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ABSTRACT

Copyright is said to be granted when its subject matter is fixed in a medium. Such a requirement is established in many jurisdictions to facilitate proprietary stability so that the right can emerge automatically. As a legal operation, this often serves to link authors with texts, attempting to fix its otherwise elusive matter and provide evidence in case of a dispute. But what happens if the medium claims to be the author? What is in question when the medium brings a lawsuit to be declared the owner of the outputs generated? This essay explores these questions by revisiting a legal controversy that took place a century ago between a medium and a sitter over the copyright in automatic writings. The legal case was remarkable because of the unusual claim, the parties' belief in spiritualism and the hidden economy elicited by the law. This essay focuses on the ways the law tried to disavow spiritualistic claims at the expense of emphasising their materialisation through commercial means.

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In recent years, scholars from different fields have discussed the spectral nature of intellectual property (Bellido 2023a; Kang 2019; Ventimiglia 2019). One of their common assumptions is the way in which intellectual property prompts 'instantiations of capitalist property relations in different areas of the world' (Fish, Jefferson, and Ventimiglia 2023). In that sense, copyright is seen as being among those regimes where relationships between economy and culture are articulated and, as a result, one of the places where the role of enchantment in capitalism could manifest itself.[1] Given its focus on media, copyright law presents a particularly interesting area to explore capital's penetration in the relations between the spiritual and the economic, the moral and the commercial. This contribution focuses on the role played by the medium in copyright, rather than tracing how corporate aspirations worked through and around the tensions embedded in a law that claimed to protect and incentivise culture. This perspective might serve to raise several questions relevant today since 'the development in the modes of notation, representation and transmission,' as John Henry Wigmore once observed, have crucially shaped the law of copyright.[2] Such a take on media technologies and copyright echoes Friedrich A. Kittler's *Aufschreibesystem 1800/1900*, a term that was translated into English as 'Discourse Networks 1800/1900' (Kittler 1992). This conveys the divide between two technologically embedded epochs, signalling a key shift that needs to be considered in the history of writing and copyright. Kittler took the title, *Aufschreibesystem,* from judge Daniel Paul Schreber's personal memoir of his experience with schizophrenia (Kittler 1992, 291). It is interesting to note that one of the aspects that Kittler highlighted in that episode is that it evidenced how 'the concept of intellectual property, bound as it was to the media of words and books, turns into madness itself'

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(Kittler 1988, 14). Schreber's text is representative of an epoch in which writing processes struggled to control their own discourses. And madness is precisely manifested in that compulsive and incessant effort to argue mastery despite the many mediations that dictate and determine our positions. It was at this moment when 'humans change their position – they turn from the agency of writing to become an inscription surface.' (Kittler 1999, 210). What this means is that the reach of media technologies began to reshape copyright law by shifting the subject of writing. The subject was no longer seen as asserting control over their own discourse, but rather as being merely defined by the act of writing. In other words, human agency was displaced onto the surface as a media effect once the medium was installed and defined as the author.

As we look back over copyright history, it is possible to see how this shift in agency was underpinned by a media appeal to the supernatural, a recurrent trope of desire connecting law and capitalism. After all, one of its most well-known addresses was Hollywood, a plot of land that came to be known as the 'Dream Factory' (Powdermaker 1950). The effects of enchantment are derived from the special relationship that copyright has with technologies, not only with cinema but also with writing as the main media that sought to record and transcend life. In fact, a considerable number of copyright's founding fathers were fascinated by the afterlife, not just in terms of royalties, but also as a source of inspiration and translation. It is well documented that Victor Hugo, an influential figure in the history of *droit d'auteur*, the law to protect the so-called *œuvres de l'esprit*, experimented with spiritualism (Chambers 1998). This is also true of Arthur Conan Doyle – not only a promoter of copyright via the Society of Authors (Bowrey 2020, 55), but also an enthusiastic proponent of the spiritualist movement (Jones 1989; Lycett 2007, 437). One could suggest that his most famous fictional creation, Sherlock Holmes, embodied this curious duality, as both activities – spiritualism and detective fiction – entailed the deciphering of mysteries. One notable aspect of this creative commodity is that it evoked rational and secular enchantments and hence became paradigmatic for copyright, signalling its capacity to animate properties. Michael Saler has observed that 'Holmes was the first character in modern literature to be widely treated as if he were real and his creator fictitious' (Saler 2012, 106). Here we can see how the effect of enchantment works both ways, bringing a fictional character to life as the author fades into the realm of imagination. This essay focuses on a legal dispute where copyright practice and discourse encountered a form of enchantment conjured up by spiritualism. By looking at such media controversy in close-up, we can observe both the connection between capital and law and how copyright and its boundaries were tested and, perhaps counterintuitively, expanded, when the market for spiritualist writings was at stake.

Spirit copyright

Conan Doyle's spiritualistic forays were so well known at the time that the Secretary of the Society of Authors, George Herbert Thring, often sent him manuscripts dealing with the supernatural. In January 1926, one of these writings came to their attention, and the society found itself facing a conundrum. It involved a dispute between two of its members: Geraldine Cummins, an Irish medium, and Frederick Bligh Bond, an English archaeologist and psychical researcher. That a controversy about psychic writing emerged is hardly surprising, since the public appetite and the market potential for this soul-searching literature had increased after the Great War. However, it was not common for the Society of Authors to mediate between a medium and a sitter, that is, between someone with alleged abilities to connect with the unknown and one of the participants in a séance. This was not Bligh Bond's first psychic experiment. Nor was it the first conflict in which he had been embroiled. Between 1908 and 1922, he had been director of the excavations at Glastonbury Abbey, which led to his book *The Gate of Remembrance* (Bligh Bond 1919) (Figure 1). This provided an account of the discovery of two chapels; an excavation facilitated, according to him, by automatic writings obtained through a medium. As Roberta Gilchrist has highlighted, this was extraordinary because he used archaeological excavation as a means of proving the scientific value of automatic writing (Gilchrist 2019, 196). He combined science and psychic experiments

rather than viewing them as opposites. This can be seen in the way he presented his work as research and as a record of a process. The titles of his publications also demonstrate his epistemological approach, seeing the experiments as providing *scripts* (rather than stable texts) that could help to decipher the scriptures. This unusual configuration of spiritualism and scientific research might explain why writers like Conan Doyle first became interested in Bligh Bond's work (Conan Doyle 1919, 45). But, of course, there were other aspects that made Bligh Bond a complex, elusive and attractive figure. On the one hand, his commitment to Christianity led him to represent spiritualism in the Lambeth Conference of 1920 at which the Anglican Church called for peace and church unity, but warned of the 'grave dangers' in the tendency 'to make a religion of spiritualism.'[3] On the other hand, his belief in mediumship as a channel to connect with the afterlife also extended to its value for self-analysis, as séance records confirm. Bligh Bond continued to participate in séances with different mediums to prepare the court case in which he got involved (Bellido 2026).

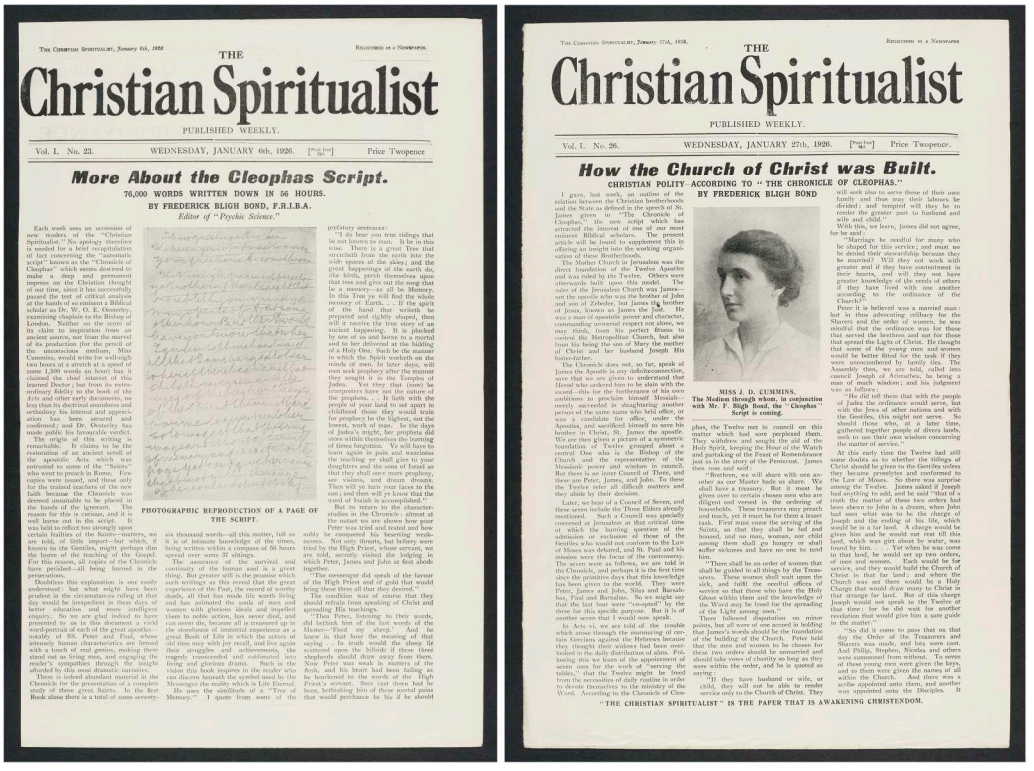
In 1921, Bligh Bond was dismissed from his job at Glastonbury by Bishop Armitage Robinson. The main reason for his dismissal was his lack of attention to the excavation's finances. His subsequent spiral into debt is important because it precipitated several disputes with spiritualist mediums. However, after his dismissal, Bligh Bond's enthusiasm for psychic experiments did not diminish. On the contrary, his fascination increased, particularly from 1923 onwards, fuelled by the idea that mediums were performing a public service, allowing him to connect to the other world. Yet, his financial troubles and instability took a toll on his relationships, particularly with mediums. Firstly, he was reported to the Society of Authors by John Allen Bartlett, the psychic medium who assisted him in his archaeological excavations, for non-payment.[4] This was followed closely by a second and even more troubling concern, a complaint raised by Geraldine Cummins and her friend and collaborator Beatrice Gibbes, a member of the Society for Psychical Research. Their complaint did not just refer to the pecuniary side of the business, it also involved their argument that the medium held an authorship and ownership claim in relation to a manuscript. The conflict between the parties was generated by the publication of newspaper articles and the announcement stating that Bligh Bond was going to publish a book entitled *The Scripts of Cleophas* with the

Figure 1. Bligh Bond by the Edgar Chapel at Glastonbury Abbey. June 30, 1928. SPR.MS 82/4. Amélie Deblauwe / Reproduced by kind permission of the Syndics of Amélie Deblauwe / Cambridge University Library.

automatic writings obtained from the medium, Geraldine Cummins. Although the Society of Authors tried to persuade the parties to settle, Bligh Bond's stubborn attitude and the unhelpful advice given by Conan Doyle meant that the parties resorted to litigation. Conan Doyle's intervention seems to have escalated the conflict rather than calming matters since Bligh Bond was infuriated by Conan Doyle's suggestion that he had misappropriated the manuscript.[5] Additionally, Conan Doyle's view of the conflict between the parties as a legal problem that could only be solved by giving the copyright to the medium, triggered a further whirl of misunderstandings. While the parties seemed content with the suggestion of a commercial arrangement mooting the possibility of shared ownership and the setting up of a trust, this failed to materialise.[6] The mediation by the Society of Authors and Conan Doyle seems to have foreclosed the possibility of a settlement. The acrimonious situation between the parties worsened when Conan Doyle extended things beyond the practical arrangement and suggested that there was no way that joint authorship and ownership could exist in law. According to him, only one party could hold the copyright, which 'should vest in the person who actually produces the script – whatever inspiration may be behind her.'[7] But who produced the script? The medium, the spirit, or the sitter?

Despite the looming shadow of litigation, initially nobody wanted legal proceedings to ensue. Almost everybody involved considered that bringing the case to court would be a disaster. And as a spiritualist journal observed after the controversy broke out, 'the washing of dirty linen in public is always an unedifying spectacle.'[8] Indeed, Conan Doyle also feared litigation, as it would mean 'this beautiful script [being] mauled about in a British Court of Law.'[9] The reason negotiations for settlement had been encouraged was not only the need to preserve the spirit of fellowship in the Society of Authors but also the anxiety that the spiritualist movement might be ridiculed in court. Then, why did the parties end up in court? What was the essence of the dispute? It is difficult to speculate on these issues and pinpoint when the controversy first emerged, but it is interesting to note that one of the factors that angered Bligh Bond was his being prevented from sitting with the medium after their falling out. This explains why he did not return the manuscripts when Beatrice Gibbes and Geraldine Cummins first raised their complaint. Yet séances continued to be conducted without him and scripts with a similar narrative were still being written afterwards and this exposed a difficult reality that is at the core of the issue. Bligh Bond was cut off from the medium, which constituted both the channel and the source upon which he had developed and published his research (Bligh Bond 1925) Figures 2 and 3.

As such, it was not only that the dispute challenged the view that Bligh Bond was at liberty to have such extracts published, it also meant that he was excluded from the serialisation of the *Scripts*.[10] That serialisation was part of the conflict that frames the main issue at stake, not only the specific texts, but more broadly the service provided by the medium, the 'control' of the spiritual messages, and hence the future market relationships that could arise from those spiritualist writings. Bligh Bond's grievance came from the fact that he could not sit with her anymore, that he could not refer to these writings, illustrating his understanding of the medium as a capital asset from which his investigation and research could continue. Accordingly, he emphasised the private character of séances in which the sitter was vital to the conveying of the messages (as recipient). What frustrated him was that the medium continued with the *Scripts* after they had fallen out, demonstrating that his directorial and editorial roles might not have been so crucial since the narrative and the messages went on without him. In retrospect, his anger over this lack of continuity and the loss of the potential to exploit the medium properties sounds peculiar but seems to meet Kittler's definition of madness in the age of reason as a form of 'discourse on discourse channel conditions' (Withrop-Young 2011, 66). This echoes Schreber's *Memoirs* mentioned above in being an incessant attempt to argue about the medium without delay or reflection and the struggle to control your own discourse. What one can say is that Bligh Bond could not overcome the short-circuit, the breakdown in communications. In that sense, he was out of control, and this lack of connectivity contributed to his persistent, perhaps even delusional, attitude, to the extent that a recent commentator has dismissively suggested that his life was not worthy of a biography (Chippindale 2010, 216). In fact, those who met Bligh Bond



THE
Christian Spiritualist
PUBLISHED WEEKLY.
Vol. I. No. 23. WEDNESDAY, JANUARY 6th, 1926. Price Twopence

More About the Cleophas Script.
76,000 WORDS WRITTEN DOWN IN 56 HOURS.
BY FREDERICK BLIGH BOND, F.R.I.B.A.
Editor of "Psychic Science."

PHOTOGRAPHIC REPRODUCTION OF A PAGE OF THE SCRIPT.

THE
Christian Spiritualist
PUBLISHED WEEKLY.
Vol. I. No. 26. WEDNESDAY, JANUARY 27th, 1926. Price Twopence.

How the Church of Christ was Built.
CHRISTIAN POLITY ACCORDING TO "THE CHRONICLE OF CLEOPHAS."
BY FREDERICK BLIGH BOND

MISS J. D. CUMMINS.
The Medium through whom, in conjunction with Mr. F. Bligh Bond, the "Cleophas" Script is coming.

"THE CHRISTIAN SPIRITUALIST" IS THE PAPER THAT IS AWAKENING CHRISTENDOM.

Figures 2 and 3. Bligh Bond's research in *The Christian Spiritualist*, January 1926, ms38515/5/26/5. Courtesy of St Andrews University Special Collections

tend to agree on several of his personality traits. He was often depicted as honest and knowledgeable but also as someone who failed to explain things logically.[11]

In February 1926, Conan Doyle concluded that he had had enough and that 'I fear nothing but the pressure of law will bring this obstinate man to reason.'[12] The Secretary of the Society of Authors added that 'nothing will be gained until legal action has been taken against Mr Bond. He has apparently been trying to make money out of these matters to which he is not entitled, and the sooner he is stopped, the better.'[13] This correspondence shows the intricate links and tensions between spiritualism, law and commerce. Initially, Conan Doyle wrote to Bligh Bond that 'it was not right for you to monopolise [the scripts]' and that converting the matter into a legal one 'would be bad for the [spiritualist] cause.'[14] However, a few weeks later, Conan Doyle reached the conclusion that the only way to put this troublesome matter in order was to initiate court proceedings. He and the Society of Authors ended up embracing law as the most efficient way to end the dispute, though they had endeavoured to keep the matter out of court. One can go even further and suggest that this last move exhibited the enchantment of rationality itself, a sort of secular belief in the force of law to solve a dispute. Viewed in this way, this also brings forward an apparent antinomy, namely, the illusion that the law could be a definitive resort to manage and stop unreasonable and querulous behaviour. And as usually happens with this type of litigants, the attempt was futile since the litigation did not resolve the matter for good and Bligh Bond continued his diatribes and complaints even after losing the case (Bellido 2026).

Legal ridicule

In March 1926, the application for an interim injunction was made by Geraldine Cummins, and it concerned this unusual disagreement regarding the legal authorship of a script arising from a

spiritualist communication.[15] The motion was heard by Justice Eve in the Chancery Division. Formerly Liberal MP for Ashburton in Devon, Sir Harry Trelawney Eve was, unsurprisingly, a privately educated Oxford graduate. What is more remarkable is that he was by then a septuagenarian judge who had not been promoted to the Court of Appeal. One of the reasons for this career failure was, to the despair of the parties fearing ridicule at court, his constant bluff remarks and jokes. For example, in a previous copyright case regarding the film 'A victim of the Mormons,' he made the sexist quip that he should have thought that a man with six wives was the victim.[16] Similarly, he was often quoted, amid laughter, in the newspaper reports of several trademark and patent cases.[17] He was also renowned for his indifference to music, to the extent that he was labelled the 'non-musical judge.'[18] Nevertheless, he heard musical copyright cases and even complained when a piano was played at an adjacent court as part of the evidence for a landmark copyright case.[19] A good raconteur and renowned toastmaster, he was proud of having never visited the art museums or theatres of London. However, and despite all the above, he was considered a sound judge, perhaps one who met the conditions necessary for becoming a judge in a bygone era. No one was immune to his well-timed jests and entertaining remarks, from expert witnesses to counsels, including parties or even himself, displaying that self-deprecating humour that the English like to think of as one of their defining features. If there is an unwritten history of law, as Maitland would say (Maitland 1888), it is one in which dry humour, quips and laughter enliven the courtroom. And Justice Eve could easily have been one of the characters contributing to that history. Glimpses of such waggishness can be seen between the lines of judgments or in that literary miscellanea of reminiscences and parochial anecdotes written by judges after they retire from the Bench. But they are made most visible when one reads them in newspaper reports of legal proceedings.

It is not hard to envisage, then, that Justice Eve was one of the worst judges to face for someone hoping to avoid ridicule and scorn. When the spiritualist copyright motion was received, he granted the application for an interim injunction. The motion was ordered to stand over and undertakings were given that there would be no publication of the work in the meantime. However, it became evident from the start that he was not sympathetic to the cause. For example, he refused to read the manuscript produced by automatic writing, which was the subject matter of the dispute.[20] When he was told that it was an interesting addition to a Biblical story, he interrupted counsel, asking if it was in Greek or in English, causing the courtroom to erupt into laughter.[21] These were two minor examples of a broad array of jokes and puns that he indulged in when the case finally came to trial during the summer of 1926. As Anat Rosenberg observes in the context of puffery, the force of ridicule comes from a certain disavowal of enchantment in law, accompanied by a view that the parties involved in a dispute 'exhibited failures of rationality' (Rosenberg 2022, 240). The truth is that these acerbic comments began right from the start, even before the trial, at the time of its scheduling. When Justice Eve was asked to set a date, he recommended the action be heard after a case he was hearing at the end of June, taking the opportunity to comment that it was unlikely that the spirits would get up to anything in the meantime. He also amusingly observed that he had asked 'the chaplain at the Chancery Court about [the spirit] Cleophas and despite being a most learned man, he did not know.'[22] One could surmise further about this anecdote told by the judge. It is unclear who he was referring to, as there were at least three different clergymen associated with the inns of court at that time. As Justice Eve was based at Lincoln's Inn, it may well have referred to Vernon Faithfull Storr, the preacher at that inn of court in 1926, subsequently archdeacon of Westminster Abbey and rector of St. Margaret's, Westminster.[23] Many controversial aspects of this case were already apparent from the time the judge proceeded to scheduling. It is not only that the joke about spirits not going away in the meantime was premonitory of his attitude towards the case, the question to the clerical authority was also significant. The fact that a dispute arriving at our modern and secular jurisdiction prompted a conversation with a man of the cloth might show the tangled intersection of modernity, law and enchantment. What did the case really confront the judge with? How to legally frame a case of a commodity dealing with the supernatural? How to manage the parties' belief and expectations in spirit-authored texts if the dispute revolved around

mundane and secular issues such as copyright and authorship? A few years later, the by then Archdeacon Storr suggested that the unhealthy fascination with spiritualism came from a human weakness. 'The human mind,' he said, 'is naturally prone to credulity, and it is very easy to put the critical faculty to sleep, and to become ready to believe anything without really examining the evidence for its truth' (Storr 1932, 240–241). Here we can see that the question of credulity and consciousness, the material and the spiritual, the secular and the religious could also be raised, perhaps repeating a fundamental cliché of secular law in modernity. Judges might never be conscious of taking religion into account when writing their judgments. Yet their relationship with religion tends to unconsciously shape their worldview and hence influence their decisions, even in a secular setting.

Sitting in judgment

The case finally came to hearing in July 1926. It involved Geraldine Cummins, the medium, seeking to establish her right to the copyright in a literary work titled *The Scripts of Cleophas*. Such a case naturally gave Justice Eve free rein for repartee. It seemed a goldmine for someone of humorous bent, and it is a mystery why it did not make it to the 'Laughter in Court' columns of the *Evening Standard*. What seems clear from the number of impromptu disruptions is that Justice Eve thoroughly enjoyed the proceedings. The problem is that his comments were caught up in an asymmetrical relationship, which short-circuited arguments and counterarguments presented in court. Even trivial references to the circumstances in which the possibility of a settlement was discussed, for example the detail that the parties met at the Hippodrome, was interrupted with the comment that 'this was hardly the place one would expect to meet spirits.'[24] Such asides punctuated the courtroom proceedings. In that sense, the parties were unlucky to have their case heard by a judge who not only prevented points from being addressed fully but also made fun of their beliefs. Precisely because the judicial code embraced witticism and drollery to enliven court proceedings, with Justice Eve being a celebrated performer in this regard, they were not considered inappropriate at the time. Having said that, the judge appeared quite aware of the special characteristics of the case; a dispute that, as Andrew Ventimiglia observes, tended to reflect the 'tensions between religious and legal logics' (Ventimiglia 2019, 29). Not taking quasi-religious movements seriously could have been one of the judge's strategies, particularly considering that spiritualism struggled to be accepted by a considerable part of Christian orthodoxy as evidenced in the Lambeth Conference mentioned above. Notwithstanding this, his judicial performance is interesting because it shows how a certain bias and prejudice shaped the way in which the subject matter of the dispute was discussed. This was something the defendant was fully aware of when he wrote that 'the grave issue [he] had to defend' was going to be heard 'by a judge who, like most lawyers, would have a preconceived prejudice against such writings.'[25]

Bligh Bond's major argument was that the manuscript was not legible without his help (Kenawell 1965, 94). It required research, punctuation and the decipherment that he was equipped to provide. This was the reason he suggested that the text was a message that required transcription, which was, according to him, 'a very difficult and tedious task.'[26] The line of argumentation would be as familiar to anglophone copyright scholars as it was to counsel, who cited *Walter v Lane* (1900) as a precedent.[27] What this reference could have alluded to was, as recent commentators have suggested, the 'generous concept of authorship' established by the House of Lords, one that was mediated by the market as it enabled the rise of newspaper syndication (Bellido and Bowrey 2014, 215). But the singularity of this argument was undermined by the judge when he commented that the writing on the manuscript was as illegible as many of the letters he received.[28] He also made an analogy between the manuscript and Robert Browning's poems, often criticised in Victorian times for their obscurity, and according to the judge 'a good simile [because] they are quite as unintelligible to the ordinary man as Cleophas.'[29] Here, as always, his concern seemed to have been to bring to the fore what he considered to be at stake, namely, the ridiculous credulity of the parties. Among other examples of Justice Eve's wit was his take on the conundrum of creativity, psychic sensitivity, and

how Cummins could write in a state of trance. When counsel argued that it was not uncommon for notable literary works to have been produced under the influence of some dull opiate, the point was to explain the altered state of consciousness where inspiration can be found. However, just as he was in the middle of this argument, providing examples like Coleridge's writings, Justice Eve cut off the speech with the comment that 'perhaps the author was drinking,' again prompting laughter in the courtroom.[30]

Here, perhaps, lies the main problem with the way he conducted court business. His constant interjections may have been highly witty, but he seems to have overdone it. At times, he appears condescending. But, more worryingly, his comments also prevented a proper examination of the dispute and relevant points of law. For instance, the introduction of Samuel Coleridge's *Kubla Khan* into this legal discussion seemed important. If there is one work that could facilitate an investigation into an author's subjectivity, it was *Kubla Khan* because it touched on what Sigmund Freud would call 'dream work' (Freud 1955). However, Justice Eve compared the influence of drugs or alcohol in the pursuit of literary works to the quest for inspiration in after-dinner speeches. Similarly, the judge had no patience when a reference to John Keats' *Ode to a Nightingale* was mentioned in court and bluntly opined that 'it might just as well be said that the copyright in Keats' *Ode to a Nightingale* was vested in the nightingale.'[31] In a sense, the reason why such interruptions arose so frequently throughout the proceedings seems to derive from a desire to remain on the side of common sense. This brusque efficiency is understandable since an unconventional case involving spiritualism and psychic writings could have taken the discussion into uncomfortable and impractical territory. Yet, several points were crucial in exploring the shifts in the nature of creativity, especially the traits and contradictions involved in defining authorship and ownership in copyright under different media conditions. The paradox here is that the amusing interjections prevented relevant points from being fully argued in court, such as whether human consciousness was a requirement for a work to emerge in copyright. Curiously enough, the reference to Keats' nightingale resonates in recent copyright controversies regarding animals and copyright, evidencing that, beyond the joke, there may have been an intriguing question to be explored.[32] At least two issues might be identified as underpinning the question. First, the ode has historically constituted a distinct literary genre with a difficult relationship to property, insofar as its function as a form of dedication could result in the author's dispossession of their rights. Second, the invocation of nature, and specifically the nightingale, might have been interrogated in relation to non-human forms of agency. However, the judge framed the controversy in order to recognise only human authorship in copyright law. This view also reflects a doctrinal impulse to define what some scholars tend to consider to be the ultimate purpose of copyright law (Rahmatian 2024, 30). Yet, the irony here is remarkable: authorial recognition in this dispute was claimed by someone who was literally identified as possessing non-human attributes: a medium. As exciting and compelling as the possible interpretations of the case might be, it should be noted that a certain legal ambiguity remains. The challenge lies not in the ability to distinguish creativity between humans and machines, or humans and animals. Rather, the difficulty emerges from the position of the medium in copyright (Karlen 2002, 20). If the 'human' surfaces here as consequence of writing rather than a foundational concept, how should we define human authorship once it has been recognised in mediumistic writing? Automatic writing was, in fact, an experimental technique designed specifically to eliminate human mediation (Bacopoulos-Viau 2013, 3)

Economies of the supernatural

In addition to his raillery when listening to the lawyers and their pleadings, the judge engaged in intrusive playful remarks. Some of the witticisms were made while the parties gave testimony and were directed at the enchanted world in which they believed. This echoed one of the lawyers' concerns before the lawsuit that their clients would not perform well in the witness box. Two weeks before the hearing, George Herbert Thring, the Secretary of the Society of Authors, had already told

Conan Doyle that he was 'rather afraid that Miss Cummins may make a bad witness,' since it would be very difficult for her 'to stand a bitter cross-examination.'[33] Bligh Bond would probably also seem an unreliable witness for the reasons already mentioned. Nevertheless, the witness box was a central stage for interesting issues to emerge in the courtroom; for instance, the business side of the transaction between the parties that enabled Justice Eve to link the spiritual and the commercial. This was facilitated by the examination in chief carried out by Harry Bevir Vaisey, KC, who acted for the medium and, strangely enough, would be appointed to the Anglican *Prayer Book Copyright Committee* a couple of years later.[34] When his client, Geraldine Cummins, was examined, she stated that she regarded the defendant, Bligh Bond, as a man of business and consequently let him take the lead in those matters. This interesting point was then expanded in her cross-examination and was again accompanied by a comment from the judge. This time he remarked that the plaintiff was 'in excelsis' and did not bother with the business side of things. More specifically, he suggested to the barrister representing Bligh Bond, in his characteristic ironic and self-deprecating style, that 'these people do not live in the same atmosphere as we do. It is difficult for us to put ourselves in that attitude. It may be easier for you, Mr Moritz, as you are not so heavily weighted with this world's flesh as I am.'[35]

One can see that as soon as the relation between spiritualists and money was established, the judge had an opportunity for exaggeration and caricature, particularly when juxtaposing the ethereal and the mundane, the soul and the profit motive. This might suggest that the judge had become a puppet of capitalism in so far that the only thing that seemed to bother him was the marketability of the scripts. But, once again, the humour was at the expense of further exploring the way the litigants conducted their business. For instance, it stymied the possibility of following up circumstances such as the question of copyright registration made by Bligh Bond, which was among the factors that had triggered the litigation.[36] Furthermore, it also denied the opportunity to discuss how profitable psychic work might have been and, more importantly, the role of the medium's friend, Beatrice Gibbes, as her business agent. It would have been interesting to examine whether Gibbes's relationship with Cummins conflicted with the competing attempt by Bligh Bond to occupy that commercial side of the medium. Most of the possibilities to understand the gist of the disagreement between the parties and the dynamics of ownership and control in capitalism were therefore eclipsed by the way the court proceedings were conducted. Nevertheless, the cross-examination of the medium was remarkable and, according to some of those present in the courtroom, 'tied up Miss Cummins into knots' (Hopkinson-Ball 2007, 157). To some extent, her position when she was called to the stand was already rather complicated because her legal claim for authorship threatened her role as a medium. The more her authorship claim was emphasised, the less her integrity as a medium could be maintained. This bind between authorship and mediumship, however, constituted a fertile source for cross-examination material.[37] It offered a great opportunity to score points at the witness's expense. For that reason, the first question she faced was, not surprisingly, 'do you call yourself a medium?'[38] This question was intended to suggest she might be a fraud if she claimed authorship.[39] However, it backfired since it missed the point that authorship and mediumship had become increasingly interconnected, as the spiritualist platform and private mediumship had embraced publicity and mass advertising.[40] In fact, the way in which mediums were often classified, as the *Alphabetical Card Index of Mediums* compiled by the Anglican Church shows, was closely related not only to their abilities but also to their credentials, that is, whether they had been recommended and who had vouched for them. Here we can see how mediumship had begun to acquire authorial functions such as recognition and attribution. This view was also facilitated by Conan Doyle's history of spiritualism, in which a chapter naming, differentiating and describing the greatest modern mediums was included (Conan Doyle 1926, 194–223). Mediums therefore looked like celebrities in so far as advertising devices, commentaries and individuations gave them a name. And these descriptions logically approximated them to the issues underlying authorship as the two figures, performers and authors, tend to get closer in capitalism. As Mark Rose has noted, 'the authorial function [in mass culture] is often filled by the star – a kind

of recognisable brand name, a recognisable sign that the cultural commodity will be of certain kind and quality' (Rose 1993, 1). We can perceive this transformation also happening with Geraldine Cummins. By the early 1920s, she had already gained a reputation as a medium, initially with an improvised Ouija board (Gibbes 1932, 137) Figure 4.

Trained in journalism and creative writing, she soon dispensed with the use of the board and other spiritualist merchandise and, encouraged by Beatrice Gibbes, wrote directly onto paper. The reason she gave for that shift to automatic writing was that she preferred it, as it was easier for the spirit to write *through* her hand.[41] The automatic writing was accomplished by holding the pen loosely over a sheet of paper, turning her eyes away, and entering into an unconscious state of mind. The courtroom description of the séances captured this process in the following manner:

> [W]hen producing automatic writings, she sat at a table with a pencil in her right hand, covered her eyes with her left hand, and auto suggested herself into a dream state. When in that condition her hand proceeds to write very rapidly long consecutive narratives. [. …] She would sometimes write for an hour and a half without pause. When she got to the bottom of a page an assistant removed the sheet of paper and placed her hand at the top of a blank sheet, and then the writing continued.[42]

Such a description of a blind act of writing is interesting in many different ways (Ventimiglia 2020, 247). Firstly, it draws a distinction between the way in which writers frequently wrote and the medium's writing. And this process of restricting the senses was historically significant. As Friedrich Kittler observes, 'circa 1900 several blindnesses – of the writer, of writing, of script – come together to guarantee an elementary blindness: the blind spot of the writing act' (Kittler 1992, 195). There is much more to be said about the blindfold figure and the problems that beset intellectual property and capitalism, suffice it to say here that the purpose of the blindfold was to make the medium not knowing what was coming through to produce a text. Not seeing was key, as the first typewriting training courses repetitively announced. In order to pass the test and show your ability, you needed first to blindfold yourself. If the medium could see and know what the pencil was writing, she could be tempted to follow her thoughts. In that sense, the media scene of this case epitomises a sensational jurisprudence, a field once described as the connection between law and the senses (Bently and Flynn 1996). But what was the effect of this practice? Was it possible to write blindly? What is remarkable about the blindfold medium is not only that it might allude to the well-known symbol of justice but mainly that it facilitated the procedural possibility of a 'record.' Secondly, the description of the medium's writing also indicated that one of her abilities was to write fast as if she was a mere mechanical conduit. This again presents an uneasy similarity between law and spiritualism since the possibility of fast-writing methods to capture speech had constituted an object of desire for the law since the Tironian notes to Cicero (Vismann 2002, 133; Vismann 2008, 54). Spiritualistic séances were similarly arranged as a method and a technical procedure to transcribe the communication from the spirits, so the task of the medium was to transcribe automatically their dictation promptly. That literature had become a process of automatic writing and dictation in the early twentieth century is depicted in Beatrice Gibbes's description that the medium was receiving messages from 'unseen dictators' (Gibbes 1939, 10).

Spiritualists believed that this rapid automatic writing was produced by the involuntary action of the fingers and was controlled by discarnate spirits. And considering that Bligh Bond shared that belief, it is no coincidence that he suggested that 'there is no copyright in writings received from an agent who is not among those living on earth.'[43] This was his starting point, but the claim by the plaintiff that she did not only channel, but also authored the scripts made him change his defence and counterclaim for a joint copyright in it. What was at stake was a shift in the general understanding of spirit communication, where texts were often conceived of as received and written *through* the medium (Gibbes 1933, 173). By contrast, the point that the judge made was that the text was written *by* the medium. Such a legal view had the effect of circumventing the need to speculate whether the medium received the text from a supernatural source or not, bringing the copyright

Figure 4. Geraldine Cummins trying a Ouija Board, c. 1925. U206/Box37/253. Courtesy of the Cork County & City Archives.

dispute in line with other conventional controversies relating to translations and collaborations (Blanco White 1949, 15). In that sense, it also highlighted that spiritualism was a commercial enterprise where disputes about authorship and ownership could emerge. Moreover, it evidenced the constitutive role of law in capitalism as the main issue litigated ended up being not the beliefs of the parties but the marketability and the ownership of those spiritualist writings once they materialised. Presumably, the case can also be understood not only as a dispute over authorship but also as a controversy concerning originality. What does it mean to move the discussion to the tests of originality? As one reviewer of a draft of this essay observed, this means framing the controversy under the copyright test of originality depending upon 'skill and effort.' This doctrinal view was also shared by counsel for the medium, who cited a previous copyright decision to support her case. The precedent was interesting since it had defined originality as 'not copied from another work' and as something that 'originated from the author.'[44] Insisting on this forensic test of originality

and interpreting it in such a way had a particular effect. It eclipsed the spiritualistic nature of these writings, failing to address the reason why the parties now in court ever met. The emphasis on originality shifted the focus to the existence of a text rather than its relationship to a transcendental or supernatural entity. While discourses on literary originality readily admit multiple legal interpretations, the point here is that these interpretations turn to the expression in print or writing, irrespective of the question whether the quality or style is high or low.[45] In other words, fixation in a medium shape their conditions of possibility by concealing the medium afterwards. Herein lies the significance of the case. The shift towards originality implied constructing the author as an instrument for writing without questioning what was really at stake in mediumistic writing, namely, the desire to use humans as recording devices (Bacopoulos-Viau 2013, 3).

Otherworldly

The notion of a spirit copyright might have sounded absurd. Yet the matter was not so straightforward, and Justice Eve's waggish judgment was taken sufficiently seriously to be recorded in the law reports. It was also included in the *Corpus Juris Humorous* edited in the United States (McClay and Matthews 1991, 559) and in a light-hearted book published in Britain by a judge who subsequently became quite interested in intellectual property (Megarry 1955, 55–57). From this perspective, it looks sepia-tinted, a legal oddity that might be worth reading because it smacks of the sort of humour that often appeals to lawyers. This comes across in several passages of the extempore judgment:

> [T]he conclusion which the defendant invites me to come to in this submission involves the expression of an opinion I am not prepared to make, that the authorship and copyright rest with some one already domiciled on the other side of the inevitable river. That is a matter I must leave for solution by others more competent to decide it than I am. I can only look upon the matter as a terrestrial one of the earth earthy, and I propose to deal with it on that footing.[46]

Justice Eve further stated:

> I do not feel myself competent to make any declaration in his favour and recognizing as I do that I have no jurisdiction extending to the sphere in which he [the spirit] moves, I think I ought to confine myself when inquiring who is the author to individuals who were alive when the work first came into existence.[47]

Ultimately, one can see why the judge found in the sphere of jurisdiction an interesting way to avoid coming to terms with spiritualism, as it provided a deft and witty escape to consider the medium, Geraldine Cummins, as the author and hence the copyright owner. By declaring the limits of his jurisdictional power and his lack of normative competence over the supernatural, Justice Eve appeared to disavow the parties' beliefs, suspending judgment over spiritualism and leaning towards the idea of judging legal facts only, despite copyright law being an arena full of legal fictions. In doing so, he dissolved the notion of the 'spirit' in language production and replaced it by its functional equivalent: the medium. The judgment appears to confirm the de-spiritualisation of literature, and the tone of the delivery also evokes the sort of prejudice that shaped the way the judge approached the legal dispute. Whether the jokes were funny or not is another question, as humour is in the ear of the beholder and depends on a shared set of values and culture. The fact is that the case also evolved as a legal precedent, becoming a point of reference in practitioners' law books and copyright textbooks where it was described as 'curious' (Skone James 1927, 93), 'hilarious' (Bonham-Carter 1984, 300), 'strange' (Laddie, Prescott, and Vitoria 1980, 11) and 'entertaining' (Cornish 1981, 334), descriptions that seem to have survived the test of time.[48] Seeing it from a historical distance, it is easy to agree on such a view. And yet the depiction of the author as a medium, a spokesman for something else, was neither ridiculous nor strange, at least for literary scholars (Paraschas 2013, 3). By describing herself as a medium, Geraldine Cummins drew a feature discussed in literary theory but often absent from copyright history, namely, the endowment of special attributes to machines or technologies for copyright to emerge. One could think that discussions about will, intention and individual agency get close to

the matter of human or, as Bligh Bond suggested, a distinction between 'normal' and other kinds of authorship.[49] And this is why he tried to argue his case by comparing a press interview, in which the medium stated that she was unconscious while writing, against her testimony at the witness stand, where she suggested writing with her hand *and mind*.[50] This juxtaposition was aimed at attacking her credibility, trying to suggest that she was now contradicting herself, making her testimony in court unreliable. This was an interesting line for a counterclaim, but one the judge was not interested in exploring as it focused too much on consciousness. Although Justice Eve left the issue almost without comment, it has resurfaced in a perspective cherished by some copyright scholars today, particularly those who still consider that authorship can only be found in the human subject. Unsurprisingly, this line of scholarship has embraced neuroscience to resume the longstanding scientific dream of getting into the mind of the creator. This might well be a symptom of our contemporary unease at and fascination with technology. However, in the appeal to science as a window to the mind, or the 'brain,' as this scholarship prefers to refer to it, one can also detect that these creations tend to be inscrutable to the law once proof of will and consciousness are under discussion (Bartholomew 2022, 2).

Nevertheless, the question of endowing human attributes to entities has a longer history and tends to resurface when contradictions between authorship and commercialism are at stake. As one commentator once provocatively asked: must copyright forever be caught between marketplace and authorship norms? (Geller 1994, 159). Perhaps it might be tempting to remember that corporate authorship found fertile ground in conflating authorship and ownership, enabling entrepreneurial copyright to emerge. This naturalisation of supernatural agency had previously been conjured up by Adam Smith's reference to the 'invisible hand,' a metaphor used to describe the self-regulating capacity of the market, and its shadow came to inhabit copyright laws throughout the world. The work-for-hire doctrine is one of the examples whereby authorship has often been attributed to an entity by operation of statutes. It also shows how permeable the idioms of creation and production had become in the eyes of the law. As Catherine Fisk observes, 'the ultimate legal fiction underlying modern copyright law is the fiction of corporate authorship' (Fisk 2009, 214). If the corporation constitutes the phantom haunting the quest for human authorship in which many scholars are still involved, it might be important to remember what the solicitor-poet Owen Barfield once said in relation to legal language (Barfield 1966, 115):

> [T]he personification of limited companies by which they are enabled to sue and be sued at law, to commit trespasses, and generally to be spoken of as carrying on sorts of activities which can only *really* be carried on by sentient beings, is as common as dirt and no one ever dreams of laughing at it.

Barfield's insight is not only intriguing because it shows how language and fiction permeate the law. It also identifies laughter as the limit where we can see how we think about the world. Perhaps mischievously, we can now turn to the last part of the judgment and its commentary to explore the possibilities of humour, law and language, from a distancing or dismissive attitude to a receptive medium for further exploration.

Beyond a joke

Just as the legal decision in *Cummins v Bond* was mediated by humour, its reception also triggered amusing comments, particularly by those who speculated with alternative scenarios and judgments. This again reminds us that humour is a curious passage shaping and being shaped by the law in many different ways. It served to establish distance from what the Judge viewed as credulous claims, but it also enabled different hilarious interpretations intrigued by the outcome. In so doing, humour elicited an interesting duplicity, not only as a vehicle for the judge to ridicule the parties' beliefs but also for others to ridicule the judgment itself. By looking at the peculiar nature of the judgment, some commentators wittily observed that Justice Eve had tried to reconcile two mutually exclusive objectives for the benefit of the plaintiff. As a result, Geraldine Cummins ended up having it both ways: 'Spiritualistically (sic) she is a medium for transcription; terrestrially, she is the author. In

other words, the spirits have no legal rights.'[51] There is always something funny in trying to speculate how a judgment could have been otherwise. In this case, remarks after the case focused on how further market and financial opportunities had been lost, revealing that the judgment hinged, after all, on the business of a marketable property. If Justice Eve had granted legal rights to spirits, the acerbic commentary continued, it could have had far-reaching implications, at least for the tax authorities: 'it seems that an opportunity has been lost for doing a good turn for the Crown. If Cleophas [the spirit] had been adjudged the author, in the absence of heirs the Crown would have become the owner of his copyright. The Treasury, always eager to annex new sources of revenue, should look into it.'[52] It is interesting to note that this conceit played on the longstanding criticism of copyright in Britain as a government tax, a perspective that is often traced back to Macaulay's speech at the House of Commons in 1841.

These commentaries evidence that the relationship between humour and law is inscribed in a shared legal culture, prompting several effects. There are further comic interventions by the judge that deserve consideration. Despite Justice Eve considering that there was a 'delusion on the part of the defendant [Bligh Bond] that he had in any way contributed to the production of the work,'[53] he also capitalised on a humorous and odd resemblance between what is done in the courtroom and what happens in spiritualist séances. Perhaps this is no surprise, as one could easily spot similarities between bureaucratic paraphernalia and spiritualist practices: recorders, witnesses, admissibility of evidence, reports, and their effect in creating the soporific atmosphere that often characterises the courtroom, particularly in afternoon hearings. As Alain Pottage observes, 'for law's postmodern critics, this other-worldly sorcery has evident attractions' (Pottage 1994, 148). Correspondingly, one could also ask what message it was that the law was trying to communicate. Or, more specifically, to whom? For what? It is a pity that these questions concerning the material acts of transmitting and receiving the law have not been taken seriously in its casuistic tradition. Yet, at the same time, perhaps the reason why humour emerged so powerfully in the courtroom and beyond is that it has a special relationship to the unconscious (Freud 1960 [1905]). As such, the irony, humour and displacement that characterised the judgment found a similarity between things that are dissimilar on the surface. How are this laughter, flippancy and irony to be read? The truth is that the most effective quips by Justice Eve were those in which the connections between the two worlds, spiritualism and court business, were made explicit. Such entertaining remarks are at once disturbing and provocative because they demonstrate the capacity of humour to raise issues that would otherwise remain latent or repressed (Billig 1999, 80). One could say that this challenges the view of modernity and the business of law as not enchanted because it shows how they too are imbued with traces of enchantment. As jokes are posited on the limit between the rational and the irrational, they are far from being wholly irrelevant and can lead to a sort of amused awareness of what is at stake. For instance, in this case, when the medium described how she did her writing, explaining how she 'auto suggested' herself into a dream state, Justice Eve compared that kind of drowsiness with the experience in the courtroom and observed, to much laughter: 'We all know it in this court, I can assure you,' a remark that facilitated an eruption of laughter in the courtroom. More poignantly, when automatic writing was described, Justice Eve was so beguiled that he ironically suggested that the medium should take his place one day.[54]

This insight runs the risk of being considered just another humorous strategy to jettison spiritualist beliefs and credulity. And it might be seen as another joke at the expense of their way of perceiving the world. But those who take humour seriously would find such an analogy between law and spiritualism, particularly in its relationship to writing, quite interesting. If the technique of automatic writing could help courts in taking notes and drafting judgments, this aperçu confronts us with the promise – or threat – of technology regarding the way the law works and proceeds, a discussion not so far away from the thought-provoking remarks recently made by an intellectual property judge, now deputy head of civil justice, the Rt. Hon Lord Justice Birss. In his speech, Lord Justice Birss began with a well-known epigraph attributed to the science-fiction writer William

Gibson ('The future is already here – it's just not evenly distributed') and continued with interesting observations about the work of several women, described then as 'computers,' who worked at the Harvard College Observatory classifying stars and developing a census of the sky (Birss 2024, paras 3 and 18). This shows not only that the future is always written in the present but also how language acquires an always shifting, always changing characteristic. If that happened to the term computer, Lord Justice Birss provocatively added whether 'the same thing [could] happen to the word lawyer or the word judge' (Birss 2024, para 19). It is indeed intriguing and rather unusual that a judge uses a reference from science fiction to begin a speech. For science fiction in general, and William Gibson in particular, often takes aim at corporate capitalism. The genre has always aimed to stimulate our imagination and make us look beyond the world as we know it, however strange and discomforting. In that sense, science fiction provides a vantage point beyond what either jurisprudence or legal history can offer (Bellido 2023b, 125). Crucially, for our purposes, the disconcerting point comes from the fact that it is also often a genre that questions what it means to be human, a point which the dispute about spiritualist copyright writings and the current scholarship about authorship regularly returns. In other words, science fiction often touches on the effects of technology in shaping and constituting the legal subject and that view has implications for the way we imagine human and non-human authorship. The speech by Lord Justice Birss brought to my mind another thought-provoking quote from a preface to a selection of texts by William Gibson: 'if poets are the unacknowledged legislators of the world, science fiction writers are its court jesters' (Sterling 1986, 1).

Conclusion

Even though it is often neglected by its practitioners, the relationship between authorship, technology and law seems inevitably bound to the allure of enchantment. As Mark Rose has observed, one of the earliest discussions of authorial property used the metaphor of the author as a magician (Rose 1993, 38). The other side of the coin – the work – also constitutes an elusive element upon which technology casts a spell. As a creature of technology, copyright is often touched by, even mesmerised by, its own presumptions when the subtle question of marketable properties is at stake. Current debates about artificial intelligence tend to centre around the future of copyright, but the extent to which they echo earlier debates about spiritualism, enchantment and the law is remarkable.[55] It is interesting to note that the last decade or so has seen the legal case between Geraldine Cummins and Bligh Bond elevated from the realm of the footnote and is now treated as warranting serious discussion (Balganesh 2017, 24–25; Rahmatian 2024, 30; Simone 2019, 20). Instead of dismissing the case with sarcasm and ridicule, the register in which the law views this precedent now is notably different and signifyingly material. Of course, one cannot help but suspect that among the reasons for this elevation are the challenges of information technologies, the new forms of collaboration afforded by the digital, and more specifically the advent of artificial intelligence, with the concomitant anxiety it has generated among authors and copyright scholars. This niggling concern centres around the subject of copyright today and the intersections of technologies upon and within the body, whether human or non-human, whether derived from labour or capital. Although scholars have gone back to the spiritualist copyright case in an attempt to judge the possibility (or impossibility) of machines becoming authors, its real potential comes from reading it the other way around (Bellido 2026). It can indeed be read as a judgment supporting the view that authorship might already have become automated (Gibbes 1939, 10). The recognition of mediumistic writing in copyright highlights a distinct metamorphosis of authorship, an example of copyright law 'inventing' authors (Bently 1994, 981), one that already evidenced that the nature of writing resided in the complex entanglement between the human and the machine, the living and the dead (Hernandez 2024, 102). Seeing it in this way, it is even possible to suggest that authorship has been fused with technology to such an extent that the law recognises, after all, that we could become authors despite or precisely because of becoming machines. This would be

unfashionable and painful to admit for some, but it alludes to what supposedly distinguished automatic writing, namely, 'the lack of volition involved in its production, the absence of will' (Rainey 1998, 135).

Having said that, copyright law's interest in the afterlife, the technological or the supernatural is not exclusively the province of legal positivists or policy makers. Ultimately, the author – work relationship is so intertwined that the law enfolds it as part of its justifications, some stemming from a romantic dazzle of creativity while others embrace discourses from law and economics. Although there are entries in copyright history less amenable to these justifications, such as unconscious copying doctrines (Bellido 2023b), these contrasting assumptions still work, at least for a textbook account. However, they do not help to bring to the fore what is at stake in many cases, namely the impact of technology and capital in shaping the law and the ways in which writing and other creative endeavours were – and still are – inherently mysterious. This point is attractive because it turns the question back upon itself, connecting these endeavours to the uncanniness of law in general and of copyright in particular. Possibly the best place where this was articulated is by Brad Sherman and Lionel Bently's insight that 'in a sense much of the history of intellectual property can be seen as one of the law attempting to contain and restrict the intangible – to capture the phantom – only to find that the object of representation reconfigures itself in a new medium: the latest example being in relation to digital works' (Sherman and Bently 1999, 59). Given that this special issue represents an attempt to consider the role of enchantment in the history of capitalism, this quote provides a useful point of departure to highlight the link between copyright and the economies of the supernatural. Put slightly differently, it can be taken as a springboard to reflect on the ways in which the transformative capacities of capitalism enchanted or, as a Marxist jurist once said, 'seized' or 'surprised,' the law of copyright (Edelman 1973).[56]

Notes

1. The literature on enchantment is too vast to attempt to map here, but a good overview can be found in Saler (2006).
2. 'Foreword'; John Wigmore Papers; Box 191; Folder 4; Northwestern University Archives.
3. 'Script of the 7 June 1918'; presented by Frederick Bligh Bond; Lambeth Conference Papers, LC 135; ff. 223-7; Lambeth Palace Library.
4. Medley to Thring, 13 April 1926; Add MS 56940; Archives and Manuscripts, British Library (hereafter BL).
5. Bligh Bond to Conan Doyle, 10 February 1926; Box 10.1; American Society for Psychical Research Archives (hereafter ASPR).
6. Bligh Bond to Harry J. Sheppard, 15 January 1926; Box 10.1; ASPR.
7. Conan Doyle to Thring, 22 February 1926; Add MS 63223; BL.
8. 'International Notes,' *Journal of the American Society for Psychical Research*, vol. XX, 1926, p. 620.
9. Conan Doyle to Thring, 9 May 1926; Add MS 63223; BL.
10. Bligh Bond to McKenzie, 11 January 1926; Box 10.1; ASPR.
11. Recollections of Frederick Bligh Bond by Mr J F Cooke (1993); A/AMK/28; Somerset Archives and Local Studies.
12. Conan Doyle to Thring, 22 February 1926; Add MS 63223; BL.
13. Thring to Conan Doyle, 24 February 1926; Add MS 63223; BL.
14. Conan Doyle to Bligh Bond, 9 February 1926; Box 10.1; ASPR.
15. 'Spirit Writing Copyright', *Bath Chronicle and Weekly Gazette*, 20 March 1926, p. 7.
16. 'Man with Six Wives', *Nottingham Evening Post*, 18 March 1922, p. 1.
17. 'Judge and Corsets' *Western Gazette*, 12 December 1913, p. 10; 'A Royal Trade Mark' *Western Daily Press*, 24 July 1914, p. 3; 'Cream Cakes Mystery', *Nottingham Evening Post*, 2 March 1923, p. 1. Although this is not the place to survey these cases, it might be worth to cite some of the decisions he had handed down just before the spiritualist copyright controversy: *In re Albert Baker & Co.'s Application* [1908] 2 Ch 86; *In re Whitfield's Bedsteads* [1909] 2 Ch 373; *Osram Lamp Works v Gabriel Lamp Co.* [1914] 1 Ch 699; *In re Crispin & Co.'s Trade Mark* [1917] 2 Ch 267; *In re Evans ' Will Trusts, Pickering v Evans* [1921] 2 Ch 309; *Tate v Thomas* [1921] 1 Ch 503; *Harms (Incorporated) Ltd v Martans Club Ltd* [1926] Ch 870.
18. 'Judge's Music Lesson', *Nottingham Evening Post*, 20 October 1910, p. 5; see also 'Obituary: Sir Harry Eve', *The Times*, 11 December 1940, p. 9; 'Obituary: Sir Harry Eve', *The Manchester Guardian*, 12 December 1940, p. 3.

19. *G. Ricordi & Company (London) Ltd. v. Clayton & Waller Ltd.* (1930) Macg.C.C. (1928-1935) 154; see 'Judge Disturbed by Piano' *Dundee Courier*, 30 March 1930, p. 6.
20. 'New Copyright Puzzle', *Western Gazette*, 2 April 1926, p. 10; see also 'Medium's Copyright Claim', *The Star,* 26 March 1926; 'Book Written in a Trance', *Evening Standard*, 26 March 1926; 'Spirit Message', *The Daily Telegraph,* 27 March 1926 (newspaper clippings); SPR/Mediums/Cummins/6; Cambridge University Library and Special Collections (hereafter CULSC).
21. 'More concerning Ananias', *Manchester Guardian*, 27 March 1926 (newspaper clipping); CULSC.
22. 'Automatic Spirit-Writing' *Gloucester Citizen*, 16 June 1926, p. 6; 'Who Was Cleophas?' *Dundee Courier*, 19 June 1926, p. 4; 'Spirit Writing' *Derby Daily Telegraph*, 16 June 1926, p. 5; see also 'Judge and Spirits', *The Star*, 16 June 1926 (newspaper clipping); SPR/Mediums/Cummins/6; CULSC.
23. Crockford's *Clerical Directory* 1926; xcix.
24. 'The Chronicle of Cleophas' *The Daily Telegraph*, 22 July 1926 (newspaper clipping); SPR/Mediums/Cummins/6; CULSC.
25. Bligh Bond to Oesterley, 13 May 1926; Box 10.1; ASPR.
26. Bligh Bond, 'The Glastonbury Scripts: A memorandum of their nature and sequence', 21 February 1926; Box 10.1; ASPR.
27. *Walter v Lane* [1900] AC 539.
28. 'Whose Copyright in Spirit Writings?', *Manchester Guardian*, 22 July 1926, p. 3.
29. 'A Judgment of the Earth, Earthy', *Manchester Guardian*, 23 July 1926; (newspaper clipping); SPR/Mediums/Cummins/6; CULSC.
30. 'The Chronicle of Cleophas' *The Daily Telegraph*, 22 July 1926 (newspaper clipping); SPR/Mediums/Cummins/6; CULSC.
31. 'Spirit messages copyright' *Daily Express*, 22 July 1926 (newspaper clipping); SPR/Mediums/Cummins/6; CULSC.
32. *Naruto v Slater*, 888 F 3d 418 (9th Cir 2018).
33. Thring to Doyle, July 6, 1926, Add MS 63223; BL.
34. 'Prayer Book Copyright Committee' (minutes), December 14, 1928; CAA/1922/1/5; Lambeth Palace Library. Incidentally, it is interesting to observe that Vaisey KC ended up judging, after moving to the Bench, the other spiritualistic case in Britain that is often cited by copyright scholars: *Leah v Two Worlds Publishing Ltd* [1951] Ch 393.
35. 'Revelations of Cleophas', *The Star*, 22 July 1926; 'Living in Excelsis', *Western Daily Press*, 23 July 1926 (newspaper clippings); SPR/Mediums/Cummins/6; CULSC; see also 'Spiritualism and Business', (newspaper clipping); U206/Box 11/85; Cork County & City Archives.
36. Conan Doyle to Bligh Bond, 12 February 1926; Box 10.1; ASPR.
37. As the solicitor for her observed, 'Miss Cummins' cross-examination appears to be directed towards discrediting her as a medium, or psychologist, or whatever is the proper term'; Medley to Thring, 21 July 1926; Add MS 56941; BL.
38. 'Cross-examination of Geraldine Cummins. Notes on Cummins Evidence under Examination at the hearing' [undated]; Box 10.1; ASPR.
39. Bligh Bond to Timbrell, 6 April 1926; Box 10.1; ASPR.
40. Ironically, Bligh Bond did not realise that he had actually contributed to this elevation as he wrote to his solicitor that he 'had created a substantial value for the writings, and that [he] had, with her consent, obtained a great measure of publicity (…) and entered into negotiations with publishers and had actually been requested by her to approach Hutchinsons, and that they accepted the work'; Bligh Bond to Timbrell, 3 April 1926; Box 10.1; ASPR.
41. 'Script of Miss Cummins obtained for Mr Alfred Morris' 21 January 1926; Box 10.1; ASPR.
42. *Cummins v. Bond* [1927] 1 Ch. 167; 168 (Eng.).
43. Bligh Bond to Tudor Pole, 12 May 1926; Ms38515/5/26/5; St Andrews University Special Collections (hereafter SA Spec. Coll).
44. *University of London Press v University Tutorial Press* [1916] 2 Ch 601; 609.
45. *University of London Press v University Tutorial Press* [1916] 2 Ch 601; 608.
46. *Cummins v Bond* [1927] 1 Ch 167; 175.
47. *Cummins v Bond* [1927] 1 Ch 167; 173.
48. This can be seen in the different editions of *Copinger on the Law of Copyright* published after the case was reported: Skone James 1936, 87; Copinger and Skone James 1948, 98; Skone James and Skone James, 1958, 108; Skone James and Skone James 1965, 120; Skone James 1971, 135; Skone James, Mummery et al. 1980, 121; Skone James, Mummery et al, 1991, 75.
49. Bligh Bond to Osterley, 13 May 1926; Box 10.1; ASPR.
50. 'Writing in a Trance', *The Daily Graphic*, 2 February 1926, p. 5; see also Bligh Bond to Timbrell, 22 March 1926; Box 10.1; ASPR.
51. 'The Spirits and their copyright', *Dundee Courier*, 24 July 1926, p. 4.

52. Ibid.
53. 'Dream Writer Wins' *Western Gazette*, 30 July 1926, p. 12; see also 'The Chronicle of Cleophas' *The Daily Telegraph*, 22 July 1926 (newspaper clipping); SPR/Mediums/Cummins/6; CULSC.
54. 'If a Nightingale were Copyright' *Evening News*, 21 July 1926 (newspaper clipping); SPR/Mediums/Cummins/6; CULSC.
55. One of the most significant characteristics of the term enchantment is its capacity to mean many different things at once. Its performative character is evident in the way it can function as a verb, noun, or adjective. More importantly, as I discuss throughout this essay, enchantment can be understood not only as a belief in the possibility of spiritualist writings, but also as privileging the market as the only problem for copyright law, and as conducting a lawsuit in a way that simultaneously trivialises and forecloses matters warranting serious consideration.
56. The English translation of the title of Edelman's *Le droit saisi par la photographie* – 'Ownership of the image' – does not convey the original's dual sense of being arraigned or under jurisdiction alongside the notion of being 'impressed' and hence the conditions under which media operates.

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