

Columbia Law School

Scholarship Archive

Studio for Law and Culture

Research Centers & Programs

2013

Demanding the Angels' Share: Intellectual Property and Spiritual Organization in the Urantia Foundation

Andrew Ventimiglia

Follow this and additional works at: https://scholarship.law.columbia.edu/law_culture



Part of the [Intellectual Property Law Commons](#)

**Demanding the Angels' Share:
Intellectual Property and Spiritual Organization in the Urantia Foundation**

Andrew Ventimiglia
PhD Candidate, Cultural Studies Graduate Group
University of California – Davis
Email: aventimiglia@ucdavis.edu / Tel: 347-247-5830

**Demanding the Angels' Share:
Intellectual Property and Spiritual Organization in the Urantia Foundation**

Abstract: This article explores the role that intellectual property plays as it shapes the circulation and use of 'The Urantia Book,' a divinely revealed text published in 1955 and embraced by a community of believers. For many modern spiritual communities – of which the Urantian community is a telling example – their coherence no longer lies in a centralized institution like the church but instead in a shared dedication to sacred texts and other religious media. Thus, intellectual property has become an effective means to administer the ephemeral beliefs and practices mediated by these texts. This article explores a number of the Urantia Foundation's cases to demonstrate how intellectual property law can be used to maintain and adjudicate social relations rather than simply determining the proper allocation of ownership over a contested good. This project uses the legal battles of the Urantia Foundation as an opportunity to examine how religious communities ethically justify forms of ownership in religious goods and to highlight the incongruities between theories of authorship, originality and ownership within spiritual communities and those embedded in the law. Further, by focusing on intellectual property in the religious world, I seek to answer the question: does religion belong to the public domain?

Keywords: Intellectual property, Public Domain, Spirituality, New Religious Movements, Authorship, Commodification,

“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.”

– Richard Keeler, President of the Urantia Foundation (1998-2004)¹

Religious organizations in the United States are increasingly turning to intellectual property law in order to assert control over sacred texts and other forms of religious media. Groups like the Worldwide Church of God, the Church of Scientology, Bikram Yoga, and Oscar Ichazo’s Arica School among others all exemplify this trend. By strategically deploying property rights in their religious media, these organizations successfully operate within the contemporary spiritual marketplace, form new religious communities, and maneuver in juridical terrain that has few tools with which to adjudicate religious disputes.

I explore the role that intellectual property plays as it shapes the circulation and use of *The Urantia Book*, a divinely revealed text published in 1955 and embraced by a small group of believers. For many modern spiritual communities – of which the Urantian community is a telling example – their coherence no longer lies in a centralized institution like the church but instead in a shared dedication to sacred texts and other religious media. This development has created an unexpected role for intellectual property, which is mobilized to maintain and adjudicate social relations rather than simply determining the proper allocation of ownership over a contested good. I trace the legal battles of the Urantia Foundation to examine how religious communities ethically justify forms of ownership in religious goods and to highlight the incongruities between theories of authorship, originality and ownership within spiritual

¹ Richard Keeler, “From the President: Why Unity is Needed,” *Urantian News* 17:2 (Fall 1998).

communities and those embedded in the law. Ultimately, I seek to answer the question: does religion belong to the public domain?

Published in 1955, *The Urantia Book* consists of 196 different papers (totaling 2,097 pages) 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. It was claimed to be authored by celestial beings responsible for presenting a new revelation to Urantians (human inhabitants of the planet Urantia, also known as Earth) in order to assist in their evolutionary development and to foster their eventual inclusion in a greater cosmic citizenry. Over the course of thirty years, the papers were 'received'² by an anonymous sleeping person, transcribed and compiled into their current form in Chicago by an informal group known as the Contact Commission. Before the publication of the papers, the Contact Commission created the Urantia Foundation – a non-profit 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*.”³ In their mission statement, the Foundation committed itself to the accomplishment of 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.

The Urantia Book is an unwieldy, 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 home planet Urantia, and concluding with a new gospel “The Life and Teachings of Jesus,” in which Michael,

² The Urantia Foundation rejects the terminology of ‘channeling’ or ‘automatic writing’ to explain the origins of *The Urantia Book*.

³ “Urantia Foundation Declaration of Trust (1950),” Urantia Foundation, <http://www.urantia.org/urantia-foundation/declaration-trust>.

the creator of our local universe, chose to descend to Urantia and live as a mortal in order to better understand how to rule his creation. 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 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.

The Urantia Foundation quickly secured key intellectual property rights in the text. By early 1955, it had registered the copyright of *The Urantia Book* and attempted to trademark both the word ‘Urantia’ and their central symbol of three blue concentric circles.⁴ The Foundation’s 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 to the divine revelation. In August of 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.⁵

⁴ Trademarks in the name Urantia were unsuccessful in the fifties 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. “Policy Regarding Use of Urantia Foundation’s Registered Marks: The Words ‘Urantia’ and ‘Urantian’ and the Concentric-Circles Symbol,” Urantia Foundation, <http://www.urantia.org/urantia-foundation-copyright-trademark-policies/urantia-foundations-registered-marks>.

⁵ Reprinted in Thomas Kendall, “The Copyright and Trademarks,” October 10, 1984, <http://urantia-book.org/archive/history/doc179.htm>. None of the original messages conveyed to the Contact Commission were saved, thus it is impossible to verify this particular message; however, the idea that the use of intellectual property by the Foundation was divinely mandated was common throughout the Foundation’s legal battles.

The Foundation used its property rights to widely publish the book in the United States, develop and fund translations, and administer to a robust network of licensed schools, organizations and reader groups dedicated to the revelation. It also repeatedly found itself defending its property rights in the courts.

These actions have unintentionally contested the very nature of the book as religious text. 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 have all found expression in a series of court cases beginning in the seventies and continuing for the next thirty years. In 1993, Kristin Maaherra – who was being sued by the Urantia Foundation for distributing a full-length digital version of the book on CD – clarified just what was at stake in these conflicts, 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.”⁶

By using intellectual property law to resolve conflicts around religious works, the Foundation willfully moved onto a juridical terrain that fails to recognize religious authority, favors the literary work, categorizes on the basis of authorial right, and measures value through a doctrine of originality. However, the Urantia Foundation’s legal actions derived from strong, religiously motivated rationales present within the community. They learned 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

⁶ Martin Gardner, *Urantia: The Great Cult Mystery* (Amherst: Prometheus Book, 1995), 413.

divinely authored) or the economic rights of the cultural producer (since overzealous pursuit of profit damages claims to religious sincerity especially regarding the obligation to freely ‘spread the gospel’). Instead, they constructed a defense that was grounded in logics of care, stewardship and control, imagining the property holder as custodian and caretaker for objects that are legally owned by central institutions but symbolically owned by the whole community. This argument, however, belied complex internal struggles within the Foundation. While its legal actions against property infringers were pursued to protect the work from outside interference, they were also aimed at defining insider and outsider in the Urantian community. These cases were thus intimately implicated in and became battlegrounds for competing forms of religious community within the Urantian social world.

This article will use the intellectual property disputes of a marginal religious group like the Urantia Foundation to look at new modes of spiritual organization developing in the twentieth and twenty-first centuries and to examine what legal and organizational strategies are available to shape these new institutions. New religious movements like the Urantia community frequently define themselves against traditional American religion conceived as a community organized around a centralized church and subservient to denominational and congregational hierarchies of power. Instead, Urantians and other similar contemporary spiritual movements experiment and innovate in their development of new networks of spiritual practitioners united by common interests but not bound by formal membership. Courtney Bender has aptly described efforts to research these developing modes of spirituality as akin to ‘shoveling fog.’ However, 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.”⁷ This description aptly describes the ways in which the American courtroom has become an alternative space for the formation of spiritual organization for the Urantia Foundation. In the absence of formal religious hierarchies and traditions, the Urantia Foundation has attempted to create a coherent community through the mechanisms of intellectual property law.⁸ Intellectual property is uniquely suited to this task as it helps determine the conditions of access and rules of use for cultural goods and in doing so litigates not just ownership claims but also the social relations constituted by and around contested properties.

The licensing agreements the Foundation created for its affiliate organizations such as the local chapters of the Urantia Brotherhood and the incipient international study groups provided concrete links across centers of activity. Intellectual property thus provided the legal means through which to create a structured network of followers that might otherwise have become increasingly uncontrollable without a single organizational center of gravity. More importantly, these agreements provided social coherence in the absence of both a traditional church-based organizational structure and a unified community of interpretation, as Urantians have largely maintained the value of individualized relationships to the divine and encouraged multiple avenues of interpretation.

The licensing strategies of the Urantia Foundation were also meant to maintain a particular configuration of community, one sturdy enough to rebuff external challenges (from the distortions of mass media, the growing attacks of anti-cult activists, and the appropriation of *The Urantia Book* by UFO religions and other ‘fringe groups’) but also flexible enough to allow the growth of the community and the spread of the revelations of *The Urantia Book* around the

⁷ Courtney Bender, *The New Metaphysicals: Spirituality and the American Religious Imagination* (Chicago: University of Chicago Press, 2010), 182.

⁸ Madhavi Sunder, “IP³,” *Stanford Law Review* 59:2 (2006): 274.

world. How exactly to maintain the balance characteristic of a healthy spiritual organization was something not fully agreed upon within the community itself. For instance, different factions within the Urantia community had conflicting opinions about the degree to which *The Urantia Book* should be advertised, how it should be introduced to people outside the community, how much the Foundation should charge for the book, and even how the book jacket and back cover should be designed in order to adequately entice new readers. Furthermore, the size and complexity of *The Urantia Book* demanded a particularly dedicated reader, and those who had conquered the book's substantial literary challenges were hesitant to make the book *too* accessible thereby robbing the book of its role as gatekeeper separating uncommitted readers from true members of the community. The legal battles involving *The Urantia Book* were as much challenges to hegemonic visions of the Urantian community as they were contests over economic and authorial rights. The Urantia Foundation was primarily threatened not by a loss of revenue in sales of *The Urantia Book* if it were to enter the public domain, but rather by competing conceptions of the developing community itself.

Litigating Religious Authorship

On January 3, 1956 the Copyright Office issued a Certificate of Registration to the Urantia Foundation for *The Urantia Book*. A few years earlier, the Foundation had registered its three concentric circle service mark with the U.S. Patent and Trademark Office. Plans to secure intellectual property rights and its associated symbols had been decided early in the development of the movement. As early as 1932, members of the Contact Commission looked into the mechanics of national and international registration and asked about the possibility of securing

‘indefinite’ copyright.⁹ However, this proactive approach to securing rights was not pursued as a market strategy, for the Foundation had no intentions of engaging in aggressive commercial distribution of the book. Instead, at the same time that the Foundation was acquiring their intellectual property rights, they were also constructing a carefully designed and spiritually motivated policy of distribution for the book.

The first extended analysis of the logic behind the Foundation’s copyright, written by Philip Calabrese in 1973, encouraged the securing of intellectual property rights not only in order to protect the sacred text and to monitor the ways that the book was being interpreted, but also control distribution in a manner that fit with their unique vision of ‘evolutionary growth.’ Calabrese writes, “The 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.”¹⁰ The Foundation hoped to foster a slow but persistent development of public awareness in the book, one copy at a time, from person to person, thus their formal distribution policy prohibited advertising, frowned upon attempts to publicize in any way other than word-of-mouth, and even discouraged introducing the book to bookstores.¹¹ This oddly anti-market distribution strategy was designed to prevent ‘revolutionary growth,’ which was understood negatively as aggressive, impatient and uncontrollable and to foster a model in which the carefully planned movement of the book between readers linked them into an ever-expanding network of believers.

⁹ Letter attributed to William Keith Kellogg to Acting Register of Copyrights, Library of Congress. November 1, 1932. http://www.ubhistory.org/Documents/UC19321102_KelloggW_01.pdf. It seems that some of the Urantia Foundation Trustees might appreciate Sonny Bono’s vision that ‘copyright should be forever.’ Lawrence Lessig, *Free Culture: The Nature and Future of Creativity* (New York: Penguin, 2004), 215.

¹⁰ Philip Calabrese, “Why has *The Urantia Book* been Copyrighted? An Analysis,” 1973, http://ubhistory.org/Documents/UC19730101_CalabreseP_04.pdf.

¹¹ “Urantia Foundation Current Statement of Policy,” Urantia Foundation, May 7, 1958. http://www.ubhistory.org/Documents/UI19580517_ChristensenE_04.pdf ; “The Dissemination of *The Urantia Book* and Statement on Publicity,” Urantia Association International, December, 1983. <http://urantia-uai.org/articles/publicity%20English.pdf>.

While the Foundation enforced their policy of slow growth, an increasing number of enthusiastic readers were eager to distribute the book more widely and to evangelize on behalf of the Urantian revelation. Pursuing their more aggressive dissemination practices, these readers recognized the necessity of challenging the Foundation's intellectual property rights and the religious authority that those rights granted. These circumstances led to a series of lawsuits, scattered over three decades, to wrest *The Urantia Book* from the Foundation's control and to place it in the public domain.

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 difficulties to the Foundation's contested property rights. In *Urantia Foundation v. King* (involving a reader who opened his own school and created derivative works without authorization from the Foundation), the presiding judge simply noted that *The Urantia Book* is an original work, the Certificate of Registration filed by the Foundation is prima facie evidence of ownership; therefore, the Foundation's copyright is valid.¹² The Foundation also sufficiently demonstrated that it had refused permission to Burton King to use the word 'Urantia' for its school and to distribute or in almost any way affiliate with *The Urantia Book*.¹³ This decision closely hewed to the precedent set by one of the few preceding cases to have dealt with divine or supernatural authorship: *Oliver v. Saint Germain*. In this case the judge also 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."¹⁴

¹² *Urantia Foundation v. King* 194 U.S. CDCA 171(1977).

¹³ Emma Christensen, "Intra-Office Memorandum to Trustees about Burton King," November 20, 1973, http://urantia-book.org/archive/originals/king_lawsuit1.pdf.

¹⁴ *Oliver v. Saint Germain Foundation* 41 F. Supp. 296 (1941).

A subsequent case, *Urantia Foundation v. Burton* reached similar conclusions, although the court was more willing to engage with the question of authorship. Robert Burton planned to produce an unauthorized Spanish translation of *The Urantia Book* and encouraged a translator in France to do the same.¹⁵ During the trial, Burton defended his right to reproduce the book by counterclaiming that the Foundation's copyright was void because it fraudulently misstated the authorship of the book. Burton accused the Foundation of asserting authorship of *The Urantia Book* whereas the Revelators were, in fact, the true authors.¹⁶ Burton's argument hoped to steer the courts away from the agnosticism demonstrated in past decisions and to force them to consider the possibility that the sincere attribution of authorship to a spirit would invalidate the channel's copyright and would prevent one from being able to demonstrate legal transfer from a supernatural being to a human proprietor.¹⁷ While the presiding judges made some inquiries into the nature of the production of *The Urantia Book*, their decisions deliberately stopped short of unpacking the complex matrix of divine/human authorship and the nature of celestial transmission.

The court described *The Urantia Book* not as divinely authored revelation but rather as divine or spiritual *inspiration*. The presiding judge claimed, "The book was written down as the result of divine or spiritual inspiration... The source of the patient's inspiration is irrelevant. 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

¹⁵ Robert Burton, "Letter to Jacques Weiss," July 3, 1972, http://urantia-book.org/archive/originals/burton_weiss070372.pdf.

¹⁶ *Urantia Foundation v. Burton* 210 U.S. W.D. Mich 217 (1980).

¹⁷ David Nimmer, "Copyright in the Dead Sea Scrolls: Authorship and Originality," *Houston Law Review* 38:1 (2001): 38. Contrast Nimmer's description of the Channeler in Case 22 with the copyrightable scenario in Case 1: The Inspiration.

book. He was free to transfer or assign this right to whomever he saw fit.”¹⁸ The Court’s decision displayed a willful blindness to the religious dimensions of the case and by reconfiguring a divine mode of textual production into a frame more amenable to copyright law.¹⁹ The Foundation was happy to accede to the judge’s description of facts, since they worked in the Foundation’s favor; however, in later documents, it quite clearly stated that the attribution of authorship to the ‘human subject,’ was done, “for the legal purposes necessary to obtain copyright protection.”

In a special issue on copyright in *The Urantia Book*, the Foundation’s newsletter *Urantian News* presented their critique of authorship. 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.²⁰

For the Foundation, authorship was recognized as a legal construct evoked in order to secure control of the text. The language of authorship was strategically deployed even though the Foundation acknowledged that it failed to capture the complex production of the book as it emerged from the interactions between the divine revelators, sleeping subject and Foundation

¹⁸ *Urantia Foundation v. Burton* 210 U.S. W.D. Mich 217 (1980).

¹⁹ Martha Woodmansee, *The Author, Art and the Market: Rereading the History of Aesthetics* (New York: Columbia University Press, 1994), 36-37.

²⁰ Urantia Foundation, “Copyright Registration in *The Urantia Book*,” *Urantian News* 18:2 (Fall 1999): 9.

over the course of thirty years.²¹ The few texts that explicitly address the process by which the revelation was presented to the Contact Commission describe it as a blending of human and divine initiated by the angels but also dependent on human participation.²² Thus, the Foundation clarified that, while they were not necessarily authors in the classical sense, they were nonetheless active agents in the book's creation and were thus entitled to property rights. Referring to questions that the Contact Commission posed to the revelators to develop the Urantia Papers (which then became the chapters of *The Urantia Book*), the Foundation latched onto a new slogan: "No questions – no Papers,"²³ thus casting members of the Foundation as actors engaged in the process of production rather than passive receivers of a divinely authored transmission.

In 1991, the Foundation initiated another lawsuit, this time against Kristen Maaherra for her production of a digitized version of *The Urantia Book* on compact disc. This lawsuit 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 in 1983 as a 'work for hire.'²⁴ The Foundation defended their renewal by configuring the 'sleeping subject' (whom the previous courts recognized as an author) as employee of the Contact Commission. The Foundation hoped this filing would solidify their 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

²¹ See Appendix A for an example of the speculation surrounding the transmission process.

²² Sarah Lewis, "The Peculiar Sleep," in *The Invention of Sacred Tradition*, ed. James Lewis and Olav Hammer (New York: Cambridge University Press, 2007), 204; Urantia Foundation, "Copyright Registration in *The Urantia Book*," *Urantian News* 18:2 (Fall 1999): 9.

²³ William Sadler, "The History of the Urantia Movement," <http://www.urantia.org/urantia-foundation/history>; Georges Michelon-Dupont, "A History and Overview of the Urantia Book and Urantia Foundation," 1998, <http://urantia-book.org/archive/readers/doc787.htm>.

²⁴ Before the Copyright Renewal Act of 1992, all works needed to be renewed after their initial 28-year term of protection. See Appendix B for a copy of the Certificate of Renewal Registration for *The Urantia Book*.

divine. This attempt to minimize the role of the ‘sleeping subject’ coincided with demands from the angels themselves who were “determined that future generations shall have the book wholly free from moral connections...The book does not even bear the imprint of the printer who brought the book into being.”²⁵ The judge found no evidence of an employee-employer relationship between the Foundation and the subject and stated that they “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.”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.”²⁷ This judgment legitimated both the Foundation’s legal claims as well as their religious authority, which explicitly derived from possession of the plates. The Divine Revelators requested that the

²⁵ William Sadler, “The History of the Urantia Movement,” <http://www.urantia.org/urantia-foundation/history>

²⁶ *Urantia Foundation v. Maaherra* 895 F. Supp. 1347 (1995). 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 *Urantia Foundation v. Maaherra* 114 F.3d 955 (1997).

original written manuscript of *The Urantia Book* be destroyed so as to foreclose the possibility of its fetishization as a sacred object, and they ordered that plates be cast in order to limit human attempts to ‘correct’ their message over time. Thus, the plates became the only reliable record of the angels’ message once the divine transmission had ended. As Urantia historian Larry Mullins writes, “When the plates were made and the manuscripts destroyed, *the plates became the original text*. The plates are so defined in Urantia Foundation’s Declaration of Trust.”²⁸

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* in which Miller writes, “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.”²⁹ 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 points to the increasingly capacious nature of intellectual property to accommodate cultural productions regardless of fit between that product (its origin, history, purpose and function) and the language and modality of copyright law. For the Circuit Court, it seems that judgments about the book’s ownership preceded and determined authorship rather than the other way around.

The *Maaherra* decision also affirmed the Contact Commission’s central role in the creation of the book, recognizing their activity assembling *The Urantia Book* as a composite

²⁸ Larry Mullins, *A History of the Urantia Papers* (St. Augustine: Larry Mullins, 2000), 149.

²⁹ Arthur R Miller. “Copyright Protection for Computer Programs, Databases, and Computer-Generated Works: Is Anything New Since CONTU?” *Harvard Law Review* 977 (1993): 1065.

work. The Court of Appeals agreed that the book 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.³⁰ The Court favorably compared the work of the Commission to the Supreme Court ruling in *Feist Publications v. Rural Telephone Service* (1991) – 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.³¹

While Kristen Maaherra’s defense ultimately failed to overturn the Foundation’s copyright,³² a subsequent case brought by one of Maaherra’s primary funders – Harry McMullan – finally invalidated the Foundation’s rights in the book. 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*.³³ 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: they were threatening the integrity of the book as a unified whole. 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.”³⁴

³⁰ Petition for a Writ of Certiorari, *Urantia Foundation v. Michael Foundation*. No. 03-77 (July 10, 2003): App. 39-41.

³¹ *Urantia Foundation v. Maaherra* 114 F.3d 955 (1997).

³² Maaherra also challenged the Foundation’s trademarks but was not as successful on that front since there are clear legal precedents for trademarks for religious organizations.

³³ *Michael Foundation v. Urantia Foundation* 61 Fed. Appx. 538 (2003).

³⁴ Urantia Foundation, “What would happen if there were no Copyright in *The Urantia Book*?” *Urantian News* 18:2 (Fall 1999): 13. The possibility of separating a right of integrity from copyright was never raised by the Foundation.

In the trial against McMullan, the jury ultimately decided that the Urantia Foundation had legitimately held the original copyright in the book but they were unable to renew those rights thus causing them to revert back to the anonymous sleeping subject as original author.³⁵ The Urantia Foundation appealed the decision up to the Supreme Court but was unsuccessful in reclaiming their copyright.³⁶ On June 20, 2001 *The Urantia Book* was declared to be in the public domain.

Throughout these court cases, the Urantia Foundation engaged in two acts of translation: one, transferring their religious justifications for 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. Through these difficult acts of translation, the Foundation and their 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. However, these cases were only the most visible manifestations of a broader conflict around intellectual property within the community. In the following section, I will look at the social conditions that provided the backdrop for and helped to instigate these cases. The organizational history of *The Urantia Book* displays a series of conflicts that, though they did not extend all the way to court, still featured intellectual property rights as a central concern. The principle players in this conflict are the two founding organizations – the Urantia Foundation and the Urantia Brotherhood – both of whom had

See Leslie Kim Treiger-Bar-Am, “The Moral Right of Integrity: A Freedom of Expression,” *New Directions in Copyright Vol. 2* ed. Fiona Macmillan (London: Edward Elgar, 2006), 127-158.

³⁵ See Appendix C for the number of different possible outcomes that were presented to the jury in the McMullan case. The jury ultimately decided on scenario #3.

³⁶ The Foundation submitted a petition for Writ of Certiorari, but the Supreme Court chose not to review the case.

different visions for the distribution of the Urantian revelation, as well as different visions of property and ownership in the religious domain.

Competing Strategies Distributing Revelation

The Urantia Foundation and Urantia Brotherhood served two separate yet complementary functions. The Foundation was constructed 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.³⁷ 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.³⁸ The establishment of these twinned institutions was designed to create a balance of power thereby mitigating the tendency for centralized spiritual organizations to calcify and become excessively formalized and hierarchical as they age. “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 would manage the legal and financial issues related to *The Urantia Book* while the Brotherhood would, “provide 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.”³⁹

³⁷ William Sadler Jr., “Functional Relationship of the Foundation and Brotherhood,” 1958, http://urantia-book.org/archive/history/memo_1.htm.

³⁸ William Sadler Jr., “Letter to William M. Hales,” August 21, 1955, http://ubhistory.org/Documents/UC19550825_SadlerB_02.pdf; William Hales, “Letter to Edward Baker,” August 25, 1955, http://ubhistory.org/Documents/UC19550825_HalesW_01.pdf.

³⁹ Martin Myers, “Unity, Not Uniformity,” 1973, http://ubhistory.org/Documents/AH19730601_MyersM_10.pdf.

These organizational strategies demonstrated a degree of awareness about the complex nature of spiritual community that was particularly prescient in 1955. The Urantia movement's caution toward developing institutional forms that too closely resembled traditional religion pushed them into imagining new managerial arrangements through which the movement's leaders could continue to assert control over followers while avoiding the perception that they were simply recreating conventional models of religious authority. This rhetoric of spiritual organization provided the conceptual terrain on which later disputes between the Foundation and Brotherhood were to be enacted.

Martin Myers, an attorney appointed to the Urantia Foundation Board of Trustees in 1973, wrote, "That organization is best which organizes least and co-ordinates most."⁴⁰ Myers imagined the Urantia 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*. This model of religiosity was not characterized 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.

Myers also described the preferred method of dissemination of *The Urantia Book* – a strategy synchronized to the policy of 'slow growth' developed fifteen years earlier. According to 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

⁴⁰ Ibid.

because booksellers were too interested in augmenting 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.”⁴¹ This person-to-person distribution strategy became orthodoxy within the Foundation and was further confirmed in Myers’ influential article. He wrote, “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 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 only to occur if the recipient seemed entirely prepared to accept the book as revelation.

This outlook was again confirmed in a joint publication by 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, reiterated the distinction between proper ‘evolutionary growth’ and problematic ‘revolutionary growth,’ and clarified the preferred means of promoting *The Urantia Book* via word-of-mouth. This statement reflected a growing awareness of competing rationales developing beyond the inner circle of policy makers agitating for more aggressive distribution strategies. In response, the Foundation clarified their role 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

⁴¹ Urantia Foundation, “Urantia Foundation Current Statement of Policy Regarding Propaganda in Relation to the Dissemination of the Book,” May 7, 1958, http://www.ubhistory.org/Documents/UI19580517_ChristensenE_04.pdf.

meant by the ‘gospel,’ and what the Father’s will is with respect to spreading the gospel.” The statement asserted that, 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. They 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 their message indiscriminately to the ‘present-day multitudes.’⁴²

The statement also addressed the growth of supplementary or derivative materials being developed by various societies and independent readers. While the Foundation expressed some concern about heterodox interpretations of *The Urantia Book* present in these materials, their primary objection was based on the notion that derivative works were being used as recruiting devices in lieu of person-to-person contact. 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. They continue, “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.”⁴³

Taken collectively, these statements reveal the fundamental complementarity of the missions assigned to the Foundation and Brotherhood. Because the Foundation’s authority to enforce policies was generated by their property rights in *The Urantia Book*, the release of these

⁴² “The Dissemination of *The Urantia Book* and Statement on Publicity,” Urantia Association International, December 1983, <http://urantia-uai.org/articles/publicity%20English.pdf>.

⁴³ Ibid.

statements coincided with a period of intense legal consolidation of their intellectual properties. The Foundation aggressively trademarked a number of words and symbols related to *The Urantia Book* and created a new licensing agreement that was to be signed by the Urantia Brotherhood and all local societies. Thus, the Foundation was simultaneously clarifying their distribution strategy while also binding the satellite communities to that strategy through licensing agreements structured around the Foundation's ownership of key intellectual property rights.

These policies paradoxically embraced the legal tools designed for the marketplace while simultaneously expressing ambivalence about the presence of *The Urantia Book* in that marketplace. Instead of using their rights to improve their 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 *The Urantia Book*.⁴⁴ While the Brotherhood initially agreed to this strategy, many members became increasingly frustrated with the Foundation's aversion to any kind of advertising and publicity to a broader public. For instance, the Foundation obstructed programs of ministry through radio broadcast or other media channels by requiring that communicators not mention *The Urantia Book* or quote from its pages. Similarly, they acceded to the distribution of newsletters and other publications but insisted that those materials not explicitly identify *The Urantia Book* and Urantia organizations. 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*

⁴⁴ For an example of spiritual practitioners that use intellectual property rights to increase their ability to compete in the spiritual marketplace, see Michael Brown, *The Channeling Zone: American Spirituality in an Anxious Age* (Cambridge: Harvard University Press, 1997), 144.

Urantia Book could finally be personally introduced. After Jonestown and the development of a robust anti-cult movement in the seventies, these anti-promotional 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.⁴⁵

As counter-productive as they seem, these policies were deemed necessary to redefine the sale of *The Urantia Book* from an economic transaction into 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 linked them into 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 forms of control asserted by the Foundation through their intellectual property rights thus cannot be reduced to a single axis of doctrinal control/censorship over a community or of commodification of a religious text. Instead, the Foundation’s intellectual property rights were utilized to create forms of distribution that are themselves productive of desired spiritualized social relations. In this sense, the Foundation instantiates Marilyn Strathern’s claim that, “Techniques of distribution do not just

⁴⁵ For anti-cult activities in the seventies, see Philip Jenkins, *Mystics and Messiahs: Cults and New Religions in American History* (New York: Oxford University Press, 2000), 187-207.

disseminate what has been created elsewhere, but have themselves a creative or productive potential.”⁴⁶

Many readers were aware of the Foundation’s policies but remained unconvinced by their rationale and bristled at the Trustees’ increasing assertions of control through contractual agreements and threats of litigation. Duane Faw, a member of the Urantia Brotherhood’s Judicial Committee, effectively expressed this shared frustration when he wrote, “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.”⁴⁷ Thus, many chapters, despite signing licensing agreements, began to surreptitiously assert greater local autonomy in their promotion for *The Urantia Book*.⁴⁸ The increasingly independent local societies not only developed a wide array of derivative materials, they began pushing for more direct advertising and marketing of the book. Many in the Brotherhood also encouraged differential pricing strategies including discounts for volume sales to individual societies and commercial distributors and the development of wider avenues of distribution.⁴⁹

More versatile and business-oriented strategies were suggested by Brotherhood member Harry McMullan in “Marketing *The Urantia Book*.” McMullan stressed that book sales are the primary means by which the success of the movement can be gauged. The Brotherhood, he

⁴⁶ Marilyn Strathern, “Imagined Collectivities and Multiple Authorship,” in *Code: Collaborative Ownership and the Digital Economy*, ed. Rishab Aiyer Ghosh (Cambridge: MIT Press, 2005), 16.

⁴⁷ Duane Faw, “Letter to John W. Hales,” October 21, 1979, http://urantiabook.org/archive/originals/faw_hales102179.pdf.

⁴⁸ 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. See, Judicial Committee of Urantia Brotherhood, “Findings of Fact, Conclusions and Recommendations,” February 7, 1981, http://ubhistory.org/Documents/BR19810224_Houston_19.pdf; *Urantia Foundation v. First Urantia Society of Houston* 219 S.D. Tex. 66 (1982).

⁴⁹ Faw objected to the Foundation’s restrictive attempts to control the pricing of the book throughout the chain of distribution, writing, “It is rather officious to tell any person or group what it can do with its own property.”

suggested, should encourage broader sales through competitive pricing (modeled after the success of Gideons International and the Mormons who offset book distribution costs with future increases in membership), institute standard policies regarding prepayment and returns from sellers, and redesign the dust jacket to be more attractive to the ‘uninitiated.’⁵⁰ McMullan summarized his argument with a plea to the Foundation to recognize that the marketplace was not antagonistic but rather integral to the Urantia movement’s success. He did not so much challenge the ‘slow growth’ policy on theological grounds as dismiss it as bad business practice:

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.⁵¹

While some of McMullan’s suggestions were adopted for a time, the slow growth policy remained the official strategy of the Foundation, fueling increasingly defiant challenges to their authority.

An independent organization – the Center for Urantia Book Synergy – was formed specifically to “effect the widespread awareness and easily affordable availability of *The Urantia Book* to the spiritually hungry and truth-seeking people of the planet.” They organized *Urantia Book* conferences and sold the book at a subsidized rate well below the Foundation’s suggested retail price. In their 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.” Finally, when CUBS claimed sale of over 10 percent of all copies of *The Urantia Book* worldwide, the Foundation filed suit against them

⁵⁰ Harry McMullan, “Marketing *The Urantia Book*,” April 1982, http://ubhistory.org/Documents/DG19820401_McMullanH_26.pdf.

⁵¹ Ibid.

for trademark infringement.⁵² 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 word 'Urantia' and 'Urantian.' They claimed that the word 'Urantia' was symbolic not of the Foundation but rather of the 'religion' that the Foundation was created to foster, and as terms of religion, the marks were not subject to exclusive appropriation.⁵³ While the case was eventually settled out of court, it marked the beginning of an era dominated by legal battles over the Foundation's intellectual property. Many participants in CUBS later made direct contributions to future defendants in Foundation lawsuits and provided legal support for the landmark *Maaherra* and *Michael Foundation* cases.

Inevitably, the Foundation's aggressive legal strategies were turned against the Brotherhood as well. Members of the Brotherhood became increasingly vocal in their criticisms of the Foundation's policies and the ways in which their efforts to monitor distribution were impeding the ability of the community to organize and grow as they saw fit. Harry McMullan said 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."⁵⁴ For instance, 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

⁵² Larry Mullins, "Supplement 3: Frustrated Urantians Take Action in the 1980s Against Urantia Foundation's Policies of 'Slow Growth,'" *A History of the Urantia Papers* (St. Augustine: Larry Mullins, 2000), 1-3.

⁵³ "Urantia Foundation's Trademarks: How They Obtained Them and What They're Doing with Them," *The Synergist* (Summer 1989), <http://urantiabook.org/archive/history/doc063.htm>. 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 has continued to hold that the Foundation's trademarks are both valid and enforceable. See Petition for a Writ of Certiorari, *Urantia Foundation v. Michael Foundation*. No. 03-77 (July 10, 2003): App. 66-76.

⁵⁴ Bart Ice, "End of an Era: November 18, 1989 In Chicago," from *USCC Newsletter*, <http://urantiabook.org/archive/history/doc266.htm>.

Circles Symbol.”⁵⁵ The Foundation’s leveraging of intellectual property rights to police the Brotherhood’s activities 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 fundamentally artificial. The Foundation’s control of intellectual property rights was also a form of control over social relations.

Shortly after the two organizations formally split (and the Brotherhood was renamed the Fifth Epochal Fellowship), Brotherhood President Meredith Sprunger suggested a new way forward for those willing to challenge the Foundation. He wrote, “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.”⁵⁶ By 1992, Kristen Maaherra was in court challenging the Urantia Foundation’s trademarks and copyright. Maaherra was funded in part by 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 – in much the same way that Yellowstone Park belongs to, and is owned by, the people of the United States.”⁵⁷

While the Urantia Foundation successfully secured their trademark rights despite repeated legal challenges, Harry McMullan finally managed to have the Foundation’s copyright

⁵⁵ Urantia Foundation, “Letter to David Elders,” July 28, 1987, <http://urantiabook.org/archive/history/doc106.htm>.

⁵⁶ Meredith Sprunger, “On the Ethical and Spiritual Wisdom of Controlling the Urantia Book Service Marks,” 1990, <http://urantia-book.org/archive/history/doc595.html>.

⁵⁷ Urantia Foundation, “Setting the Record Straight,” 1999, <http://urantia.org/sites/default/files/newsinfo/strs.htm>.

in *The Urantia Book* invalidated in 2002. Shortly afterward, the Fifth Epochal Fellowship published their version of the book.

Conclusion

In 1990, David Elders, president of the Urantia 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.”⁵⁸ Elders expressed faith that the legal strictures of intellectual property rights would in time be replaced by protection of the revelation grounded in the social norms of a vibrant and growing community committed to the authentic teachings of the book. He feared that the Foundation’s policies, rather than responsibly preparing to give way to the rule of the community, were instead squandering the “thriving, worldwide religio-social fellowship of readers/believers...in order to satisfy commercial trademark law.”⁵⁹ Of course, the Foundation’s fears were not much different. They worried about a future for *The Urantia Book* in which unbridled growth would result in an unprepared public reading and misinterpreting the book without appropriate guidance from past readers and teachers. While both Foundation and Brotherhood were similarly invested in the best possible future for the book; nonetheless, the organizations’ visions of sociality were markedly divergent. The Brotherhood saw the Urantian community as vividly present yet shackled by the

⁵⁸ David Elders, “The Foundation-Brotherhood Relationship Crisis: A Question of Underlying Philosophy,” Presented at San Francisco Bay Area Urantia Society, January 20, 1990, http://ubhistory.org/Documents/AH19900120_EldersD_05.pdf.

⁵⁹ Ibid.

Foundation's law; the Foundation saw the Urantian community as still 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 and for many long-time readers, the individual's introduction to *The Urantia Book* was itself part of its mythos as a revelation.⁶⁰ These narratives of discovery indicate a widely-embraced understanding of the book's circulation as a cultural and religious interchange between like-minded spiritual seekers rather than an economic transaction in which the personalities, sensibilities and religious inclinations of the buyer and seller are irrelevant to the exchange. This ethos powerfully evokes pre-modern forms of reading and book distribution in which the transfer of the book was itself an important activity that vitally shaped the reader's reception of the book and its content.⁶¹ For the Urantia Foundation, this ethos could only be preserved in the strategy of person-to-person distribution. The sanctity of *The Urantia Book* would thus be bolstered by the care given to its transfer and the book's embeddedness in a fundamentally social rather than economic relationship. The Brotherhood, on the other hand, which was willing to align itself with widespread strategies of commercial publication, distribution and advertising, felt that making the book widely available was more important than maintaining careful control over each material transaction. For the Urantia Brotherhood, 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.

⁶⁰ Saskia Praamsa, *How I Found the Urantia Book and How it Changed My Life* (Glendale, CA: Square Circles Publishing, 2001).

⁶¹ Anthony Grafton, "The Humanist as Reader," in *A History of Reading in the West*, ed. Guglielmo Cavallo and Roger Chartier (Amherst: University of Massachusetts Press, 1999): 179-212.

Both visions of distribution could be convincingly grounded in religious rationale – either in the language of custodianship or of the free dissemination of gospel – so, in order to be resolved, these competing visions became increasingly mapped onto the language of intellectual property rights and the public domain. The irony of the Foundation using market tools like intellectual property rights to contest the pro-market rationales of the Brotherhood actually reflect contradictions built into intellectual property law itself, which creates a state-sanctioned monopoly instituted in the interests of a free market. These contradictions only emerged as different members of the Urantia community passed through the gauntlet of the American courtroom and learned how to constitute both their arguments and themselves as actors moving through new systems of religious sociality. In other words, the Urantian religious community was constituted through and against the legalities of intellectual property. Copyright and trademark law determined the distribution of *The Urantia Book* and the signs of the Urantian symbolic world, and in doing so, they determined the structure and operation of Urantian society. Behind the legal machinations and the formal policies established by varied Urantians in the name of shared goals fostering the protection and distribution of a new revelation to the world, was a struggle to shape a growing and highly dispersed religious community into ideal social configurations. Furthermore, behind these different visions of social configuration operated competing visions of the nature of spirituality itself as it manifest in a new community of believers.

Appendix A: "Some Ideas and Speculations on the Transmission and Materialization Process of the Urantia Papers." Larry Mullins, *A History of the Urantia Papers* (St. Augustine: Larry Mullins, 2000), 110-111.

SOME IDEAS & SPECULATIONS ON THE TRANSMISSION

"The gap between the material and spiritual worlds is perfectly bridged by the serial association of mortal man, secondary midways, morontia cherubim, mid-phase cherubim, and seraphim. In the personal experience of an individual mortal these diverse levels are undoubtedly more or less unified and made personally meaningful by the unobserved and mysterious operations of the divine Thought Adjuster." [425, par. 1]

AUTHOR

"Even as I am engaged in the formulation of this statement, my associated Solitary Messenger's personal sensitivity to the presence of this order of Spirit indicates that there is with us at this very moment, not over twenty-five feet away, a volume of power presence. The third volume of power presence suggests to us the probability that three inspired Spirits are functioning in liaison." [220, par. 2]

"Of more than twelve orders of beings associated with me at this time, the Solitary Messenger is the only one aware of the presence of these mysterious entities of the Trinity. And further, while we are thus apprised of the nearness of their mission, we are all equally ignorant of whether they are, in some manner or out doing, or whether they are, in some manner unknown to us, actually contributing to the success of our undertaking." [220, par. 3]

SERAPHIM

"One of the most important things a destiny guardian (Seraphim) does for her mortal subject is to effect a personal co-ordination of the numerous impersonal spirit influences which indwell, surround, and impinge upon the mind and soul of the evolving material creature." [page 1244, par. 2]

CHERUBIM

"Cherubim and sanobim are by nature very near the morontia level of existence, and they prove to be most efficient in the borderland work of the physical, morontial, and spiritual domains." [422, par. 6]

CELESTIAL OBSERVERS

"I cannot, with exclusive spirit vision, perceive the building in which this narrative is being translated and recorded. A Divine Counselor from Uversa who chances to stand by my side perceives still less of these purely material creations." [498, par. 7]


SECONDARY MIDWAYER

"... as the loyal midway creatures function when they serve as efficient contact guardians of the human minds of the Urantia reserve corps of destiny at those times when the Adjuster is, in effect, detached from the personality during a season of contact with superhuman intelligences." [863, par. 6]

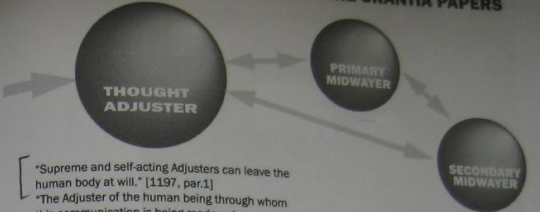
BILL SADLER, JR.'S "POINT A"
(See Chapter 4, page 71)
"I think if we could have been present at point 'A' when any one of these Papers were being written, we would have seen absolutely nothing. At point A was perhaps this Divine Counselor who signs Paper One."

BILL SADLER, JR.'S "POINT B" - THE SLEEPING SUBJECT

"Now, you'd have something to see at Point B, but it would be very dull. It would be a man asleep, some ordinary guy, doing nothing." Harold Sherman's account also places the man in bed with his wife while the Papers were being materialized. Meredith Sprunger reports that Dr. Sadler consistently stated that the sleeping subject did not write any of the text of the Urantia Papers.




AND MATERIALIZATION PROCESS OF THE URANTIA PAPERS



"Supreme and self-acting Adjusters can leave the human body at will." [1197, par. 1]

"The Adjuster of the human being through whom this communication is being made enjoys such a wide scope of activity chiefly because of this human's almost complete indifference to any outward manifestations of the Adjuster's inner presence; it is indeed fortunate that he remains consciously quite unconcerned about the entire procedure. He holds one of the highly experienced Adjusters of his day and generation, and yet his passive reaction to, and inactive concern toward, the phenomena associated with the presence in his mind of this versatile Adjuster is pronounced by the guardian of destiny to be a rare and fortuitous reaction." [1208 bottom, 1209 top].



BILL SADLER, JR.'S "POINT C"

THE PHYSICAL MATERIALIZATION OF A PAPER

Bill Sadler, Jr.: "At point C I think you would see a very exciting phenomenon, a pencil moving over a paper with no visible means of propulsion. That's where the physical writing was consummated."

"On many worlds the better adapted secondary midway creatures are able to attain, varying degrees of contact with the Thought Adjusters of certain favorably constituted mortals through the skillful penetration of the minds of the latter's indwelling. (And it was by just such a fortuitous combination of cosmic adjustments that these revelations were materialized in the English language on Urantia.)" [1258, par. 1]

"Primary midwayers resemble angels more than mortals; the secondary orders are much more like human beings. Each renders invaluable assistance to the other in the execution of their manifold planetary assignments. The primary ministers can achieve liaison co-operation with both morontia- and spirit-energy controllers and mind circuiters. The secondary group can establish working connections only with the physical controllers and the material-circuit manipulators. But since each order of midwayer can establish perfect synchrony of contact with the other, either group is thereby able to achieve practical utilization of the entire energy gamut extending from the gross physical power of the material worlds up through the transition phases of universe energies to the higher spirit-reality forces of the celestial realms." [424 bottom, 425 top.]

Appendix B: Certificate of Renewal Registration for *The Urantia Book* (January 3, 1983).

CERTIFICATE OF RENEWAL REGISTRATION

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. Zell
REGISTER OF COPYRIGHTS
United States of America

FORM R

UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER
RE 152-055

EFFECTIVE DATE OF RENEWAL REGISTRATION
(Month) **JAN 3** (Year) **1983**

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

1 RENEWAL CLAIMANT(S), ADDRESS(ES), AND STATEMENT OF CLAIM: (See Instructions)

1	Name <u>URANTIA Foundation</u> Address <u>533 Diversey Parkway, Chicago, Illinois 60614</u> Claiming as <u>Proprietor of copyright in a work made for hire</u> <small>(Use appropriate statement from instructions)</small>
2	Name Address Claiming as <small>(Use appropriate statement from instructions)</small>
3	Name Address Claiming as <small>(Use appropriate statement from instructions)</small>

TITLE OF WORK IN WHICH RENEWAL IS CLAIMED:
The URANTIA Book

RENEWABLE MATTER:
Entire Work

CONTRIBUTION TO PERIODICAL OR COMPOSITE WORK:
Title of periodical or composite work:
If a periodical or other serial, give: Vol. No. Issue Date

3 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

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

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 (<i>Maaherra</i> holding)