

The Role of Human Rights Laws and Authorship Norms in Protecting Textual Integrity

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This paper is a draft chapter in a book about moral rights that is forthcoming in Stanford University Press. Initially it examines the basis for the claim that moral rights should be viewed as a human right. The initial part of this paper focuses on the International Bill of Human Rights and the interpretative documents. It concludes that the issue of moral rights being accepted as a human right is far from an easy call. At best, we can say that moral rights enjoy widespread recognition. For example, the history of the drafting of Universal Declaration of Human Rights and the International Convention on Economic, Social and Cultural Rights of 1966 shows that although there may not have been a universal consensus as to whether moral rights are human rights, there was a significant recognition that these interests are deemed worthy of protection in a human rights framework.

I suggest that rather than focusing on whether moral rights are within the scope of human rights, the better question is whether the widespread recognition of moral rights means that they should be considered as "authorship norms" or common rules of engagement shared among the majority of interested citizens. Although traditionally norms are developed and enforced outside the legal system, they also can influence the development of the law by creating *de facto* standards that can either substitute for the law or encourage legal compliance. I support my position by examining the ancient Jewish tradition regarding attribution and integrity interests. If attribution and integrity interests do indeed represent widespread authorship norms, the question raised is whether these norms ought to be translated in some fashion into our legal system. I argue that the incorporation of attribution and cabined integrity interests into our legal system is appropriate given the widespread nature of these authorship norms.