Analysis of Fake Authorship from the Perspective of Communication and Hermeneutics

Hamed Najafi*

PhD in Private Law, Tarbiat Modares University, Iran

Abstract: Literary works such as scientific works, after being created, inevitably attract people's attention and somehow, a kind of communication would be stablished between the work and the author. This communication is realized when it is efficient. Communication is effective if the authors of the work are real. Based on all hermeneutic theories, knowing the true authors, has a great impact on the formation of effective communication between the author and his audience through the interpretation and understanding of the text. When an unreal author is included in the work, the understanding of the audience is disturbed and effective communication is not formed. The main issue of this article is what effect does unreal creation have on the understanding of the audience? By using an analytical-descriptive method, we have come to the conclusion that this type of creativity disturbs the audience's understanding and ultimately makes efficient communication difficult.

Keywords: Fake authorship, Communication, Hermeneutics, Copyright.

1. INTRODUCTION

Nowadays everyone communicates with other people by using a certain media and conveys the information to them. The author, composer, director, etc., also share their intended content, which is generally called information, as the case may be, using the media of books and articles, songs, music or movies, etc, with others. Although at first glance, the copyright system has an individual aspect that pursues no other purpose than protecting the rights of the authors, but a closer look at the elements of this system shows that the social mission of copyright, if not more important than its individual aspect, is not less important. By creating a work, the author tries to convey and communicate a message to her audience. This message is considered to contain unique information because originates from creativity of author and it indicates the appearance of her personality in the work. Communication has a specific meaning; Communication is a Bilateral act and it never comes to the fore unilaterally. The author's effort to communicate with the society will be fruitful when her message is received, interpreted and finally correctly understood by the audience. Otherwise, the Communication is not stablished. This is a general rule that is applicable in any case, whether the transmitted information is artistic, literary or scientific. Therefore, a professor or a student who writes a book or an article based on her knowledge and learning and his own perspective, is also subject to the same rule. The professor or student is also trying to communicate with his audience, who are basically the scientific and academic part of the society, by writing a scientific work. The condition for

effective communication is that there is no destructive obstacle in the process of transmitting, receiving, interpreting and understanding the scientific work. from a social point of view, copyright can be a mechanism for establishing effective communication in society. effective communication cannot be achieved unless the general conditions of communication are provided. Interpretation and understanding of the work by the audience is one of the main elements communication. Various factors can challenge the audience's interpretation, including the presence of an author in the work who was not really the author of that This issue will disrupt the audience's interpretation and ultimately efficient communication.

In some university regulations, students are required to mention the names of their advisors as authors (even corresponding authors) in articles extracted from theses and dissertations. Therefore, someone who is not the author of an article or should not be the author, placed next to the student as coauthor, in interpreting and understanding, the audience also interprets and understands the article, considering the name and effect of the supervisor mistakenly. This issue and in general, similar cases such as guest author and... which can be called fake authorship may have a corruptive effect and, I believe that, it has caused a deviation in the interpretation and understanding of the audience, and finally it makes it difficult or impossible to establish efficient scientific communication in the society.

2. CONCEPTS

2.1. Hermeneutics

Humans are constantly interpreting and understanding. Even human daily life is accompanied

^{*}Address correspondence to this author at the Doctor in Private Law, Tarbiat Modares University, Iran; E-mail: nhamed64@gmail.com

2 Frontiers in Law, 2023, Volume 2 Hamed Najafi

by interpretation and understanding hermeneutics has been defined in different ways; Some, have defined it as the theory of interpretation which deals with the issue of the meaning of texts [1]. Some have also interpreted hermeneutics as fundamental philosophy as to the epistemological assumptions [2] for others, hermeneutics is a methodology or a method of analyzing the category of information systems [3]. Hermeneutics is a science that tries to teach people the proper method of interpretation. Therefore, hermeneutics means the method of interpretation [4]. Hermeneutics is related to the issues, methods and purpose of interpretation and includes factors such as history, culture, cultural diversity, language, time interval between author and interpreter, context of the text, etc. It is a science that provides rules, principles and methods for the interpretation of religion and the Bible, as well as its connection to society [5].

2.2. Authorship

Authors are the heart of copyright [6]. There is no clear definition of Authorship in international regulations and domestic laws [7]. This shows that the international requirements have recognized the flexibility of the domestic laws in determining the definition of authorship and author. According to one of the leading researchers in the field of Berne Convention studies. this means that there are different interpretations in different legal systems regarding authorship and author [8]. For this, the Berne Convention has left the definition of authorship and the author to the domestic laws. Authorship in the civil law system and systems close to it, is the emergence and creative expression of a scientific, literary or artistic work in forms such as books, articles¹, etc. Consequently, the author is the one who uses the power of her creativity, creates a work [9]. From this definition, we can conclude that, the attribution right of authorship belongs to a natural person and cannot be transferred. Therefore, those who lacking creativity in creating works, are not considered authors. Accordingly for US [10] and French² courts, those who simply follow the instructions of the author and do not participate in intellectual affairs, are not considered author. Therefore, work represents at least a part of the author's personality in it and according to some, the word "authorship," like "ownership" or "professorship," reflects an appropriate and necessary connection between authors and their texts [11].

¹balack's law dictionary, p. 403. ²CA Poitiers. 3e ch., Dec. 7, 1999.

2.3. Communication and its Elements

In the communication sciences, what components are known as the elements of communication? In this regard, the purpose of communication is to dialogue, not the discourse in the post-modern [12] context which some authors have abolished the individualistic figure of authorship [13].

Communication is a social phenomenon that consists of various elements. Although at first glance, communication can be defined as the transfer of information from one part to another part of a system [14], but it seems difficult to provide a precise definition of it. Communication has different elements; 1-Message sender, 2- Idea, content and message, 3-Encryption, 4- Communication channel, 5-Message receiver, 6- Decoding, 7- Feedback. Literary and artistic works such as books, articles, films, etc., have a message for other members of the society. The author sends his message to the audience and communicates with them through an intermediary such as a book which is a mass media. In mass communication, the author's message is sent to the general public or a large number of them [15]. The communication process is as follows; First, the sender, here the author, encodes his mental ideas (ideas, thoughts, feelings, etc.) in the form of words (books, articles, etc.) or images (photos, movies, etc.) and uses It, transmitted to the recipient through a communication channel such as books or cinema and television. After receiving the message from its recipients, who are book readers or movie viewers, the decoding process begins. the receiver must understand and interpret the symbols (words or images, etc.) embodied in the message in order to understand the mental ideas of the sender. (decoding). When the message is decoded according to the sender's intended meaning, the sender's and receiver's mental images would match and effective communication will be achieved [16]. With this explanation, the role of the author and its recognition is very important, because what is important, is the efficiency of the communication, not the communication itself. On the other hand, this efficiency depends on the process called decoding and interpretation. Communication is effective and efficient when the receiver infers the same concept that the sender intended. Otherwise, the communication will not be efficient and communication will not be formed basically, and that mechanical operation realized in the outside world is the only form that appears to be communication, but in fact, it is not communication. There are many factors that can make effective

communication difficult or impossible. The audience's mental backgrounds, emotional blocks, hostility, the sender's charisma. conflict of interests. experiences, lack of verbal skills, environmental and surrounding conditions, both physical and mental, etc. [17] are some of these factors.

A Part of decoding the message depends on the investigation of the sender, his identity and personality traits. Criteria such as the existence of hostility, charisma of the sender and conflict of interests demonstrate this claim. For example, when the reader of a book or article tries to decode the messages contained in that work, certainly, recognition of the author of them, play an important role in shaping the audience's interpretation. If there is a great name as author in the work, her charisma can influence the decoding of the message. In this case, if that great author is the real author, the said influence will also be real, but if the name of that author included as a guest or honorary author, the interpretation of the audience will be distorted. Because the reader interprets the text based on the previous works and the intellectual field of the guest author.

3. HERMENEUTICS METHODS

Etymologically, hermeneutics came from Greek, hemeneuein, which means to reveal one's thoughts in words [18]. Hermeneutics refers to interpretation and translation of text (typically ancient scriptures) but also applies to verbal and non-verbal communication [19].

Schleiermacher established the foundations of his hermeneutics by understanding that the reason for the ambiguity of old texts is their distance from the history and culture of its time. According to Schleiermacher, every text is tied to the historical and cultural origin of its time, and separating it from this connection, causes ambiguity of the text for the reader. Thus, Schleiermacher's hermeneutics begins with the attempt to relate the text to its historical and cultural contexts. Schleiermacher did not consider it necessary to find the author's intention and believed that the author herself is not aware of all aspects of her intention and the interpreter can understand her intention better than the author. The totality of the author's life was an element that Schleiermacher brought into the field of hermeneutics and text interpretation instead of the author's intention. In his opinion, it is not only the text that reveals the author's intention, but the whole of his life that appears in the work [20]. Therefore, the work cannot be understood unless all aspects of the author's

life are understood by the interpreter. In addition, Schleiermacher believed in the existence of an ultimate, original and definitive meaning for the text and denied the possibility of providing multiple true interpretations for the text³.

As one of the followers of Schleiermacher's ideas. Diltai believed that in any given time and culture, the society has a general understanding and knowledge that the interpretation of texts should be based on this knowledge and general understanding of⁴ the context of the text. According to him, this general knowledge and understanding is the final background of all human texts and actions in a certain period of time and place, and its recognation and understanding is essential for any kind of interpretation⁵. accordingly, every text has an ultimate meaning that can be extracted by identifying the mental idea of its author.

Husserl, like Schleiermacher and Dilthey, believed that the true interpretation of texts depends on identifying its historical and cultural context, with the difference that, according to him, the text itself contains the historical and cultural context, and there is no need to try to determine the external context of the text. According to Husserl, the interpreter must remove all his mental backgrounds and interpret each text according to the historical and cultural contexts of the time. So, according to them, it is possible to interpret and understand the text truly by leaving aside the mental assumptions of the interpreter.

Unlike Husserl, Nietzsche believed that people cannot free themselves from their mental backgrounds when interpreting texts. Understanding and awareness are necessarily formed through the mental backgrounds and personal biases of the interpreter's mind. Therefore, there is no pure and objective understanding and knowledge. and every understanding and knowledge is the result of people's personal inference based on their mental backgrounds and personal biases.

Although Heidegger was Husserl's student and follower, he did not accept his theory of understanding and pure knowledge, and instead, based on Nietzsche's view on knowledge, claimed that the interpreter has a mind and an existence (being) that is completely immersed in worldly life, in such a way that

⁴ojbjectiver Geist (literally, objective mind). ⁵F.P.A. Demeterio III, Hermeneutics: The Philosophy of Interpretation, p. 3.

4 Frontiers in Law, 2023, Volume 2 Hamed Najafi

understanding and interpretation always take place from this point of view. Personal biases and mental backgrounds of the interpreter are a necessary condition for the act of understanding and interpreting texts, without which understanding and interpretation is impossible. Just like a fishing net, without which the fisherman will not be able to catch fish. Here, the fisherman is the commentator. Fishing net is his mental background and water is considered as text. This is why when we come across a completely new text, we are unable to understand and interpret it, but by studying its basics, the mind gets the necessary preparation to understand and interpret the text.

Gadamer, Heidegger's student and follower, while accepting the main principles of his teacher's hermeneutics, made changes in it. Instead of Heidegger's notion of mental backgrounds and personal biases and his hermeneutic process, Gadamer used the words "horizon" and "Fusion of horizons" to explain his hermeneutics. According to Gadamer, the horizon is personal and experiential worldly life, which is formed by the biases, presuppositions, experiences, knowledge and emotions of each person. As a changing and dynamic phenomenon, the horizon is the foundation of every interaction, conversation and understanding humans. Humans always do, look and understand all things from the perspective of their personal horizon. Modifying and changing a horizon requires exposing it to other horizons. This is what is referred to as "Fusion of horizons ". This is the reason why people's horizons change as a result of interaction and communication with each other. For Gadamer, hermeneutics is undoubtedly a dialogue. In the interpretation of texts, the same interaction and dialogue takes place, one side of which is the interpreter and the other side is the text. That is, a dialogue is formed between the reader as interpreter and the text. When the interpreter enters into a conversation with the text and the horizon of the text with her own perspective, she reflects her own horizon and can reach consciousness. In an effort to understand the meaning of the text, the interpreter can change his horizon Repeatedly and, at the same time, push the horizon of the text to another direction, so that the fusion of the horizons is finally achieved and the interpreter achieves the meaning of the text.

Habermas, with making some changes, accepted Gadamer's view that interpretation is dialogic. However, he questioned the validity of Fusion of horizons because The result of the conversation may lose its authenticity and credibility due to reasons such

as people's inner desire to dominate the other party, as well as unconscious factors such as ideology. In order to overcome these two diverting factors. Habermas has proposed to overcome this deviation by replacing the act of communication with the selfish act based on personal desires. In addition, Habermas, inspired by Karl Popper and his threefold division of the world of each individual, introduced the three elements of truth, purity of the individual, and proportionality as universal factors for overcoming possible deviations in conversations. On this basis, in order to distinguish the act of communication from the act of selfishness and based on personal desires in a conversation between people, each conversation is measured based on these three criteria and in the absence of any of these three factors, the act described as selfish or with Ideological bias.

4. COMMUNICATION AND AUTHORSHIP

Considering the above definition and identifying the elements in the communication process and examining the necessary tools for it, i.e., the media, it is now possible to examine authorship and its criteria from this point of view. According to the above definition and recognition of communication elements, now it is possible to examine authorship and its criteria from this point of view. Based on this, only activities which have a fundamental effect in order to create a message and convey it to the audience, are considered as authorship. The criteria for verifying authorship credit in some relevant guidelines for journals, can also be interpreted on this basis. The criteria proposed by the International Association of Medical Journal Editors (ICMJE) can be analyzed from the perspective of message and communication. The following four factors, which must be realized simultaneously, are the criteria for stablishing authorship: http://psychology.psy. sunysb.edu/psychology/graduate/current students/auth orship.htm

- Substantial contributions to the conception or design of the work; or the acquisition, analysis, or interpretation of data for the work; AND
- 2. Drafting the work or revising it critically for important intellectual content; AND
- Final approval of the version to be published;AND
- 4. Agreement to be accountable for all aspects of the work in ensuring that questions related to the

accuracy or integrity of any part of the work are appropriately investigated and resolved [21].

The emphasis of this association on the simultaneity of these elements shows that authorship is confirmed when contributor has an important and Substantial contribution in the production of the content that is to be interpreted. For this reason, if a person only participates in the preparation of the research idea or its plan or even data analysis, she is not considered the author. The message contained in work It is a "whole" that is independent of the "parts" of the text. Therefore, participation in the preparation of some parts of the research, while lacking an substantial participation in producing the content and the final message of the text, cannot qualify a person as an author.

5. LITERATURE REVIEW

Although some researches have been done on the topic, none of them has specifically discussed the negative effect of fake authorship on the interpretation and understanding of the audience. The general researches on the subject has been limited to the ethical issues it or the negative practical effects on the rights of the original author have been investigated [22]. Infringement of employment rights, reducing the credibility of the main authors, especially in the case of articles extracted from doctoral theses and resulting from the cooperation of students and supervisors, etc., and some have also mentioned it as a form of academic corruption [23]. However, in none of the published works, understanding, interpretation and deviation in the perception of the audience have not been considered. In this research, an attempt has been made to prove that, in addition to the disadvantages of unreal authorship that have been mentioned in numerous works, this sinister phenomenon can have a negative effect on the understanding and interpretation of the audience and ultimately, the stablishing efficient communication.

6. PHILOSOPHICAL THEORIES OF AUTHORSHIP

The main philosophical theories about authorship have been proposed in three formats: John Locke's labore theory, Hegel's personality theory and Kant's communication theory. It is worth mentioning that these theories are mainly expressed with the aim of justifying the ownership of intellectual work, but scholars have also used them to explain authorship. However, unlike the two theories of labore and personality. Kant's communication theory to be more inclined towards authorship than ownership.

6.1. Labour Theory

The labour theory in justifying intellectual property is presented based on John Locke's view in explaining property in general. Locke uses propositions of natural rights to justify ownership. Locke's ownership theory is based on several premises:

- 1. God has given the world to mankind jointly.
- 2. Every person owns himself.
- 3. Everyone's work belongs to him.
- 4. When a person combines his work with something in common, he has made it his property [24].

Although some consider labour theory to be insufficient in justifying intellectual property rights, some others, have tried to justify intellectual property rights on that basis. In general, four theories have been adapted from Lockean approach; 1- The labour-desert theory based on which the rights of authors are derived from the fruits of their labour. 2- Creationist account according to which the person who creates something. owns it because the value of that thing is measured solely based on the mental labour of that person. 3-The intellectualist account based on the intellectual and personality aspect of John Locke's labour theory, implies that the work in this theory, means intellectual work that is mixed with commonalities and finally causes its result, to be assigned to the author. 4- The opposite approach to ownership presented by Shifrin. In this view, Shifrin, unlike other approaches, does not consider private property to be justified based on John Locke's labour theory. According to Shifrin, Locke's labour theory can justify the material and physical aspect of ownership, while intellectual property, due to its inexhaustible and indestructible nature, has the ability to be used by random people even at the same time [25]. The very nature of intellectual property prevents the use of the language of ownership to justify their ownership.

Each of these approaches, based on John Locke's work theory, may justify a part of the rights arising from creativity, but each of them faces criticisms; For example, some have criticized the labour-desert approach and said that many of the benefits that come to authors are due to natural talents and gifts, and it cannot be said that it is due to their merit instead of the added value they have added to the commons [26]. The creationist approach of labour theory also faces

the criticism that, unlike physical labour, which is not based on the past labours, intellectual labour is generally based on the past knowledge [27]. the intellectualist account of the labour theory, seems confusing because the topics are directed towards the theory of personality⁶. However, according to some scholars, this is the advantage of this theory and can be used in line with the theory of multiple basis of intellectual property rights⁷.

6.2. Personality Theory

Another philosophical theory about the justification of authors' rights is the personality theory, which is attributed to Kant and Hegel, but it is mostly reflected in Hegel's thoughts and according to Justin Hughes, it is the most important alternative to labour theory [28]. Based on this theory, the granting of exclusive rights to the author is due to the appearance of the individual's personality in the work, especially works of art. This theory, by emphasizing the author and her rights, forms a stronger support for them. Hegel has a personalityoriented view of intellectual property rights. According to his thoughts, authorship is a completely personal and internal, and accordingly, he considers intellectual rights non-transferable, because the transfer of intellectual rights means the transfer of the personality of the author to another. In parts of his famous book, "Philosophy of Right", Hegel considers intellectual creations or the fundamental characteristics of their constituents to include the author's individual personality and for this he believes that the general essence of a person's conciseness is incommunicable [29]. Hegel considers the right to use an intellectual thing to be transferable to others, but he assumes that intellectual rights, including the right to authorship and attribution, are non-transferable. The inability to transfer intellectual rights to others is not because of the internal aspect of the author's personality, but because the objectified work must be controlled by the authors. The author's right to control the way others use the work would be linked to her personality and therefore cannot be transferred. Intellectual rights have an internal aspect that is objectified in an external form and emerges. Based on this, the rights of the authors are granted to them in order to protect the personality and recognize the right of the individual to control herself and her autonomy [30]. According to Hegel, literary-artistic work is the emergence of individual

personality in it. This approach is more compatible with the legal foundations of civil law systems and is less applicable in copyright systems. Although apparently, Hegel's view has a completely individual aspect and is based on the authors' individual rights, But a closer look at his other views, shows that the social aspects of authorship has not been ignored from Hegel's point of view. Hegel by suggesting that the purpose of intellectual creations is to be interpreted, inferenced and understanded by others, emphasizes the social aspect of authorship [31].

6.3. Communication Theory

In justifying the basics of authorship, some scholars emphasized on communicative role of it. According to Kant, the publisher has the right to publish a work if he has been given permission to do so by the author. The work contains a message that the author gives to the publisher society. The is the mediator communicating this message to the society [32]. Some scholars have also considered authorship in copyright as a way of addressing [33]. This is why some have said that copyright infringement only occurs when the work has been communicated to the public⁸. The author reveals a part of her personality to public through a conversation with it. Kant says in his work "On the wrongfulness of unauthorized publication of books" that a book contains a discourse that a person communicates to the public. In a book, the author talks to her readers. It can even be said that based on Kant's argument, a book is a tool for exchanging thoughts. Although Kant used this approach to protect the rights of authors and publishers, this shows that the author's goal in creating a work is to establish a relationship with her audience.

Albeit, Kantian reading on communication, is different from the discourses that attribute communicative role to copyright, because in Kantian view, emphasis on the communication is with the aim of identifying the personal right of the authorship and the illegitimacy of publishing her work without permission. but in the new communication interpretation of copyright, the copyright system is viewed as a tool that aims to facilitate communication between members of society [34] for this, Waldron believes that authorship is more like a public good than a personal right for the author [35].

⁶ibid. ⁷ibid.

⁸ibid, p. 223.

This approach is liberal and positivist and considers authorship as a political and social tool [36]. Contrary to the perspective of personality theory which basically has a moralistic approach to authorship, based on positivist theories, romantic concepts such as author, originality and work are contrary to the social mission of copyright in creating social communication [37].

However, both readings are based on the transmission of the message and the communication between the author and the audience. It even appears that classical views on authorship which seems to be more focused on the rights of authors than the communication, can be interpreted on this basis. Waldron Raises ways in which social defense of intellectual property Takes the individualist form and notes that "social policy, judicial and scholarly rhetoric on the topic retains many of the characteristics of natural rights talk" [38].

Therefore, the theoretical foundations of authorship, i.e., the labour, personality and communication theory, each by emphasizing an aspect of authorship, have tried to justify the rights of authors. According to the labour theory, mixing the authors' labour with the commons, considered the reason for granting rights to the authors. In Hegelian view, the intellectual work represents personality of its author, and her personality appears in the work and this is the reason for granting rights to her. According communication argument, since the author's goal in creating a work is to stablish a relationship with the audience, her rights must be preserved, including the attribution right and publishing the work in her name. Despite the differences that may be seen in these theories, it seems that all of them agree, except labour theory, that granting rights to authors can be justified based on communication and social foundations, at least implicitly and perhaps Even unintentionally.

7. DISCUSSION AND ANALYSIS

Considering an intellectual work as the author's message to the society has special effects: The author an intellectual work seeks to establish a relationship with his audience. Communication in social sciences and social psychology has special concepts and elements, one of the most important of which is the feedback that the audience gives to the work. This feedback is the result of interpretation and understanding of the work. Examining the hermeneutics of different thinkers from the past to the present shows that identifying the author of the work can play an important role in the process of interpreting and understanding the work; In Schleiermacher and Dilta's hermeneutics, which is an attempt to reach the author's ultimate intention based on his intention, the identification of the author and his correct introduction are very important for the audience in order to achieve a correct interpretation and understanding of the work. Let's suppose that a scientific work, such as a thesis, dissertation or article, etc., is prepared by a student, but the student is forced to include the names of supervisors and advisors in the work due to university requirements. In this situation, it is obvious that the message in the work is a result of the student's thought, culture, history, and mental reflections, and the guidance professors and advisors have no role in this field. Adding the names of guidance professors and advisors or any other person in an unrealistic way will cause problems and distort the process of interpretation and understanding of the audience. Because the audience of the work, in interpreting the message in the work and understanding it, has to go back and identify the historical and cultural contexts governing the time of the creation of the work. Undoubtedly, one of the most important factors in this exploration is the examination of other ideas, works and the foundations of the author's thoughts. The audience applies the principles of the guidance professors' and advisors' thoughts in the interpretation and understanding of the work, while in fact, such principles do not exist in the student's intellectual work. Therefore, the audience will either fundamentally not get a correct understanding of the work or, in the best possible case, will get an interpretation and understanding containing errors and distortions, because in this situation, "false interference of ideas" Therefore, the ultimate concept occurs. and understanding of the author's intention that Schleiermacher and Dilthey and of course contemporary thinkers in line with them such as Emilio Betti and Eric Hersh were looking for will not be realized. In addition, based on the opinions and thoughts of postmodern philosophers such Nietzsche, Heidegger, Gadamer and Habermas, it is possible to recognize the existence of some deviations in the interpretation in the assumption of imposing the name of a author other than the true author of the text and work. The main essence of the hermeneutic analyzes of Nietzsche, Heidegger, Gadamer and Habermas is that the existence of biases, mental presuppositions and emotions of the interpreter in interpreting and understanding the text is unavoidable and even necessary. Therefore, there is no

8 Frontiers in Law, 2023, Volume 2 Hamed Najafi

understanding beyond the knowledge, ignorance, personal biases and emotions of the interpreter. There is no doubt that the presence of an author's name other than the real author can form a part of the presuppositions in the interpreter's mind, which, for example, based on Heidegger's hermeneutics, is necessary and necessary for the purpose of interpretation, or based on Gadamer's hermeneutics, the interpreter talks to the text with this horizon that The text has a certain non-real author, it is arranged and due to the error in the formation of presuppositions or horizons, in the end, the correct interpretation and understanding of the text will not be obtained. Habermas's hermeneutics is more explicit in this context because according to it, the authenticity and validity of any interpretation depends on three things; Truth and credibility, purity of the author and appropriateness and competence. Where an unreal author is imposed on the text, how will it be possible to recognize the purity and honesty of the author of the text? In this case, due to the unreal interference of thoughts, the interpreter will make a mistake in recognizing such an element, and as a result, correct interpretation and understanding of the text will be avoided. As a result, the act of communication will not be formed, the message in the text will not be properly conveyed to the audience, and ultimately the communication will not be realized as the alleged mission of copyright.

According to author-centered narratives in text hermeneutics, in every communication, there must be at least three elements, otherwise the realization of the communication is ruled out; Author, text and audience. Although, decades ago, people like Roland Barthes and Michel Foucault talked about the "creative death" and based their hermeneutics on the basis of the text itself, the mind, and the reception of the audience; Michel Foucault presented a social image of the author in his influential article, what is the author? unlike the romantic and person-centered creation. In this work, Foucault claimed that the literary author in this sense was formed during the 20th century and was derived from the ownership of the text as one of the characteristics of the relationship between the text and the author [39]. He depicted a culture for the society in which discourse is formed without the need for the existence of an author. A world where the identity of the person speaking is irrelevant [40].

Roland Barthes went even further and talked about the death of the author [41]. According to Barthes, the text, as soon as it is published, is out of the control of its author and after that, it no longer has subjectivity. According to him and others like Jacques Derrida, every text is a product of other texts and can be understood only in the light of those texts [42]. The person-centered creative approach should give way to the approach based on communication between texts [43].

However, it seems that the interpretation and hermeneutics of texts through the lens of the method that considers the life of the author at the time of interpretation is preferred over postmodern opinions in this field; Generally, people try to find the author's interpretation. intention during This is unconsciously by the audience. Also, it seems that distancing from the method of finding the author's intention of the text, as is popular among postmoderns, is passive rather than relying on solid and persuasive positive analysis, and is based on the claim of the impossibility of achieving the author's true intention. Is. Husserl's phenomenology and his objectivism for text hermeneutics can be interpreted on the same basis. In this regard, the text and words are living beings that, according to Gadamer's interpretation, the concept of truth emerges after the interpreter's conversation with it (the text). As much as such statements may seem meaningful to philosophers, they do not meet with success in the minds of common people. According to philosophers, intention is the author's personal state of mind. This state of mind cannot be communicated to others through communication, and for this reason, in the interpretation of the text, the words themselves are objectified. postmodern hermeneutics Moreover. seems to be a paradox because interpretation is, in any case, a secondary and dependent thing, depending on the text and the work that someone else has created before. Even if the role of the author, in accordance with the thoughts of people like Gadamer, is reduced to the collection and accumulation of words that have been given meaning by the passage of time, the effect of collecting words in the form of a specific structure and composition by the author, which can contain a specific meaning, cannot be overstated, denied Hermeneutics means the science of interpretation methodology, while according to postmodern theories in this field, hermeneutics means the method of authorship. These theories are not only the factor of removing creativity and the author from literary and artistic works, but they also strike the root of the methodology of interpretation and in a way, they are the factor of its removal, while the claim is that hermeneutics means the methodology interpretation of interpretation.

Regardless of the criticisms that have been made to some post-modern works, which are led by the famous works of Alan Sokal and Jean Bricmon [44], modern hermeneutic theorists also return to the ideas of classical hermeneutics and the ideas of Schleiermacher and Dilthey, from the opinions of theorists such as Gadamer and Heidegger. have passed; Emilio Betti and Eric Hersh have tried to revive the author-oriented ideas of Schleiermacher and Diltay in hermeneutics, and achieve a coherent formula and structure for formulating these ideas. According to Eric Hersh, the interpretation of each text involves two different inferences and understandings; First, the understanding that comes from the meaning of the words, and the second is the evidence and documentation about the meaning of the words. The literal meaning of each word is constant throughout different ages, but the evidence and documentation of each meaning is different according requirements of each age. Hersh believes that although it is not always possible to achieve the author's intention, but by trying to achieve a method to remove and eliminate false perceptions, an inference can be reached that is more accurate and correct and closer to the author's purpose in comparison with other perceptions [45].

The personal experience of the audience of the present text is also a proof of this claim that the general public tries to achieve the author's intention in the interpretation of the text. Just like this moment when the readers of this article are trying to find out the author's intention from these lines and words.

8. CONCLUSIONS AND SUGGESTIONS

The articles extracted from student theses and theses contain messages and information that are presented to the scientific community by the student through media called articles and magazines. According to the educational and research regulations of the university, the student is obliged to prepare and compile a thesis and dissertation under the general supervision of the supervisors and advisors and defend it. In this regard, the student uses his initiative and creativity to create an original work. As a result, he expresses at least a part of his personality in his work. This, facilitates interpretation because, even based on non-authorial readings of hermeneutic, such as the hermeneutic of Heidegger, Gadamer and Husserl, the author's character can be effective in the correct interpretation of the text. Every communication has elements, the most important of which are: sender,

message and receiver. The "sender of the message" (student) transmits her "message", which is a text containing scientific content, to the receivers (generally the scientific community) through the media of the article. So far, the communication has not been established because the mere transmission of the message without encountering its interpretation by the receiver does not achieve the communication. The receiver interprets and understands by relying on various factors, especially the emerging character of the author in the work. The presence of a non-real author (for example, a guest author) in the work belonging to the student introduces a false character to the text. The audience begins to interpret by assuming that this character is real, and since this assumption is invalid, the interpretation of the audience is also challenged and may be fundamentally invalid.

ACKNOWLEDGEMENT

I wish to thank my wife, Mahrou Madani, who has stood by me through all my travails, my absences, my fits of pique and impatience. She gave me support and help me. she was always with me throughout the writing of this article.

REFERENCES

- Boell SK, Cezec-Kecmanovic D. A Hermeneutic Approach for Conducting Literature Reviews and Literature Searches. Communications of the Association for Information Systems 2014; 34(12): 257-286. https://doi.org/10.17705/1CAIS.03412
- Cole M, O'Keefe R. Hermeneutic Philosophy and Data [2] Collection: A Practical Framework. AMCIS 2002 Proceedings. Paper 233. [Online] http://aisel.aisnet.org/amcis2002/233.
- [3] Introna LD. Hermeneutics and Meaning-Making in Information Systems. In R. Galliers, & W. Curry (eds.), The Oxford Handbook of Management Information Systems: Critical Perspectives and New Directions, Oxford University Press 2011; pp. 229-252. https://doi.org/10.1093/oxfordhb/9780199580583.003.0011
- Shorter Oxford English Dictionary on Historical Principles, [4] Vol. I, New York, 2002; p. 1231.
- Anand Spencer, Understanding Religion: Theories and [5] Methodology, Vision & Venture, New Delhi, 1997; p. 157.
- Ginsburg JC. The Concept of Authorship in Comparative [6] Copyright Law, 52 DePaul L. Rev 2003; 1063: 1064. https://doi.org/10.2139/ssrn.368481
- [7] Ginsburg JC. The Concept of Authorship in Comparative Copyright Law, 52 DePaul L. Rev 2003; 1063: 1069. https://doi.org/10.2139/ssrn.368481
- [8] Sam Ricketson. The Berne Convention 1886-1986 6.4 1987.
- Zarkalam, Sattar, Literary and Artistic Property Rights, first [9] edition, Semat Publishing House, Tehran, 2017.
- Andrien v. S. Ocean County Chamber of Commerce. 927 [10] F.2d 132 (3d Cir. 1991). See also Lindsay v. RMS Titanic. 52 U.S.P.Q.2d 1609 (S.D.N.Y. 1999).

- [11] Ede, Lisa, The Concept of Authorship: An Historical Perspective, Speeches/Meeting Papers; Reports Research, 1985; p. 1.
- [12] Foucault M. what is an Author? Modernity and its Discontents 1969; pp. 299-314.
- [13] Carys J. Craig, Copyright, Communication and Culture: Towards a Relational Theory of Copyright Law, Edward Elgar Publishing, 2011; pp. 18-20.
- [14] Krauss RM, Fussell SR. Social Psychological Models of Interpersonal Communication, Higgins ET, Kruglanski A, (Eds.), Social Psychology: Handbook of Basic Principles. New York: Guilford Press, 1996; p. 10. Karen Tracy, Discourse Analysis in Communication, in The Handbook of Discourse Analysis, ed by: Deborah Schiffrin, Deborah Tannen, Heidi E. Hamilton, p. 725.
- [15] O'Sullivan, Tim, Hartley J, Saunders D, Fiske J. Key concepts in communication. New York: Methuen 1983; p. 131.
- [16] Pfeiffer J-B. Basic communication model, The Pfeiffer Library, Second Edition, 1998; 25: 1.
- [17] William Pfeiffer J. Conditions that Hinder Effective Communication, The Pfeiffer Library Volume 6, 2nd Edition. Copyright © 1998 Jossey-Bass/Pfeiffer, p. 1-6.
- [18] Prakoso B. Reviewing Gadamer's Hermeneutics in Communication Studies, MediaTor, Vol 13 (2), Desember 2020; 307-318: p. 309. https://doi.org/10.29313/mediator.v13i2.5981
- [19] Friston KJ, Frith CD. Active inference, communication and hermeneutics, cortex 2015; 68: 129. https://doi.org/10.1016/j.cortex.2015.03.025
- [20] Mousavi SM. una introducción a la hermenéutica y sus tipos, Pik Noor, 2016; p. 52.
- [21] Recommendations for the Conduct, Reporting, Editing, and Publication of Scholarly Work in Medical Journals Updated May 2022.
- [22] uaia E, Crimi' F. Honorary Authorship: Is There Any Chance to Stop It? Analysis of the Literature and a Personal Opinion. Tomography 2021; 7(4): 801-803. https://doi.org/10.3390/tomography7040067
- [23] Gaber Y, Unethical Practices in Scientific Research: Authorship, Technical Report 2011; p. 2.
- [24] Drahos P. A philosophy of intellectual property, Ashgate publishing.c. U.S.A, 2002; p. 43. https://doi.org/10.1057/9780230522923
- [25] Shiffrin S. Lockean theories of intellectual property. In: Munzer S, (ed.), New Essays in the Legal and Political Theory of Property. Cambridge: Cambridge University Press, 2001; p. 156.
- [26] Rawls J. A Theory of Justice. Cambridge, MA: Harvard University Press 1971; p. 74. https://doi.org/10.4159/9780674042605
- [27] Biron L. Creative work and communicative norms, Perspectives from legal philosophy, in: The Work of Authorship, Edited by Mireille van Eechoud, Amsterdam University Press, 2014; pp. 23-4. https://doi.org/10.1515/9789048523009-002

- [28] Hughes J. The philosophy of Intellectual Property. 77 The Georgetown Law Journal 1988; 287: 330.
- [29] Hegel GWF. Philosophy of Right, Batoche Books Limited, Kitchener 2001; p. 71.
- [30] Radin MJ. Property and Personhood, 34 Stan. L. Rev 1982; 957. https://doi.org/10.2307/1228541
- [31] Biron L. Creative work and communicative Norms,in:the work of authorship,ed by: Mireille van Eechoud, Amsterdam university press, p. 28.
- [32] Kant I. Critique of Judgment (1790) (trans. W. S. Pluhar) (Indianapolis: Hackett, 1997), pp.160-161.
- [33] Drassinower A. Authorship as Public Address: On the Specificity of Copyright vis-à-vis Patent and Trade-Mark, Michigan State Law Review 2008; No. 1: p. 200.
- [34] Craig C. Copyright, Communication and Culture Towards a Relational Theory of Copyright Law, Edward Elgar Publishing, 2011; pp. 2-4. https://doi.org/10.4337/9780857933522
- [35] Waldron J. From Authors to Copiers: Individual Rights and Social Values in Intellectual Property, Chicago-Kent Law Review 1993; 68(2): 848.
- [36] See HLA. Hart, The Concept of Law 1961; 97: 181-82. https://doi.org/10.2307/3040641
- [37] Craig C. Copyright, Communication and Culture Towards a Relational Theory of Copyright Law, Edward Elgar Publishing 2011; p. 26. https://doi.org/10.4337/9780857933522
- [38] Waldron J. From Authors to Copiers: Individual Rights and Social Values in Intellectual Property, Chicago-Kent Law Review 1993; 68(2): 848.
- [39] Bently L. Copyright and the Death of the Author in Literature and Law, The Modem Law Review 57: p. 973. https://doi.org/10.1111/j.1468-2230.1994.tb01989.x
- [40] Lambropoulos and Miller (eds), Twentieth Century Literary Iheory: An Introductory Anthology (Albany: SUNY Press, 1987;p. 139.
- [41] Barthes R. Image, Music, Text, translated and edited by: Stephen Heath, Fontana Press, 1977; pp. 142-148.
- [42] Nicholas Pagan, Rethinking Literary Biography: A Postmodern Approach to Tennessee Williams, Fairleigh Dickinson Univ Press 1993; pp. 35-45.
- [43] Barthes R. Theory of the Text. (trans MacLeod) in Young (ed), Untying the Text: A Poststructuralist Reader (London: Routledge, 1981; 31: p. 39.
- [44] Sokal AD, Bricmont J. Intellectual Impostures: Postmodern Philosophers' Abuse of Science, Profile Books, 2003; pp. 1-276.
- [45] Vaezi A. Introduction a la hermenéutica, Teherán: Publicaciones del Instituto de Investigación del Pensamiento y la Cultura Islámica, 7.ª edición, 2015; pp. 475-475.

https://doi.org/10.6000/2817-2302.2023.02.01

This is an open access article licensed under the terms of the Creative Commons Attribution License (http://creativecommons.org/licenses/by/4.0/) which permits unrestricted use, distribution and reproduction in any medium, provided the work is properly cited.