9
Poetic Selfhood and the Copyright Raj

John Stratton Hawley

A fair chunk of my scholarly life has been spent discovering how a sixteenth-century poet lived for many centuries after the time of his own death. I speak of Sūrdās. We do not know exactly when his death occurred, though various dates have been claimed in recent times. Nor do we know the date of his birth. Such things fit the requirements of modern systems of knowledge, but they apparently mattered not at all to the persons who first began to spin out a biography for this great poet back in the seventeenth century. Indeed, the boundaries of his own biological life were powerless to contain the ocean of poetry that has been attributed to him from the sixteenth century to our own. It can clearly be demonstrated that poem after poem continued to be added to the *Sūrsāgar* – Sūr's Ocean – long after the sixteenth century was at an end. If you composed a poem in the language and style you thought of as characterizing Sūrdās, then the oral signature you affixed to the poem was his name, not your own.

With this sort of poet in mind, you can imagine how confounding it was to find that international copyright laws take for granted a very different sort of authorship – indeed, the laws demand it. This came to a head in two Internet-available images with which I chose to begin my essay 'The Iconic Sūrdās', a chapter in a volume called *Devotional Visualities*, edited by Karen Pechilis and Amy-Ruth Holt and published by Bloomsbury Academic. If I intended to reproduce an image of the famed blind poet, Karen told me, I must secure permission to do so from the person who holds the copyright associated with this image in the first place. Otherwise the publisher would be liable to a lawsuit on behalf

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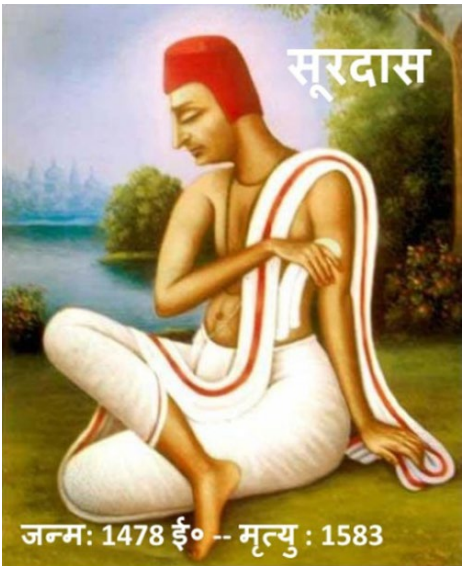


Figure 9.1 Contemplative Sūrdās, 'Image A', as seen in multiple Internet locales.

of the aggrieved person or the press who represented her or him.[1] This was so even if the image itself appeared without attribution or a hint of copyright, as so often happens on the Internet. How the initiating poet of the Sūrdās tradition would have laughed! But I didn't, and here's why.

The image with which I wanted to start that essay – let's call it Image A – is one of a cluster of four or five that come up immediately if one undertakes a straightforward Google search for Sūrdās (Figure 9.1).
This image appears on the search entirely without attribution, or at least it did so in various intervals from 2019 to 2022. Additional clicks may give you a chance to see one or more articles where the image appears, for instance सूरदास सहृदयता, भावुकता, चतुरता, वाग्विदग्धता, posted on 16 October 2021 to https://saralmaterials.blogspot.com/#gsc.tab=0. But nothing is ever said about where the image came from in the first place. All we get is a display of similar such locales. Nonetheless I was firmly told by Bloomsbury and my editor that I could not reproduce the image in question without ascertaining the identity of its copyright holder and securing that person's permission for me to publish the image. Since no copyright holder was ever claimed, where did I find myself? Up a blind alley? Not entirely, for as it turned out, this image does have a traceable past – just not the sort the publisher was demanding. I hinted at that past in the caption I wanted to supply, saying, 'it

1 For India, the general conditions governing copyright infringement were set out in the Copyright Act of 1957, subsequently emended six times so far.

Figure 9.2 Four-anna postage stamp issued by the Government of India on 1 October 1952, with Sūrdās' name written in Devanagari letters beneath the dates ascribed to him, 1479–1586. Wikipedia Commons.

connects closely to the illustration adopted for a 40-anna postage stamp issued by the Government of India on October 1, 1952.' That stamp (Figure 9.2) is also visible on the Web thanks to the Indian Postal Service. You might think we're making progress, but remember, it was not this relatively more hidden image that I wanted to reproduce but the Sūrdās icon so easily available today. And there are important differences between the long-ago stamp and the readily available Google image, as we can easily see (Figure 9.1)

Let's begin with the dates that appear so prominently in each. According to the stamp, Sūrdās lived from 1479 to 1586, but since that time an unknown actor has decided it was actually 1478–1583. And the image itself has been adjusted. The postage stamp showed only the poet's head and upper torso; a full-body, more lifelike figure was evidently required for the Internet. The stamp made no suggestion that Sūrdās wore a *janeo*, the twice-borns' sacred thread. But it is widely believed that Sūrdās was a Brahman, so the latter-day image supplies the thread. And the postal Sūrdās was thinner and more elongated than his Internet cousin, possibly in conformity to the shape of the stamp itself. Colour, too, had to be considered, for the stamp is merely cast in black and white against a background of purplish blue.

Obviously some adjustments had to be made to get us from the 1952 stamp to its Internet cousin, and Bloomsbury demanded to know who was responsible. What if the person involved came forward and claimed copyright and I had failed to secure his or her permission to

reproduce? Bloomsbury feared the Press would be held liable on that account, despite the fact that article 52 of the Indian Copyright Act specifically allows for 'a fair dealing, not being a computer programme, for the purposes of… criticism or review, whether of that or of any other work'. A representative of the Press explained things as follows:

> In my previous company (Pearson), we used some images from the web (where we couldn't establish who the copyright holder was) and were hit quite hard financially when the copyright holder challenged us and demanded a fee for publishing without permission. We therefore consequently never published an image where we couldn't identify copyright hold and gain permission.

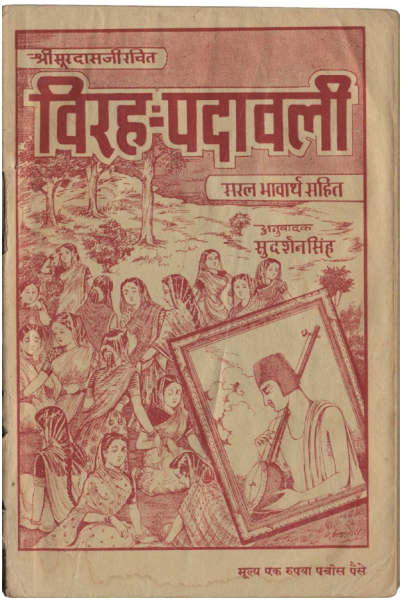
Surely such an individual exists in this case, Karen emphasized. 'Even if Image A is based on a postage stamp', she said, 'someone did create the copy.'[2]

So let's follow whatever paper trail we can reconstruct. My own collection of books about Sūrdās contains more than a dozen volumes – published in India from 1955 to 2009 – that feature pictures of the poet on their covers. The authors and publishers offer not a single bit of information about who the illustrator involved in producing the covers for their books might have been. Evidently these publishers felt no obligation to credit earlier versions of such images. Instead, they wanted to project their own version of an image that was already well known to the reading public – a fresh version of one that would be recognized immediately as showing what Sūrdās looked like. They may indeed have wanted to present a cover illustration that would be pleasing to the eye, perhaps one that would have some new twist and therefore be a bit intriguing, but they had zero interest in asserting that this was a unique work of art by a specific, present-day artist. Quite the contrary, like the poets who added new compositions to the amorphous body of work attributed to Sūrdās, these artists were making their own contributions to a familiar image whose value lay in its very familiarity. All this is exactly opposite to the model of Bloomsbury Academic's copyright Raj.

A string of images is useful to study. The first post-1952 book-cover image of Sūr that I possess was published by the renowned Gita Press in 1955, not long after the postage stamp had been introduced. Gita Press produced a six-volume collection of Sūr's poetry that was restricted to poems concerning Kṛṣṇa – the great majority of the oeuvre

2 Karen Pechilis, email communication, 15 July 2021, including the quote from her (anonymous) Bloomsbury editor.

9.3a



9.3b

Figure 9.3a *Śrīsūrdāsjī racit Śrī Kṛṣṇa bāl mādhurī*, 'The Charm of Kṛṣṇa's Childhood as Composed by Sūrdās', vs 2012 [1955], cover.
Figure 9.3b *Śrīsūrdāsjī racit Viraha-padāvalī*, 'Poems of Longing Composed by Sūrdās', vs 2016 [1959], cover.

attributed to Sūr – and organized these poems according to Kṛṣṇa's life story (Figure 9.3).

The first of these is *Śrīsūrdāsjī racit Śrī Kṛṣṇa bāl mādhurī*, 'The Charm of Kṛṣṇa's Childhood as Composed by Sūrdās'. The last is *Śrīsūrdāsjī racit Viraha-padāvalī*, 'Poems of Longing Composed by Sūrdās', that is, the longing of the women of Braj for Kṛṣṇa when he is absent. In each case, interestingly, a smaller version of what appears on the cover – with the exception of the price listed at the lower right – appears as the first page of the printed book. This means that in a striking way the cover image becomes part of the text itself, yet the illustrator goes unnamed. Only the translator *(anuvādak)* is identified – the person who created the gloss in simple modern Hindi, one Sudarśan Siṁh.

The Gita Press cover images are fascinating. In each case we have not just an envisioning of the stage of Kṛṣṇa's life upon which the volume in question focuses but an image of the poet as well. The life-story pictures change; that of the poet does not. Usually the figures who inhabit the narrative images are turned slightly in the direction of the poet. In the first volume this is particularly striking. Charmingly, we see the child Kṛṣṇa crawling across the cover with a ball of butter

in his hand, apparently looking at a portrait of Sūrdās. In subsequent volumes the connection is less intimate, yet in each case the poet's portrait is unchanged. Sūr's image has its own integrity: it appears in a frame of its own. It is not exactly what we see in the postage stamp, but the similarities are clear. The poet is shown in left profile, he wears the same hat, his blind gaze is fixed downward at the same angle, and the end of his upper garment falls across his left shoulder in a similar way. There are, however, changes: a vague background of clouds has been provided, the poet's necklace has been rendered more simply, and now he holds a musical instrument. It's the one-stringed *ektār* by which he is so often identified in other images that have come down to us from this post-Independence era. But let us not forget the most striking change of all: the poet himself is literally framed – framed as if this were a painting to be hung on a wall. The basic pattern persists across the entire set, as we can see in its final volume. Here the gopis seem to crowd around the poet (volume 6), but a distance, too, is maintained.

The Sūrdās we see here persists entirely recognizable on the covers of many Sūrdās books published in Hindi across the decades that separate the 1950s from our own time. In my personal collection the next of these little volumes dates to 1957 (Figure 9.4).

Here the cover image pertains to a different collection of poetry from the *Sūrsāgar*, a text called the *Sūr-sārāvalī* (Mathura: Agravāl Press), for which the much-published scholar Prabhudayāl Mītal provides a substantial introduction. Mītal is wrong, I believe, in thinking 'our' Sūrdās composed this work, but you would never know it from the way he looks on the cover. It's substantially our same Gita Press Sūrdās, this time flipped and with a shrine containing Kṛṣṇa as Śrīnāthjī in the background, which is no surprise considering that Prabhudayāl Mītal belonged to the Vallabha Sampradāy.

So the cover is of interest in several ways, but even more interesting for our purposes is a colour image that appears within the book itself. It is reproduced on slightly higher-quality paper than the printed pages that surround it, and has been inserted right in the centre, between the introduction and the text itself, where a new pagination starts (Figure 9.5).

Here we come by far the closest to the image that appears in our Google search as Image A. Only the position accorded to the poet's left hand is appreciably different – that and the fact that his dhoti is given a red border in the Internet image. Also, the background scenery is absent in this 1957 book. Sūr sits on a flat expanse of grass, as if to underscore the fact of his solitary contemplation. Strikingly, he is making no music. Once again a frame is provided, as in the Gita Press examples, but this time it looks as if it might have been photographed

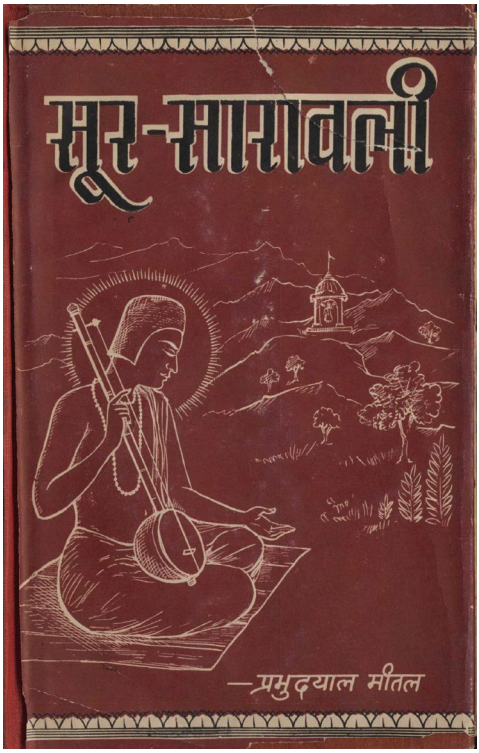


Figure 9.4 Prabhudayāl Mītal, *Sūr-sārāvalī* 1957, cover.

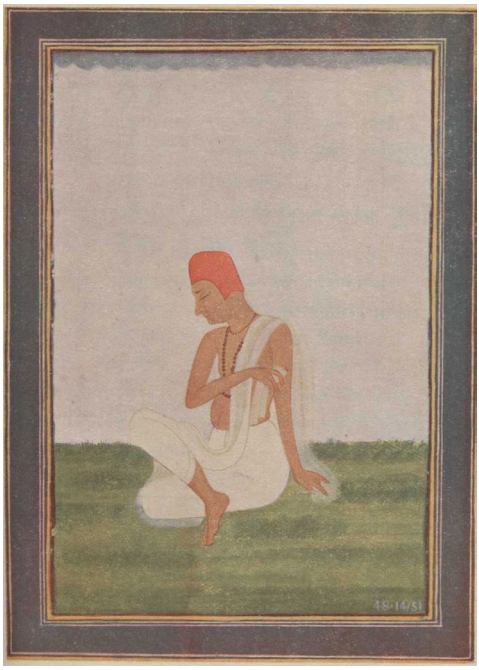


Figure 9.5 Prabhudayāl Mītal, *Sūr-sārāvalī* 1957, opposite page 64, image only.

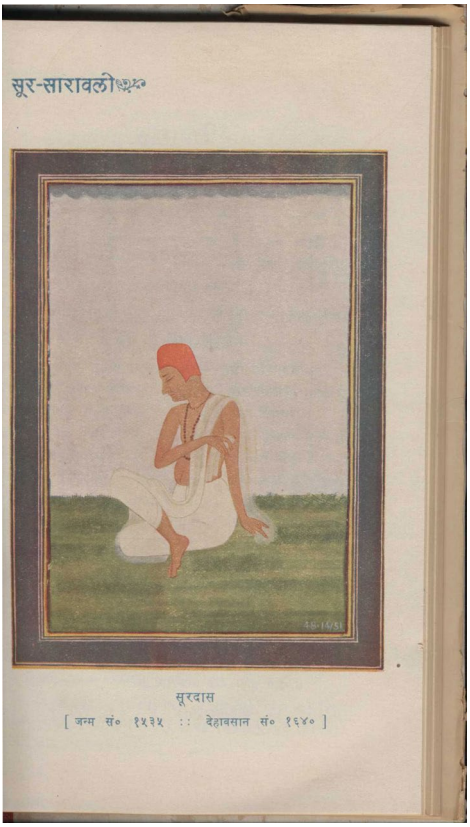


Figure 9.6 Prabhudayāl Mītal, *Sūr-sārāvalī* 1957, opposite page 64, with text.

along with the image itself, as if this portrait actually existed in someone's collection before it made its way into the book. Most fascinating of all, we see a set of numbers in the lower righthand corner – 48.14/51 – as if this were the accession number of a painting that belonged to a museum. On that supposition the year of acquisition would presumably have been 1948. Museums and archives familiarly shorten dates in that way, and the use of white ink is intended to do as little damage to the work of art as possible. The title *Sūr-sārāvalī* has been added at the top as this image enters the book, as if to adapt it to a new use, and the dates of the poet's life are given at the bottom (Figure 9.6).

Once again these dates – 1535–1640 – diverge from any we have seen so far. Historically speaking, Sūr seems to have been a moving target. Evidently he lived to an even riper ripe old age than in earlier estimations, and roughly a century later than what we had so far been led to believe. But visually speaking far less so. It's definitely the same poet we are seeing. I suspect that the date 1640 was supplied because it is also to be found in the oldest full account of Sūrdās' life, the *Sūrdās kī vārtā*

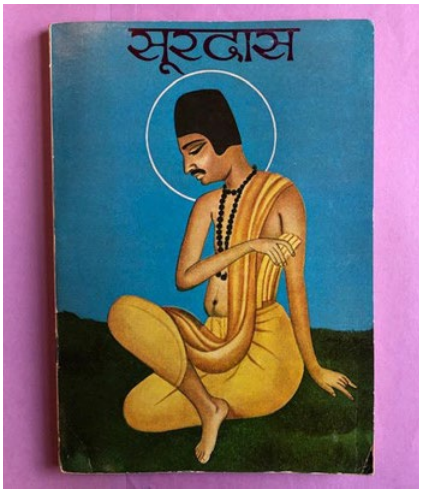


Figure 9.7 Anon., ed., *Sūrdās: ek viśleṣaṇ* 1966, cover.

attributed to Gokulnāth, of which there is a manuscript dated 1640 (vs 1697) in the Sarasvatī Bhaṇḍār library of the Vallabhite community at Kankrauli in Rajasthan. Mītal knew this fact well. If Sūrdās could be considered to have died in 1640, that would consolidate the sectarian Vallabhite conception of him. It would mean that the community who revered him as an initiate of their own guru Vallabha wanted to remember his life story as having been generated in the very year he died, lending it utter authenticity. No intervening time would have dulled the memory, and indeed the imagined author, Gokulnāth, portrays himself as having known the poet in person. Mītal is helping him along.

Versions of one or the other of the images supplied in connection with Mītal's *Sūr-sārāvalī* continued to appear on a regular basis – either in his own publications, as in the case of another work attributed to Sūrdās, the *Sāhitya-laharī* (Mathura: Sāhitya-Sansthān, 1961), or in publications for which he served as one of several contributors, such as the *Sūrdās: ek viśleṣaṇ* ('A Glimpse of Sūrdās') released by the Government of India's Publication Department in 1966. Here the artist responsible for the cover changes the colour of the poet's cap to black, provides him with a nice black moustache, and dyes his white dhoti yellow, but otherwise the image remains as we have seen it before (Figure 9.7).

Interestingly, once again, we find ourselves in Delhi and in the hands of the central government, as we did in the instance of the stamp. Not surprisingly, considering its low cost and its governmental system of distribution, the book received many reprintings. My own copy dates to 1978.

One of the most fascinating contributions to this ongoing lineage of Sūrdās images belonging to the postage-stamp family, if we may call it

so, is provided by Krishna P. Bahadur, who takes us across the line from Hindi to English in his *The Poems of Sūrdāsa,* published in New Delhi by Abhinav Publications in 1999. Here for the first time we encounter in the prefatory material a notice of the type Bloomsbury anticipates:

> All rights reserved. No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or by any information storage and retrieval system, without permission in writing from the publishers.

Normally such a prohibition would not include the book jacket, since that is frequently reproduced in advertising on the part of other agents than the original publisher – and very much in the publisher's interest. It's either to review books or to sell them. In this case the matter is of particular interest, since the cover of this Abhinav publication makes use of exactly the same image that we first find in Prabhudayāl Mītal's *Sūr-sārāvalī,* right down to the number 48.14/51, which is once again written in white ink in the lower righthand corner. Neither Mītal nor his publisher is given credit for the reuse of the image published back in 1957, however. Mītal's *Sūr-sārāvalī* does not even appear in Bahadur's bibliography.

What are we to conclude? Does Bloomsbury have the right to prevent me from reproducing an Internet image that is clearly recognizable as this same image, simply because I am unable to trace the artist who has provided it with its most recent twists? And is that person in turn violating copyright privileges owed posthumously to Prabhudayāl Mītal or the artist whose work he incorporates, despite the fact that Mītal does not give us his name? Is Mītal's publisher also due some financial reparation? Clearly it's a hall of mirrors, and the bureaucratic setting makes us know that Franz Kafka would have found himself at home.

Perhaps we can go a little deeper. Let's return to the postage-stamp Sūrdās of 1952 (Figure 9.2a) and reconsider its relationship to the more complete scene given us by Mītal in 1957 (Figure 9.4). Two facts are important here. The first is that this postage stamp is one in a series. The Sūr we see belongs to a set of six literary figures, each in a different colour and each on a stamp with a different value, ranging from a single anna to a dozen.[3] The dates appropriate to each are given in Arabic numerals and according to the Julian calendar, but the poets' names

3 Four pais or *paise* constituted an anna before the system decimalized in stages; 16 annas made a rupee.

Figure 9.8 Postage stamp issued by the Government of India on 1 October 1952, as displayed at www.hipstamp.com/listing/india-scott-237-342-mh/39064135, accessed 2 February 2025.

are written in Devanagari. The Devanagari shows that this was a series intended for domestic mail (Figure 9.8).

I love the company in which he is now placed. Following the order given on the website Hipstamp, and reading from left to right, we see Kabīr, Tulsīdās, Mīrābāī, Sūrdās, Gālib (i.e., Ghālib), and Rabīndranāth Ṭhākur (i.e., Tagore), with their ascribed lifespans leading from the fifteenth century all the way up to 1941. The bhakti movement, with an official 'stamp'? Maybe, and with no citations and perhaps no fees paid to anyone for the purpose of marshaling them as such. Not up to Bloomsbury's standards – but if you think that's of any help to me, I have news for you.

One day, as I mulled all this over, stewing self-righteously in my *sāgar*-ish juices, I looked again at an image of Sūr that I had long known (Figure 9.9). It is said to have been made in Udaipur sometime about 1660, depicting a Sūrdās poem bearing the refrain *sīṣanī saṣaranī caḍa ṭera suṇāyo*, 'Peacocks have mounted whatever peak they can'.[4] This image

4 Compare Bryant 226 (Bryant and Hawley 2015: 388–9), *Nāgarīpracāriṇi Sabhā* 3946 ('Ratnākar' et al. 1976: 354). Circa 1660, 27.3 × 20.9 cm. Private collection, photograph © Christie's Images Ltd. 2012. The entire poem, with translation, appears in Hawley 2018: 215. The date given above has been disputed, and with it the claim that this painting could have been prepared by Sāhibdīn himself, though clear memories of his style would have persevered in the royal ateliers at Udaipur. Catherine Glynn Benkaim points out that the muted palette contrasts to the array of primary colours we see in paintings clearly attributable to Sāhibdīn; she refers specifically to the lavender hue that caps the mountains at the upper left. Benkaim associates this painting with the court of Amar Singh II (1698–1710). Email communication, 1 November 2022. While there is no exact analogy, I would point to some of the colours used by Sāhibdīn in his *Gītagovinda* and *Bhāgavata Purāṇa* paintings of 1629 and 1648, as shown in Topsfield 2001, figs. 33, 39 on pp. 64, 69. See also Topsfield 2000: 26–40, where, again, there is no precise analogy.

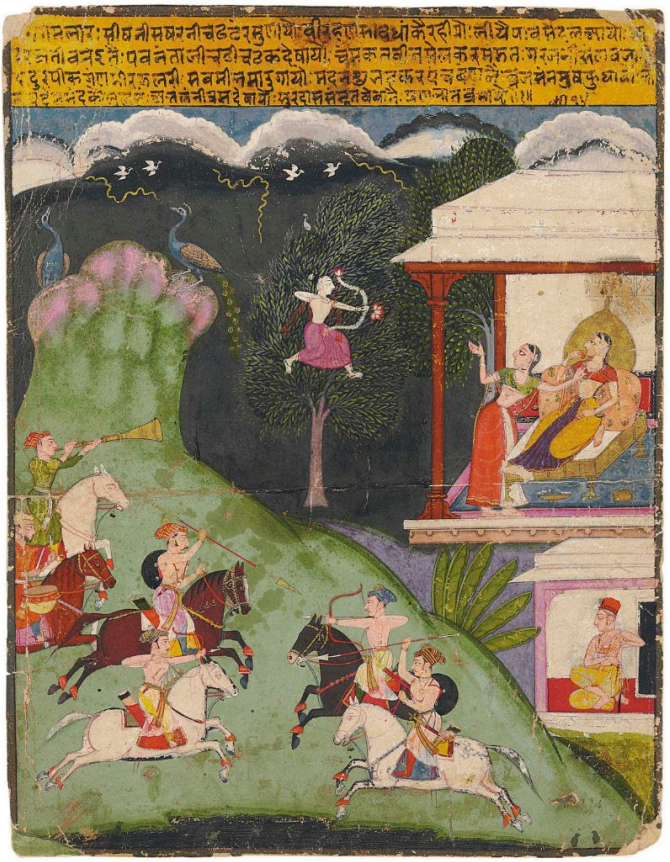


Figure 9.9 'Peacocks have mounted whatever peak they can', illustration to *sīṣanī saṣaranī caḍa ṭera suṇāyo* (compare Bryant 226, NPS 3946). Circa 1660, 27.3 × 20.9 cm. Private collection, copyright Christie's Images Limited, 2012.

of Sūr contrasts broadly to all but one other image that emerged in the veritable *sāgar* of Sūr images – some 150 are extant – that gushed forth in Udaipur (and nowhere else!) in the course of the next sixty or seventy years.[5] Stylistically it bears marks of the school of the famous painter Sāhibdīn, and it has sometimes been thought that he was the actual painter.

Check out this Sūr. Doesn't he look familiar? (Figure 9.10) There's that elaborate string of *tulsī* beads, that red cap (though of a different shape), the left-facing profile, the positioning of his arms and legs. There are differences too, of course. The dhoti is yellow, not white, and

5 For the comparable image, see Hawley 2018: 225.

Figure 9.10 'Peacocks have mounted whatever peak they can', detail showing Sūrdās. Private collection, copyright Christie's Images Limited, 2012.

the back arm rests not on the ground but on an ascetic's stick *(yoga-daṇḍa).* Still, look at the other arm: it seems so convincingly the same. In a way better. The position of the poet's right hand is now justified by the fact that he fondles some *tulsī* beads. Somehow this Sūrdās, painted in Mewar as early as the mid-seventeenth century, has spawned an image of himself in the mid-twentieth. (Figure 9.1). The scene he surveys is not a childhood scene. Rather, it depicts the ravages of the monsoon, when one's lover – one's Kṛṣṇa – is gone and one has to face that intimate time alone. The mood is sad, reflective, even threatened. No wonder the poet seems lost in contemplation.

This was Sūr before he became the archetypal *vātsalya* poet, that is, the one most gifted at perceiving Krishna's childhood. It's closer to the early corpus of Sūr's poetry as a whole. In that way it really does look more 'authentic'. But how in the world did this image leap into the twentieth century? Who saw him? Who rubbed out the scene he 'saw', excerpting the poet himself and thus giving us the version we saw in that mysterious 1948 'gallery' that preceded the postage stamp version? Was it someone who saw it when it still belonged to the Maharana of Mewar? Or someone who saw it in the possession of a private collector who bought it when a sale was discretely made – someone Indian? I wish I could reconstruct that provenance trail, but so far I can't. All I can tell you is who I think ultimately deserves the copyright, if anyone does. It's no one who would be of interest to Bloomsbury Academic. It's Sāhibdīn.

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