

Book Review

Comic Art, Creativity and the Law – Professor Marc H. Greenberg, Golden Gate University School of Law

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At first glance Marc H. Greenberg's '*Comic Art, Creativity and the Law*', appears to cover a very niche area of copyright law and intellectual property (IP) law with a specific emphasis on copyright. However, the range of disciplines explored in relation to comic art is surprising. It is important to note that this work is the first of its kind, and the approach adopted in exploring this subject is particularly insightful for a reader engaged in creativity from the perspective of American copyright law.

The book is divided into five parts, which allows the reader to navigate the many aspects of Greenberg's exploration with ease. Part 1 is a simple introduction to the subject of this book. Part 2 – chapters 1 and 2 – is a general explanation of 'Creativity and the Law'. Part 3 – chapters 3 and 4 – explores the history, structure and mode of comic art. Part 4 – chapters 5-7 – contains the main discussion of the effect of copyright law on the creation of comic art. Part 5 – chapters 8-11 – provides discussions on tax law and obscenity law, and their relationship with the creative process. Finally, part 6 – chapters 12-14 – covers international approaches and Greenberg's concluding remarks.

Surprisingly for a law text the first chapter is entitled 'The neuroscience of creativity'. However, it is clear why this highly relevant title was chosen for this chapter as it delves into a useful explanation of the creative process, and highlights why creativity is difficult to govern and enforce through legislation. Both technical and enlightening, the chapter, draws out the process of creativity, and the "central role [it plays] (*sic*) in our society".

In chapter 2, Greenberg further makes it clear that the interaction between the creative process and the law is a single element of a broad topic which this book covers. Whilst Greenberg narrows the topic, in this context, on the other hand, he expresses a range of ideas and theories that show the complexities of copyright law and its association with creativity. For example, from the manner, in which civil cases have been resolved throughout history, and the different approaches to creativity in individualist and collectivist cultures; this chapter provides a base knowledge of the interaction between creativity and copyright law, which the author references throughout the book.

In chapters 3 and 4, this text addresses the many structures in which comic art has been produced over the years, and how art has long been restricted. In expanding on this point, Greenberg highlights that as recently as the 1970s, original art was not valued by the publishers of many comic products. Drawing on US copyright law and US Supreme Court decisions, Greenberg provides some fascinating examples including the restrictions placed on creators through terms and conditions in their contracts, thereby denying the opportunity to claim more benefits for their work during the 1970s. This is the first tension between copyright law and comic art that Greenberg addresses. It certainly is not the last.

Moving away from copyright law, which is explored in more detail in chapters 5-7, Greenberg considers comic art and creativity from the perspective of tax in chapter 8 – not an obvious consideration for creators. Yet, as with other aspects in this book, the chapter is deeply insightful. In this chapter, Greenberg demonstrates that comic art and its regulations have indeed been shaped by tax. For example, the chapter reveals the baffling procedures involved with tax, dependent on whether the work is original or derivative – i.e., based on whether it should be original creators or subsequent artists that work on ideas. The author explores the back and forth attitudes on tax and creators which makes for an interesting angle in relation to comic art.

Chapters 9, 10 and 11 focus on the topic of censorship of comic art with a particular focus on obscenity law and the public view on the effect on the morality of the young. This more social aspect of the law surrounding comic art allows Greenberg to highlight the constraints and restrictions that creators faced during the second half of the 20th century. Accordingly, Greenberg provides historical context to the clash between law and creativity which is vital to the themes explored in this book. In this context, Greenberg seamlessly moves between critical moments in history and their legal ramifications. In doing so, Greenberg draws on law

enforcement during the 1950s and the establishment of the Comic Book Legal Defense Fund as a result of a raid in a comic store for 'obscene books' in 1986.

The author makes it clear that the relationship between creativity and the law is still a contentious issue in the USA, especially surrounding works of a sexually explicit nature. Despite it being a difficult subject to tackle, Greenberg argues that these restrictions are harmful to comic art and law should have softened these restrictions significantly since the 1950s. By exploring this area of law, it shows the very real effect on individual creators which is an area that remains underexplored. This adds to the interesting approach of Greenburg's work.

Chapters 12 and 13 contain the discussions on the international approach to comic art and the consequences of the digital formats and the internet. By considering the international perspective, Greenburg shows the variation of approaches to regulating comic art around the world. The inclusion of a discussion on the internet also reveals that the law and restrictions concerning digital content is lax, thereby highlighting the urgent need for reform as a priority.

This work is both detailed and varied in its exploration, and its author must be commended on the clarity and enlightenment that is provided for this area of law. The book is a concise discussion, and manages to explain the complexities of comic art in an accessible way. This allows the reader to understand a rather niche topic, from the perspective of a broad range of aspects.