Foreword

New technologies have brought us many wonderful things – perhaps not happiness or contentment, but at least computers, the internet, and new ways of creating and delivering information and art. Yet these advances still remain human tools. So while computers can do many useful and sometimes wondrous things, writing books, even with a little help, remains for them a fringe novelty. For it is human authors who create the bulk of the world's thoughts and writings, with computers doing little more than acting as glorified writing, collecting, sorting, calculating, and compiling machines. Copyright law, publishing contracts and the publishing industry itself could exist without computers and the internet. They cannot and could not exist without authors.

In this new book, Giuseppina D'Agostino examines a neglected field of legal academic research of much practical interest and importance: how independent authors – freelancers – have fared under the regime of the new technologies. Her conclusion: not well. For despite the brave new world of blogs and other outlets, professional freelancers still largely depend on middlemen publishers for payment for their literary efforts and to get their work before the public. And therein lies the problem: as publishers exploit and repackage this work in new and old media, the freelancer is marginalized and cut off from the benefits of downstream exploitation. She gets the disadvantages of salaried employment with none of the benefits. Thus freedom of contract combines with a supposedly author-focused copyright law to favour publishers and keep freelancers on Grub Street.

Dr D'Agostino shows how modern 'advances' in copyright and contract theory have made freelancers in many countries legally and economically worse off than they were in earlier days. She chronicles how freelancers have fought back in courts and legislatures, with mixed results. She concludes that new mindsets and new laws are needed to redress a balance that she finds heavily tilted against freelancers. Without a new direction, she fears that the profession of writing will suffer, to the detriment of us all.

Dr D'Agostino has produced an important, carefully documented and courageous study that deserves to be widely read and discussed, and (dare one say?) even to have its message heeded.

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