader, L. Ron Hubbard, and his extensive writings (Simon, 368). The Religious Technology Center, which manages all of Scientology’s trademarks, symbols, and texts, and Oscar Ichazo’s Arica School have used intellectual property rights (including, in the case of Scientology, trade-secret law) in order to withhold the publication of material and to make certain media selectively available only to approved initiates. For instance, Ichazo initiated a lawsuit against the author Helen Palmer when she published a book that he claimed exposed his exclusive system of teachings centered on the esoteric

symbol the enneagram (*Arica v. Palmer*). These organizations used their rights in order to manufacture scarcity and, by extension, to simultaneously create economic and auratic value for their religious properties.

Intellectual property rights have also been deployed to maintain the doctrinal purity of a central text against possible distortions and transformations by those outside the community of believers. This defense positions the property holder as a spiritual appointee entrusted with the task of protecting a central text, its coherence, and its meaning from potentially hostile outsiders. To this end, the Church of Christ, Scientist effectively (albeit temporarily) lobbied for a private law extending copyright in the founder Mary Baker Eddy's *Science and Health with Key to the Scriptures* specifically in order to prevent errant editions of its key text to circulate (Private Law 92–60).¹³ This argument for a kind of religious property in scripture has also been invoked for major religious traditions as well. The legal studies scholar Ali Khan has defended a notion of the Quran and Sunna as protected knowledge, a form of intellectual property held in perpetuity with the Muslim community as trustees of these timeless assets. “As trustees, they preserve these assets from the irreverence of misinformed critics, form the assault of misguided assailants, and from the mockery of fools” (631).

Emerging in these defenses is an alternate genealogy and corresponding alternate rationale for rights that sidesteps the centrality of the author and creates new actors—trustees, stewards, protectors, and proprietors—at the center of a new paradigm for intellectual property law. The Urantia Foundation's use of copyright participates in this unique discursive lineage but is in some ways even more unusual. Rather than working to consolidate power in an already existing religious authority or to draw boundaries around the community of believers, the Foundation used copyright to create a community ab initio. Copyright law provided the only leverage it had to craft the disparate readers of *The Urantia Book* into a united network of licensed reader groups bound by a newly produced spiritual orientation. Without copyright, these readers would disaggregate into the atomized spiritual consumers that make up the growing New Age population.

At the same time, the Urantia Foundation was soon to discover how blunt a tool copyright law was for those interested in using property as a surrogate for traditional forms of religious organization.

As internal disputes grew within the community, the Foundation's attempts to use copyright to protect a divine text and produce a stable spiritual organism often appear to be the panicked gyrations of an organization witnessing its authority slip away. Nonetheless, its struggles pushed it further toward the serendipitous discovery of historically subsumed logics of control present within intellectual property law. The Foundation grasped at and occasionally successfully deployed legal arguments in which rights simultaneously entail responsibilities to both the text and its community of readers.

REVELATION IN THE MARKETPLACE?

The Urantia Foundation hoped to foster a slow but persistent development of public awareness in the book, one copy at a time, from person to person. As a result, its formal distribution policy prohibited advertising, frowned upon attempts to publicize the book in any way other than by word of mouth, and even discouraged introducing the book to bookstores. This oddly antimarket distribution strategy was first described in a 1958 Statement of Policy: "For the foreseeable future . . . the Trustees deem it unwise to engage in formal advertising." They also discouraged attempts to get the book into bookstores because booksellers were too interested in profit. Instead, the Foundation thought that "The Book appears to have fared best in new hands when the recipient had a reasonably close relationship to the donor. We accordingly recommend continuing emphasis on this method of dissemination" (UF 1958). This person-to-person distribution strategy became orthodoxy within the Foundation:

We are very much aware that the physical distribution of the actual text—*The Urantia Book* itself—could be completed worldwide, say, within five years. But we know that the results of such a fool hardy [*sic*] effort would be appalling. Like a house built upon unstable foundations, the entire structure of growth, while it might grow quickly, would ultimately collapse.

Instead, successful distribution would require patiently making incremental but meaningful transactions between dedicated readers and neophytes in the broader public sphere. The physical transfer of the book was to occur only if the recipient seemed entirely prepared to

accept the book as revelation, and each transaction could be accompanied by an invitation to a local reader group, thus linking the novice to a network of experienced readers.

In a joint publication of the Urantia Foundation and Brotherhood, “The Dissemination of *The Urantia Book* and Statement on Publicity,” the two organizations affirmed their commitment to anti-advertising principles and the promotion of the book via word of mouth but also acknowledged competing rationales developing beyond the inner circle of policymakers that agitated for more aggressive distribution strategies. The Foundation responded by distinguishing the book as material object from the immaterial gospel contained therein: “Readers of *The Urantia Book* insist that it is the Father’s will that they spread the gospel far and wide without restraint. And they are right. Discussion ensues when trying to determine what is meant by the ‘gospel,’ and what the Father’s will is with respect to spreading the gospel.” While believers were entirely right to desire to spread the gospel indiscriminately, the Foundation was nonetheless justified in planning a more careful strategy for the distribution of the physical book itself and enforcing it with its intellectual property rights. It concluded that effort was better spent working to find the “one or two individuals at a time . . . better prepared to receive the expanded truths of *The Urantia Book*,” rather than broadcasting the message indiscriminately to the ‘present-day multitudes’ (Urantia Association International [UAI] 1983). This argument utilized a distinction, borrowed from intellectual property doctrine, between idea and expression, permitting the free circulation of Urantian theology while prohibiting the specific expression of those truths articulated in the book.

The statement also addressed the problematic growth of derivative materials developed by independent societies. The Foundation’s primary objection was based on the notion that derivative works were being used as recruiting devices in lieu of person-to-person contact.¹⁴ Instead of calibrating the presentation of the book to each individual person, tracts, slide shows, and brochures were indifferent to the unique spiritual needs and intellectual questions of each new reader. The statement continued:

The spirit of the teachings rarely comes through in a brochure; multimedia presentations often are too intellectual or too emotional in tone, not effective unless presented with discussion led by a well-prepared

facilitator. The tendency to rely upon secondary materials may represent a more expedient approach to introducing the book and may display an impatience with the seemingly slow rate of growth of new readers. (UAI 1983)

The Foundation acceded to the distribution of newsletters and other publications but only on the condition that those materials not explicitly identify *The Urantia Book*. This strategy of concealing the Urantian origin of religious content was described as “bootlegging” the teachings into different forms of outreach. “Bootlegging” was pursued in the hope that the intrinsic quality of the teachings themselves would encourage people to inquire further about the source of inspiration, at which point *The Urantia Book* itself could be introduced.¹⁵

Taken collectively, these statements reveal the degree to which the Urantia Foundation—whose authority derived from its property rights—set the objectives for and limits to the Brotherhood’s local activities. These statements coincided with a period of intense consolidation of the intellectual property of the Foundation, which aggressively trademarked several words and symbols related to *The Urantia Book* and created a new licensing agreement that was to be signed by the Brotherhood and all local societies. These policies paradoxically embraced legal tools designed for the marketplace while simultaneously expressing ambivalence about the presence of *The Urantia Book* in that marketplace. Instead of using its rights to improve its presence in the religious publishing world, the Foundation used intellectual property to shield the book from the vagaries, fads, and vulgar profit motives of the marketplace and to secure approved highly regulated channels of distribution for its sacred text.¹⁶

As early as the beginning of the nineteenth century, religious organizations discovered that learning from the world of business and marketing could produce unprecedented religious “returns” (Moore, 119–20). The Foundation, however, did more than map business strategies onto the religious domain. Its use of intellectual property to structure the religious community suggests that the Euro-American property form, in its capacity to produce prohibitions around a wide range of activity, could operate as the very foundation, rather than simply a supplementary tool, for religious organization. As such, debates within the community about the creation and policing of intellectual property in *The Urantia Book* were simultaneously debates about the

conditions of the very existence of the Urantian community as a coherent religious movement.

These policies were deemed necessary to redefine the sale of *The Urantia Book* not as an economic transaction but as a spiritual interaction that could generate the bonds of the Urantian community. The impersonal sale of the book was reconfigured into a pact between individuals—a pact that connected them to the Urantian spiritual network. The Foundation was thus developing its own spiritualized model of consumption to complement its spiritualized model of authorship. As the traditional “author” was replaced by an organization of stewards for a divine revelation, the “reader” was transformed into a node in the social circuitry of the Urantian community. Intellectual property law provided the legal armature for this carefully designed strategy of spiritualized distribution and united actors on both sides of the production/reception divide into a shared religious framework. The control asserted by the Foundation was not reducible to a single axis of doctrinal control/censorship over a community or commodification of a religious text. Intellectual property rights were utilized to create forms of distribution that were productive of desired spiritualized social relations. In this sense, the Foundation instantiates Marilyn Strathern’s claim that “Techniques of distribution do not just disseminate what has been created elsewhere, but have themselves a creative or productive potential” (2005, 16).

The Foundation’s licensing schemes also sought to shape new readers’ experience of *The Urantia Book* as a sacred object. By limiting its circulation, the Foundation fostered an almost premodern spiritual encounter with *The Urantia Book*, whose aura was kept intact even as it was mass produced. *How I Found the Urantia Book*—a collection of testimonials describing how readers first encountered the book—is testament to the potential rewards of this strategy. A typical reader, Robert Bruyn, wrote, “To tell the truth, I don’t feel that I found the Urantia Book. Rather, it feels as if the book found me through a conspiracy of circumstances that I believe was the work of angels and mid-wayers” (quoted in Praamsa, 56). Through the power of copyright, the Foundation controlled the circulation of *The Urantia Book* in the spiritual market in such a way that the “invisible hand of the marketplace” was transformed into the hand of the angels carrying the book with divine purpose to its intended readers.¹⁷

In this formulation, *The Urantia Book* as a spirited property differs markedly from parallel theorizations of sacred property emergent in debates surrounding traditional knowledge and indigenous cultural heritage rights. Many scholars—for instance, the writers and activists associated with the project *Intellectual Property Issues in Cultural Heritage* or those within the loosely defined *Access to Knowledge* (A2K) movement—have been uniquely attentive to alternative rationales for property that fit unevenly alongside the notions of creativity and originality emergent with modern authorship and copyright.¹⁸ For instance, Carlos Correa has argued that, despite the interests of the A2K movement in promoting nonproprietary systems of production and exchange, “the protection of traditional knowledge may be a component of policies aimed at preserving the cultures of those communities while ensuring possession of their lands and participation in decisions that affect the use of resources under their control” (248). However, as Correa’s argument shows, this line of reasoning often differentiates sacred property from modern intellectual property in precisely the opposite way from Urantians, not by moving away from materiality but rather by linking sacred property rights back to a singular material source—a physical object or sacred geography—that necessitates unique cultural, tribal, and religious protection. The anthropologist Michael Brown describes this articulation of traditional knowledge as sacred property as one that embodies “‘radical alterity,’ forms of otherness that resist the logic of Western institutions and thought processes” (2003, 185).

The current legacy of this logic has made important gains but often derives its strength by physicalizing or materializing rights in order to assert greater protections. For instance, Kimberly Christen has worked with indigenous communities to produce a Traditional Knowledge database, *Mukurtu*, which makes digital spaces more “place-like” by imposing community-designed restrictions on access to digital information. Adhering to the information strategies of the Warumungu tribe that she works with, Christen writes, “Because all knowledge is attached to place, the website begins with a graphic representation of Warumungu country. As users maneuver through the site they can access information about specific places, their cultural significance and history” (4). A customizable shrink-wrap license then acts as a gateway, letting some approved users access certain pages on the site while

turning others away. *Mukurtu* thus maintains the noneconomic and sacred quality of the text, images, and videos it hosts precisely by anchoring it in a corner of the digital Web and asserting a protective boundary designed to maintain its value. For these scholars and activists, sacred property is established by strengthening the analogy to physical property or legally recreating the natural prohibitions produced by geographical place.

Scholars like Anupam Chander and Madhavi Sunder have criticized this logic for territorializing those who want to claim a sacred right to indigenous property while secular entities—global multinational companies and corporate industrial actors—are privileged to operate in the space of modern capital flows that exist above and beyond the local and terrestrial. They write that property rules to protect local entitlements “can be futile in the face of an international order in which the commercialization of traditional knowledge and genetic resources generally occurs far from the source of such knowledge” (1366). In this respect, the Urantia Foundation’s property strategies are much more closely allied with those of multinational corporations than with those of traditional knowledge activists. The Foundation’s property rights were used to secure careful control over complex national and global distribution strategies. They were not mobilized to produce exclusions and inclusions around the text itself, nor were they conceived as a radical alternative to the logic of Western intellectual property. Instead, the Urantian spirited property operated as an amplified version of American property rights and mobilized to manage the book’s complex movement, its presence (or lack thereof) in the marketplace, and its status as the vehicle through which potential new readers were linked into a community of believers. Urantians were uninterested in challenging the fundamentals of the contemporary intellectual property regime or finding radical new configurations of property suitable to their spiritual needs but instead simply wanted to find the best tools available to control how people—readers and reader groups—interacted with and circulated their sacred text. Their approach was thus well suited for the modern structure of intellectual property law, which focuses principally on the complex distributing apparatuses that emerge after property is produced and set in motion.

Many readers remained unconvinced by the Foundation’s rationale and by the early 1980s increasingly resisted the Trustees’ assertions

of control through contractual agreements and threats of litigation. Duane Faw, a member of the Urantia Brotherhood's Judicial Committee, argued, "Although the no-advertising, low-profile approach is wholly concurred in, the normal development of a market for *The Urantia Book* has been so poorly handled that it is an acrobatic feat to get the book in 98% of the country." Thus, many chapters, despite signing licensing agreements, began to surreptitiously assert greater local autonomy in their promotion for *The Urantia Book*.¹⁹ In 1982 a Brotherhood member, Harry McMullan, suggested more versatile and business-oriented strategies in "Marketing *The Urantia Book*," a report that emphasized that sales translated to success:

The key to our future growth lies in taking a different attitude toward book sales: one which views sales not as a means of financing operational overhead, but rather as fulfilling perhaps our basic mission as an organization and as the means of enlargement of our fellowship. The Master taught that since we received freely, freely we should give. We should gear our policies toward broad dissemination of *The Urantia Book*. It should be sold as cheaply as possible, packaged attractively, and distributed through normal and existing commercial channels.

Similarly, in 1983 an independent organization, the Center for Urantia Book Synergy (CUBS), was formed to "effect the widespread awareness and easily affordable availability of *The Urantia Book* to the spiritually hungry and truth-seeking people of the planet." It organized *Urantia Book* conferences and sold the book at a subsidized rate well below the Foundation's suggested retail price. In its newsletter, CUBS advertised the book at discounted rates and, in the words of Larry Mullins, "quietly exposed [the Foundation's] official philosophy of restraining growth and preventing public awareness of the Revelation" (Mullins, Supplement 3). During the next two years CUBS claimed that it sold more than 10 percent of all copies of *The Urantia Book* sold worldwide, prompting the Foundation to file suit against the group for trademark infringement. In a move that would be replicated in legal battles to come, CUBS countersued, challenging the legitimacy of the Foundation's trademarks and service marks in the words "Urantia" and "Urantian" and claiming that "Urantia" was symbolic not of the Foundation but of the "religion" that the Foundation was created to foster. As terms of religion, the marks were not subject to exclusive appropriation ("Urantia Foundation's Trademarks").²⁰ While the case

was eventually settled out of court, it marked the beginning of an era dominated by legal battles that, waged over intellectual property claims, were in fact about different views of how the community should organize and grow.

Inevitably, the Foundation's aggressive intellectual property strategies were turned against the Brotherhood as well. Members of the Brotherhood became increasingly vocal in their criticisms of the Foundation's policies, claiming that the Brotherhood had too long been "enablers" and "had allowed itself to be manipulated because of fear of retribution (removal of use of the trademarks) by the Foundation" (Ice). Then, in August 1987, the Brotherhood suggested a test marketing study, which promptly generated a threat from the Foundation that "The Trustees will consider such undertaking as ground for appropriate action including but not limited to the revocation of the license authorizing the use of the Foundation's registered marks, the word 'Urantia' and the Concentric Circles Symbol" (UF 1987). The Brotherhood countered by challenging the 'ethical and spiritual wisdom of controlling the *Urantia Book* service marks:

Does any individual or group have the spiritual right or authority to control the use of the key word associated with the Fifth Epochal Revelation [*The Urantia Book*] and the emblem of Trinity government [the tri-concentric-circle mark]? I'm sure there are officials in established Christian denominations who would love to refuse the use of the term "Christian" and the cross symbol to certain individuals and groups who are using them. This kind of spiritual authoritarianism, in my judgment, is not wise nor in harmony with the highest principles of spiritual freedom. (Sprunger)

The Foundation's leveraging of intellectual property rights to police the Brotherhood finally exposed the originally conceived division between the Foundation's legal and custodial functions and the Brotherhood's religio-social functions as not only unsustainable but also fundamentally artificial.

Shortly after the two organizations formally split (with the Brotherhood being renamed the Fifth Epochal Fellowship), Brotherhood president Meredith Sprunger suggested a new way forward:

I am personally not interested in political or legal activities; but there are those in the Fifth Epochal Fellowship who feel called to use these human channels in the service of the Fifth Epochal Revelation. They inform me

that the best legal counsel questions the legal validity of the registered marks. . . . The only way to get such a determination is a test case. (Sprunger)

By 1992, Kristen Maaherra—who produced a full-length digital version of *The Urantia Book* on CD—was in court challenging the Urantia Foundation's trademarks and copyright. Maaherra was funded in part by a Brotherhood member, Harry McMullan, who would also initiate the litigation that successfully pushed *The Urantia Book* into the public domain. Put on the defensive for the first time, the Foundation wrote, "*The Urantia Book* is for all the peoples of Urantia, and in a symbolic sense, it belongs to, it's owned by . . . all of us" (UF 1999c). Only through litigation were Urantian readers going to force the Foundation to concede that the revelation might be better served if it were made a public good widely available to all rather than remaining private property imbued with the power and the spirit of intellectual property.

ANGELIC AUTHORSHIP AND THE RELIGIOUS CORPORATION

The Urantia Foundation's use of intellectual property, successful as it initially was, opened the group to direct challenges from opponents within the community who could now turn to the law as an independent arbiter of internal religious conflict. As an increasing number of enthusiastic readers were eager to distribute the book more widely and to evangelize on behalf of the Urantian revelation, the Foundation found it increasingly difficult to effectively enforce its policy of slow growth. The more legalistic the Foundation became, the more these readers targeted the Foundation's intellectual property rights and the religious authority that went with them by attempting to get *The Urantia Book* into the public domain.

Members of the Urantia Brotherhood with differing opinions about the ideal configuration of the Urantian community discovered that they could use the Foundation's willingness to sue infringers in order to expose contradictions between its theories of religious ownership and the Euro-American tradition of individual property rights. By using intellectual property to resolve conflicts around religious works, the

Urantia Foundation willfully moved onto a juridical terrain that failed to recognize religious authority, allocated rights on the basis of human authorship, and construed a work's value in terms of its originality—human originality.²¹ It thus had to quickly learn to articulate a legally recognizable defense of intellectual property rights in religious works without relying on arguments grounded in the moral rights of the individual author (since the texts in question are not humanly authored) or the economic rights of the cultural producer (since religious texts should not need copyright to incentivize their production and circulation). Instead, it aligned its religious and legal arguments by configuring the property holder as custodian and caretaker for objects that are legally owned by central institutions but symbolically owned by the whole community.

Conflicts between the Foundation and dissenting readers became particularly acute in the late 1970s and early 1980s. This happened not only because of the increasingly irreconcilable differences between competing groups within the movement but also because *The Urantia Book's* copyright was facing impending expiration in 1983 after its initial twenty-eight years of protection. The Copyright Act of 1976 had just enacted the first round of significant revisions to copyright since 1909, radically streamlining the law by eliminating certain formalities in registration, extending the duration of protection, and for the first time enshrining fair use doctrine within statutory law (U.S. Copyright Office, Circular 15A). If the Foundation could renew its copyright, ownership would be secured for a robust second term of sixty-seven years. However, the Foundation, as proprietor (rather than author), could claim renewal in only certain types of works, such as works for hire or works copyrighted by a corporate body.²² If it failed to clearly articulate its role in relation to the book, its rights could easily revert to the author, be it the anonymous amanuensis who “received” the work or the original angelic authors (U.S. Copyright Office, Circular 15). Because of the uncertain and complex nature of the book's production, the Foundation likely felt that its claims to ownership were legally vulnerable.

Also, key members in the Urantia community at the time, including Martin Myers and Duane Faw, were lawyers who would have been well aware of the statutory changes strengthening intellectual property in the developing information economy, and they were likely

interested in harnessing these changes for the Urantian cause. Important to the Urantia Foundation's needs, the Copyright Act of 1976 harmonized U.S. law with the Universal Copyright Convention, thereby firmly linking it to the rapidly developing global economy (Association of Research Libraries). As the Foundation was actively working at this time to develop translations for international markets, it relied on the strength of U.S. law to protect its interests in foreign publications abroad. Second, the 1976 Act clarified the need for written documentation to indicate a transfer of the ownership of copyright (Haemmerli, 1012). While this addition signified the growing awareness that copyright transfers were critical to an economy in which intellectual properties were collected as corporate assets, it also threatened the Foundation's rights in *The Urantia Book*, which was founded on the untraceable transfer of rights from angelic authors to its earthly stewards.

Further, the 1976 Act codified fair use and, in doing so, opened the door to new avenues of contestation to the Foundation's rights. The Foundation likely considered the possibility that the religious use of a text might constitute a unique genre of fair use, one that was non-commercial in nature and whose interest in the circulation of gospel truth operated according to a logic similar to those that governed education and reporting.²³ Religious exemptions for the performance of nondramatic literary or musical work and the display of a work in the course of services at a place of worship or other religious assembly certainly suggested the possibility that religious media and its ownership might be treated differently from other media. All these external changes to the law provided new challenges as well as potential resources that both the Foundation and dissenting readers would attempt to harness for their religious cause.

To craft a cogent preliminary defense, the Foundation found it most useful to develop parallels between its religious practices and the domain of corporate law. In its copyright renewal for *The Urantia Book* (fig. 2), the Foundation listed itself as author and claimed the renewal as "proprietor in a work made for hire."²⁴ In doing so, the Foundation recognized that the twentieth-century emergence of the concept of corporate authorship allowed courts to validate copyrights without the traditional need to identify actual authors (be they human or divine) (Fisk, 220). Legal debates focusing on matters of moral rights and

CERTIFICATE OF RENEWAL REGISTRATION

FORM R

UNITED STATES COPYRIGHT OFFICE



This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 304 of title 17, United States Code, attests that renewal registration has been made for the work identified below. The information has been made a part of the Copyright Office records.

David L. Gell
 REGISTER OF COPYRIGHTS
 United States of America

| | |
|--|--------------|
| REGISTRATION NUMBER | RE 1 152-055 |
| EFFECTIVE DATE OF RENEWAL REGISTRATION | JAN 3 1983 |

DO NOT WRITE ABOVE THIS LINE. FOR COPYRIGHT OFFICE USE ONLY

| | |
|--------------------------|--|
| 1 Renewal claimant(s) | RENEWAL CLAIMANT(S), ADDRESS(ES), AND STATEMENT OF CLAIM: (See Instructions) |
| | 1 Name: URANTIA Foundation Address: 533 Diversey Parkway, Chicago, Illinois 60614 Claiming as: Proprietor of copyright in a work made for hire <small>(See appropriate statement form instructions)</small> |
| | 2 Name: _____ Address: _____ Claiming as: _____ <small>(See appropriate statement form instructions)</small> |
| 3 | 3 Name: _____ Address: _____ Claiming as: _____ <small>(See appropriate statement form instructions)</small> |

TITLE OF WORK IN WHICH RENEWAL IS CLAIMED:

The URANTIA Book **FPO**

RENEWABLE MATTER: Entire Work

CONTRIBUTION TO PERIODICAL OR COMPOSITE WORK:

AUTHOR(S) OF RENEWABLE MATTER: URANTIA Foundation

| | | |
|---|--|------------------|
| ORIGINAL REGISTRATION NUMBER: AA216389 | ORIGINAL COPYRIGHT CLAIMANT: URANTIA Foundation | EXHIBIT A |
| ORIGINAL DATE OF COPYRIGHT: * If the original registration for this work was made in published form. ** If the original registration for this work was made in unpublished form. | | |

Figure 2. Certificate of Renewal Registration for *The Urantia Book* (January 3, 1983).

individual creativity were eroding, replaced by material questions of labor and contract. Thus, the Foundation used the tools of corporate authorship—including work-for-hire doctrine, the development of compilations, licensing, and contracts—to defend religious authorship and thereby transform the collective body of believers into a religious corporation. In response, the Foundation’s opponents publicized these maneuvers in order to hold it theologically accountable for its

legal position as a religious enterprise. If the Foundation was a corporation, did that make the angels its employees? Were readers simply consumers of a religious product? Were the fundamental affective ties of community simply the contractual bonds between employer and employee? And was this model of religious organization any less coercive and controlling than that of the church?

These questions may not have weakened the Foundation's legal rights, but they did weaken its religious authority. The basic legal processes by which its intellectual property rights were recognized in the courtroom—tracking the transfer of ownership through registration forms, contracts, and titles—were situated by opponents as a cynical reduction of the sacred to the material, the bureaucratic, the mundane. For an organization whose success was predicated on the cultivation of antichurch sentiment and the development of nonhierarchical community, charges of administrative bureaucracy and micromanagement were threatening.

The first two disputes to go to trial in the United States—*Urantia Foundation v. King* and *Urantia Foundation v. Burton*—did not present any substantive threat to the Foundation's property rights. In *Urantia Foundation v. King* (involving a reader who opened his own school and created derivative works without authorization from the Foundation), District Judge William Gray dismissed any metaphysical challenges to the copyright, simply noting that *The Urantia Book* was an original work and that the certificate of registration constituted prima facie evidence of ownership (*Urantia v. King*). The Foundation was also able to demonstrate that it had consistently defended its rights, refusing permission to Burton King to either use the word "Urantia" for its school or to distribute *The Urantia Book* (Christensen). This decision closely hewed to one of the few preceding cases dealing with divine or supernatural authorship: *Oliver v. Saint Germain*. There too the judge quickly dismissed the complications of religious authorship involving a channeled book and wrote: "The law deals with realities and does not recognize communication with and the conveyances of legal rights by the spiritual world as the basis for its judgment" (*Oliver v. Saint Germain*).

Urantia Foundation v. Burton reached similar conclusions, although the court was more willing to engage with the question of authorship. Robert Burton defended his right to produce an unauthorized Spanish

translation of *The Urantia Book* by counterclaiming that the Foundation's copyright was void (Burton). He alleged that the registration fraudulently misstated the Foundation as author of the book whereas the Revelators—the angels credited for delivering the text—were, in fact, the true authors (*Urantia v. Burton*). He hoped to steer the court away from the agnosticism demonstrated in past decisions and to push it to recognize that the attribution of authorship to a spirit would in fact invalidate the copyright. In turn, that would have negated the possibility of transferring the copyright from a supernatural being to a human proprietor, as the Foundation claimed had happened (Nimmer, 38). But once more, while the presiding judges made some inquiries into the nature of the production of *The Urantia Book*, their decision deliberately stopped short of unpacking the complex matrix of divine/human authorship and the nature of celestial transmission.

Crucial to their ruling was the decision to treat *The Urantia Book* not as divinely *authored* but rather as divinely *inspired*:

The book was written down as the result of divine or spiritual inspiration. . . . The source of the patient's inspiration is irrelevant.²⁵ No one contends that *The Urantia Book* was not original and therefore not copyrightable. The patient, as author, had an immediate, common law copyright, or right of first publication, in the book. He was free to transfer or assign this right to whomever he saw fit. (*Urantia v. Burton*)

Relying on the capacious meaning of “inspiration” and its recognized role within the discourse of authorship and copyright, the court simultaneously noted and ignored the religious dimensions of the case, reconfiguring them into a frame more amenable to copyright law (Woodmansee, 36–37). Once it was established that the author was human, the nature of the inspiration did not matter. The Foundation was happy to accede to the judge's description of facts, since they worked in its favor, but it also ensured followers that the attribution of authorship to the “human subject” was done “for the legal purposes necessary to obtain copyright protection” (UF 1999a).

The Urantia Foundation realized how challenges to the book's authorship, even if legally unsubstantial, could be utilized by opponents outside the courtroom to challenge its religious authority. For instance, by forcing an account of the provenance of the Foundation's rights, disputants traced the book's production history, a process

heretofore strategically left undefined in order to focus attention on *The Urantia Book* as totemic object rather than the “receiver” of the book as prophet or angels’ amanuensis. More important, opponents forced the Foundation to explain the disjunction between its legal arguments and its religious claims. While most litigants may be permitted and even encouraged to deploy multiple, flexible, and even conflicting arguments in the courtroom, the Urantia Foundation was held to a higher standard as its use of intellectual property was conceived as inseparable from its religious mission as tasked to it by the Revelatory Commission, and the domain of property law was imagined to be coterminous with that of Urantian religious ethics.

In a special issue on copyright in *The Urantia Book*, the Foundation’s newsletter *Urantian News* responded with a critique of authorship as a legal category. Echoing the criticism of the author-construct formulated by critical legal scholars, the Foundation described the very concept of “authorship” as a purely commercial/legal one created during the era of the printing press:

Now it becomes ever more obvious that the “human subject” was but a small part of this vast project, even if a critical part. In this context, it would be absurd for him, or anyone else directly involved, to lay claim to the status of “author.” To avoid a cult of personality which would certainly surround him otherwise, and to give us an unwritten lesson that our fascination with “authors” is somewhat more closely related to superstition, the “human subject” divested himself of any interest which would otherwise be legally available to him through copyright. . . . Because we inhabit a selfish and materialistic culture, driven largely by commercial interest, pragmatic minds recognized the need to secure this text, admirably disclaimed by its “authors” against others who later would not be so unassuming. Copyrighting the text of the Urantia Papers was therefore essential and in accord with the conventions prevailing then and now for submitting a written work for sale to the general public. (UF 1999a)

Authorship was recognized as a legal construct evoked in order to secure control of the text and shield it from the vagaries of the marketplace, even though the Foundation acknowledged that it had failed to capture the complex production of the book—“this vast project”—as it emerged from the interactions between the divine Revelators, the sleeping subject, and the Foundation over the course of thirty years (Lewis, 204). The Foundation clarified that it was not the book’s author,

but its role was significant enough to grant it property rights. Referring to the questions that the Contact Commission posed to the Revelators (whose answers eventually became the chapters of *The Urantia Book*), the Foundation encapsulated its agency in a slogan: “No questions—no Papers” (Sadler, n.d.). While prophets take down the word of God, the Foundation cast itself not just as a transcriber but as a facilitator, perhaps even an initiator, and thus a participant in the author function. Correspondingly, while the texts written down by inspired prophets are divinely authored, the authorship of *The Urantia Book* was distinctly hybrid.

By staging this argument, the Foundation developed a legally sound parallel between the collective production of religion and the increasingly common corporate production of intellectual property. The fiction of corporate personhood was established by the third decade of the twentieth century, the same time period in which the Contact Commission assembled and produced *The Urantia Book* and already after landmark cases like *Burrow-Giles Lithographic Company v. Sarony* and *Bleistein v. Donaldson Lithographic Co.* validated the notion of corporate authorship. Catherine Fisk writes, “As intellectual property became more likely to be created in collaborative work settings, no single individual could plausibly claim to be the inventor or author and no one person could have a compelling moral claim to control the idea or knowledge” (213). The Urantia Foundation, by coordinating and managing assets (money, technology, human and angelic labor), claimed it was entitled to property rights in the resulting religious product. This argument did not negate the angelic authorship of the book but simply emphasized that the Foundation’s role in the text’s production was as important to Urantian religious life as the content of the revelation itself.

The Foundation’s engagement with copyright law did not end here. A few years later, in 1991, it initiated another lawsuit, this time against Kristen Maaherra for her production of a digitized version of *The Urantia Book* on compact disc. This proved to be the longest, most public, and most costly of the Foundation’s legal battles. Maaherra mobilized a number of defenses against the Foundation and succeeded in challenging the legitimacy of the renewal of *The Urantia Book’s* copyright as a “work for hire.” The Foundation defended its renewal by configuring the “sleeping subject” (whom the previous

courts recognized as an author) as an employee of the Contact Commission. The Foundation hoped this filing would solidify its role as corporate author and minimize the role of the sleeping subject, who was simply a convenient medium through which the Foundation interacted with the divine. This claim coincided with demands from the angels themselves, who were “determined that future generations shall have the book wholly free from mortal connections. . . . The book does not even bear the imprint of the printer who brought the book into being” (Sadler, n.d.). The judge found no evidence of an employee-employer relationship between the Foundation and the sleeping subject and stated that it “lacked any power to control the production of the ‘Urantia Papers,’ [because] although the Contact Commission would submit questions, it was the ‘personalities’ that determined which questions would be considered and what would be included in the text” (*Urantia v. Maaherra* 1995).²⁶ In other words, either the angels or the sleeping subject could be deemed authors but not the Foundation (via the Contact Commission).

The Urantia Book thus was set to enter the public domain until the Ninth Circuit Court of Appeals overturned the district court’s decision. The court of appeals determined that the renewal’s description of the book as a “work for hire” was simply an inadvertent mistake that did not invalidate the copyright, and the transfer of the original printing plates for the book from the original Contact Commission to the Foundation in 1950 was sufficient to indicate legal transfer of intellectual property rights. The court linked the material ownership of the plates with ownership in the copyright, claiming that “The mere possession of the printing plates by the Foundation, the purported assignee, may have been sufficient to establish an assignment as against a third party, such as Maaherra who does not claim any superior copyright interest” (*Urantia v. Maaherra* 1997). In both cases, the court resorted not to fine points of law but to material issues—the registration certificate, the transfer and ownership of plates—for its decision, locating in physical objects, as far removed from divine authorship as possible, the bedrock on which to base its ruling.

Unlike the earlier disputes about divine authorship, this judgment confirmed the Foundation’s legal *and* religious authority, which the Declaration of Trust recognized as deriving from the possession of the plates. The Foundation was given “absolute and unconditional

control” over any printing and reproduction of *The Urantia Book* (UF 1950). Further, the divine Revelators requested that the original manuscript be destroyed so as to prevent its fetishization as a sacred object, and they ordered that plates be cast in order to freeze the text and limit human attempts to “correct” its message over time.²⁷ Thus, the plates became the only reliable and remarkably material record of the angels’ message once the divine transmission had ended.²⁸ The three primary duties entrusted to the Foundation—control over reproduction of *The Urantia Book*, preservation of its text, and dissemination of its teachings—were interwoven with and sustained by the Foundation’s legal entitlements.

The *Maaherra* decision also affirmed the Contact Commission’s central role in the creation of the book, agreeing that it was not simply the product of the sleeping subject and that the Commission, by posing questions to the Revelators and by editing, compiling and arranging the 196 papers, contributed the requisite level of creativity required for copyright protection. The court cited the Supreme Court ruling in *Feist Publications v. Rural Telephone Service*, a landmark case in which the white pages of the plaintiff’s telephone directory did not qualify for copyright because there was nothing original about the alphabetical arrangement of names, explaining that the work of the Commission to select and arrange the revelations met the “extremely low” threshold level of creativity required for protection (*Urantia v. Maaherra* 1997).

In granting the Urantia Foundation copyright, the Ninth Circuit’s judgment further stressed that copyright law, while not designed to protect divine beings, nonetheless does not “expressly require ‘human’ authorship.” To this point, the court cited an article by Arthur R. Miller in the *Harvard Law Review*: “It is far from clear that the federal courts ultimately will conclude that our copyright law requires human authorship. . . . The Constitution’s reference to ‘authors’ does not . . . mandate that authors be flesh and blood. Textually, the Clause says little more than that ‘Authors’ are those responsible for creating the ‘Writings’ that Congress chooses to protect” (1065). While the court subsequently made light of these claims, writing that “the copyrightability issue is not a metaphysical one” requiring the courts to determine the book’s celestial origins, the argument nonetheless demonstrates the capacity for intellectual property to accommodate cultural productions regardless of fit between that product (its origin,

history, purpose, and function) and the preexisting language and modality of copyright law. For the circuit court, judgments about the book's ownership preceded and determined authorship rather than the other way around. Further, the court's decision lent credence to the Foundation's argument that authorship, which has historically functioned to legitimize copyright, may be discarded in order to let the work of ownership and control operate unimpeded. In doing so, the *Maaherra* opinion confirmed Oren Bracha's claim that "current copyright law appeals to the legitimizing aura of authorial property, while avoiding many of the consequences of actual implementation of that vision" (268).

While Kristen Maaherra's defense ultimately failed to overturn the Foundation's copyright, a subsequent case brought by one of Maaherra's primary funders, Harry McMullan, finally succeeded. McMullan created an organization that released a book titled *Jesus: A New Revelation*. This book reprinted verbatim seventy-six of the 196 papers constituting *The Urantia Book* (*Michael v. Urantia*). By extracting and printing separately the section of the book that dealt only with the life of Jesus, McMullan's organization was doing the very thing the Foundation feared would happen if the book entered the public domain: it was threatening the integrity of the book as a unified revelation. The Foundation thus transposed the argument for authors' moral rights directly onto that of the text, giving *The Urantia Book* (not the angels, nor the channel, nor the Foundation itself) its own legal entitlements and positing that it needed to be circulated unabridged in order to do its spirited work. The Foundation wrote, "None of us has the right independently to take the future course of the revelation into our own hands, according to our own ideas, and change the words of the text or deliver it in a partial dismembered form" (UF 1999b). In the trial against McMullan, the jury ultimately decided that the Urantia Foundation had legitimately held the original copyright in the book as assignees, but they were unable to renew those rights thus causing them to revert back to the anonymous sleeping subject as original author.²⁹ The Urantia Foundation appealed the decision up to the Supreme Court but was unsuccessful in reclaiming its copyright.³⁰ On June 20, 2001, *The Urantia Book* moved into the public domain.

Throughout these court cases, the Urantia Foundation engaged in two acts of translation: one, transferring its religious justifications for

App. 59

FPO

Possible Scenarios

| | Conduit is Author | Work For Hire | Urantia Book is a Unified Literary Work | Urantia Book is a Composite or Cyclopedic work | Result |
|-------------|-------------------|---------------|---|--|--|
| Scenario #1 | ✓ | ✓ | ✓ | | UF held original copyright (defined as author under 1909 Act); Renewal is valid |
| Scenario #2 | ✓ | ✓ | | ✓ | UF held original copyright (defined as author under 1909 Act); Renewal is valid |
| Scenario #3 | ✓ | | ✓ | | UF held original copyright in content of revelations and compilation; No renewal allowed the proprietor exceptions do not apply |
| Scenario #4 | ✓ | | | ✓ | UF held original copyright in content of revelations and compilation; Renewal on both nullified and compilation is allowed |
| Scenario #5 | | | ✓ | | UF may hold valid copyright on table of contents only; Text of Urantia Papers in Public domain |
| Scenario #6 | | | | ✓ | UF held original copyright in the compilation. Can renew compilation only – content of revelations in public domain (Masonberry holding) |

Figure 3. "Possible Scenarios." Table from Petition for a Writ of Certiorari, *Urantia Foundation v. Michael Foundation*, No. 03-77 (July 10, 2003): App. 59.

ownership onto the juridical terrain of intellectual property law and, two, transferring legal rationales into the language of spirituality, thus defending a legalistic approach at odds with the spirit of ecumenism and outreach characteristic of many religious communities.³¹ Through these difficult acts of translation, the Foundation and its adversaries attempted to control the definition of the Urantian community, determine the relationships that ground the religious-actor network, and stabilize the systems of power at play within their institutions. These processes of translation failed to unify the incommensurable terrains of Urantian theology and intellectual property law, but in their failure they produced unexpected resonances. By introducing angelic authorship and the distribution of divinely inspired media into the courtroom, the Foundation found new ways to turn the author into a fungible, even disposable, legal fiction and asserted the primacy of corporate ownership over individual, authorial right. Meanwhile, the courts' legal decisions transfigured the Urantian community by shaping the circulation of *The Urantia Book*, constraining it in some ways, encouraging it in others. These legal constraints produced the shape and texture of the Urantian community by shaping the movement of religious media within it.³²

CONCLUSION

In 1990, David Elders, president of the Brotherhood, imagined the future of *The Urantia Book* to be one in which the intellectual property laws originally used to protect the revelation in the early years would “slowly give way over time to the living protection of the book and its teachings by its broad, multi-lingual distribution across the face of the planet and the existence of a worldwide network of readers and believers.” He feared, however, that the Foundation’s policies were not preparing to give way to the rule of the community but instead squandering the “thriving, worldwide religio-social fellowship of readers/believers . . . in order to satisfy commercial trademark law” (Elders).

The Foundation’s fears were not much different. It worried about unbridled growth resulting in an unprepared public reading and misinterpreting the book without appropriate guidance from past readers and teachers. Both Foundation and Brotherhood pursued what they thought would be the best possible future for the book, but their visions of sociality were markedly divergent. The Brotherhood saw the Urantian community as vividly present yet shackled by the Foundation’s law; the Foundation saw the Urantian community as yet to come, a social nucleus tenuously held together by the legal forces of intellectual property.

The organizational split also reflected differences in how the Foundation and Brotherhood imagined potential new readers. For the Foundation, the individual’s introduction to *The Urantia Book* was itself part of its mythos as a revelation (Praamsa). It cast the book’s circulation not as an economic transaction but as a religious interchange between like-minded seekers and viewed reading and distribution as vitally shaping the reader’s reception of its content. This was an ethos that could be preserved only through a strategy of person-to-person distribution. The Brotherhood, in contrast, was willing to embrace strategies of commercial publication, distribution, and advertising because it felt that making the book widely available was more important than maintaining the personal specificity of and control over each material transaction. The serendipitous discovery of *The Urantia Book* in a bookstore or magazine ad could be just as spiritually compelling as the exchange of the book between friends.

Neither of these two contrasting views of distribution—one grounded in the language of custodianship and the other in the free dissemination of gospel—was motivated by profit, and yet both came to be framed by intellectual property. Similarly, they both demonstrated a shared concern with the ethos and politics (rather than the economy) of knowledge and cultural production. For instance, the Brotherhood’s legal challenge to the Foundation’s property rights based on the idiosyncrasies of religious authorship was a fight for the religious freedom to print and distribute the Urantian revelation. And while activists sought to place *The Urantia Book* in the public domain, they imagined that space not as *res nullius*—belonging to no one—but rather as *res sacrae*, a space for developing a new and closely knit spiritual commons (C. Rose, 92–93, 108–10). Conversely, the Foundation’s copyrighting of a divinely authored book may appear as yet another corporate attempt to aggressively expand the boundaries of intellectual property law, but its goal was not the establishment of a media monopoly but rather the responsible custodianship of a sacred text.

The Urantia cases are compelling because they also revealed how surprisingly flexible the space of intellectual property law was in accommodating alternative modes of textual production and authorship. The courts did so not by analogizing divine and human authorship but by doing away with debates about individual authorship altogether. The courts instead largely recognized the Foundation as a corporate author with legitimate rights in *The Urantia Book* and corresponding rights to police and control the community of readers. Just as corporations are deserving of property rights because of their managerial prowess marshalling assets in order to produce valuable goods, so too the Foundation was deemed worthy of property rights because of its work managing the text and its circulation in ways that helped manufacture its spiritual value. In this respect, the Urantia Foundation correctly recognized in the power and prohibition of intellectual property aspects not inimical to its spiritual interests but rather profoundly consonant with them.

How then are we to define “the spirit of the work” in an era in which the individual author is increasingly irrelevant to the production and protection of legal entitlements? For corporations, which dominate the world of contemporary cultural production, the work is the material manifestation of a complex act of bureaucratic coordination,

and as such its “spirit” is imminently social and irreducibly collective. The consumer’s encounter with a work is no longer akin to a quasi-sacred conversation with its author at a spatiotemporal distance but instead is an introduction to a corporate personality and a diffuse brand ethos. The Urantia Foundation recognized this legal transformation and saw in it a mirror for its processes of modern spiritual organization. Readers’ engagement with *The Urantia Book* was understood as an encounter not simply with its angelic authors but rather with the Foundation as coordinator for the religious community. The spirit of the work was thus not the divine spirit at all but rather that of the Foundation itself. If we recall that the root meaning of “religion” comes from the word “to bind,” then intellectual property provided the ideal means through which simultaneously to bind *The Urantia Book* as material object imbued with sacred power and also to bind its readers into an emerging spiritual community (Smith, 180).

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Notes

1. The Urantia Foundation rejects the terminology of “channeling” or “automatic writing” to explain the origins of *The Urantia Book*.
2. Gardner claims that Kristen Maaherra distributed only an index of *The Urantia Book* on computer disk; however, in the factual background of the District case, Judge Urbom wrote, “An unidentified source [later surmised to be Maaherra] was distributing computer disks that contained the entire text of *The Urantia Book*, which even bore the plaintiff’s trademarks” (*Urantia v. Maaherra* 1995).
3. Here one thinks particularly of early precursors dealing with religious texts like *Burnet v. Chetwood*, in which a dramatization of Eve’s seduction that was translated from Latin to English was made available to only limited audiences and copyright was used to enforce those restrictions on circulation (Deazley; Stern, 55).
4. The Urantia Foundation’s extension of control into the readers’ domain echoes contemporary strategies by copyright owners to “claim exclusive ‘reading,’

'listening,' and 'viewing' rights" in the wake of the Digital Millennium Copyright Act (Litman, 96).

5. William Fisher describes the unity of the idea of "intellectual property" as being of relatively recent provenance, largely produced by legal textbooks uniting disparate legal doctrines under one umbrella term and linking these doctrines to their shared philosophical and ideological underpinnings. The term gained widespread currency only in the wake of the founding of the World Intellectual Property Organization (WIPO) in 1967 (Stallman).

6. Throughout this article, my use of the term "object" is indebted to Bruno Latour's theorization of objects in actor-network theory. For Latour, objects—particularly as they are produced by the law—are also actors, or "participants in the course of action." Objects are always acting to produce new social aggregates, mediate social relations, and influence other actors who come into contact with it (Latour, 70).

7. Trademarks in the name "Urantia" were unsuccessful in the 1950s because there was not yet any public usage of the name. Registration for the marks "Urantia," "Urantian," and the concentric-circles symbol were secured in 1971 (UF, "Policy").

8. Phil Calabrese had no formal role in the Urantia Foundation but presented at many of the of the Urantia Conferences, taught one of the first approved courses on *The Urantia Book* in 1975, regularly corresponded with leaders in the Foundation about various policies, and later formed a reader group in San Diego that continues to the present day.

9. "Churchification" was the charge levied any time a member or organization sensed growing ritual, structure, or hierarchy within the Urantia community.

10. As Marilyn Strathern succinctly puts it: "In 'owning' the flow of items, they 'own' the relationship between them" (2011, 109).

11. Alternately, Jeremy Carrette and Richard King criticize spirituality as the product of the increasing privatization and neoliberalization of religion (Carrette and King).

12. The cases are thus moments of "problematization"—in the words of Michel Foucault—for the religious actors involved. The rules of intellectual property law set, "the conditions in which possible responses can be given [and] defines the elements that constitute what the different solutions attempt to respond to" (118).

13. This law was deemed unconstitutional in *United Christian Scientists v. Christian Science Board of Directors of the First Church of Christ, Scientist* (1985).

14. It was also concerned, albeit to a lesser extent, with the circulation of heterodox interpretations of the book.

15. After the development of a robust anticult movement in the 1970s, these antipromotional policies were described as the only appropriate method for generating awareness of the revelation and were necessary to avoid the inevitable distortions and mischaracterizations that would come from broader exposure of the Urantia movement (Jenkins, 187–207).

16. For an example of spiritual practitioners that use intellectual property rights to increase their ability to compete in the spiritual marketplace, see Brown 1997, 144.

17. The tension between the “invisible hand of the marketplace” and the “visible hand of administration” in religious publishing (for the American Tract Society) is explored in Nord 2007, 37–66.

18. Many thanks to one of my anonymous reviewers for helping me to clarify the distinction between my theorization of “spirited property” and those alternative notions of property that have been developed in other scholarly domains.

19. Only one local organization—The First Urantia Society of Houston—chose not to sign the Foundation’s licensing agreement. This resulted in a schism of leadership within the society and a suit by the Foundation for trademark violation when the society continued to use the Urantia name and symbol (Judicial Committee; *Urantia v. First Urantia Society of Houston*).

20. The legal arguments that CUBS presented were resurrected in both *Urantia v. Maaherra* and *Urantia v. Michael Foundation*, but no court has yet found them convincing, and courts have continued to hold that the Foundation’s trademarks are both valid and enforceable (*Urantia v. Michael*, App. 66–76). By the late 1990s and early 2000s, the Foundation abandoned a number of its trademarks including any associated with the Urantia Brotherhood as well as those associated with particular merchandise such as pens, pencils, cups, and tote bags. However, it continues to renew its registration for the word “Urantia” and the concentric-circles symbol. Some of the most important currently active trademarks include Registration No. 560261, 915733, 915734, 1089942, 1089943, 1112713, and 1128256.

21. Originality is strongly linked to the ideal of the Romantic author who produces a work *ex nihilo* and in whose work is inscribed the traces of his or her unique personality. This model unseated that of the artist as craftsman or amanuensis whose inspiration comes from the divine (Woodmansee).

22. The works for which a copyright proprietor may claim renewal are (1) posthumous works, (2) composite works, (3) works copyrighted by a corporate body otherwise than as assignee or licensee of the author, and (4) works made for hire (U.S. Copyright Office, Circular 15).

23. This was in fact the central contention of a later case, *Worldwide Church of God v. Philadelphia Church of God* (2000), in which a dissenting church argued that its infringing publication of its founder and prophet’s works should be considered fair use after the original church changed its doctrine and removed all copies of the aforementioned works from circulation.

24. Before the Copyright Renewal Act of 1992, copyrights for all works needed to be renewed after their initial twenty-eight-year term of protection.

25. The “sleeping subject” is here referred to as a “patient” because he was originally a patient of William Sadler, a psychologist and one of the founders of the original Contact Commission. Sadler is often credited as the primary figure responsible for the production of *The Urantia Book* since he discovered the “sleeping subject” and decided to investigate the nature and character of his curious “transmissions.”

26. For Judge Urbom's dismissal of Maaherra's arguments from the First Amendment, RFRA, and *The Urantia Book* as "literary work" see *Urantia Foundation v. Maaherra* 895 F. Supp. 1329 (1995); *Urantia Foundation v. Maaherra* 895 F. Supp. 1335 (1995); and *Urantia Foundation v. Maaherra* 895 F. Supp. 1337 (1995).

27. This attempt to freeze the text through print evocatively parallels the historical shift from manuscript to print and its effect on Catholic liturgical practice. Elizabeth Eisenstein quotes scholars on the Reformation who write, "Printed editions were produced with uniform texts and rubrics. . . . The same texts could be recited and the same ceremonies performed, in the same way, throughout the Catholic world. At the same time all spontaneous growth and change and adaptation of the liturgy was prevented, and the worship of the Roman Catholic Church fossilized" (173).

28. The Urantia historian Larry Mullins writes, "When the plates were made and the manuscripts destroyed, *the plates became the original text.*"

29. The chart in figure 3 adumbrates the different possible outcomes that were presented to the jury in the McMullan case. The jury ultimately decided on scenario #3.

30. The Foundation submitted a petition for a writ of certiorari, but the Supreme Court chose not to review the case.

31. Sarah Barringer Gordon writes, "As religious litigants have learned for the past seventy years . . . law and legal rights do not mirror or even recognize religious arguments or beliefs, and vice-versa" (3).

32. My theorization of translation and transfiguration comes from Striplas, 182–83, and Gaonkar and Povinelli, 385–97.

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