

Tarot's Uneasy Copyright

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Tarot cards are now a major cultural touchstone. Once an esoteric practice, tarot is widespread across video games, novels, fashion, horror movies, and architecture. Tarot, with its fusion of fixed and fluid symbols, is a story of creativity. But tarot is also a story of copyright law. A little over a century ago, an artist named Pamela Colman Smith created 78 illustrations to accompany a new version of a British esoterist's tarot deck. Her illustrations—with their eclectic mishmash of classical elements, astrological synchronicities, and symbology derived from Kabbalistic, Ancient Egyptian, and pseudo-medievalist sources, all packed into the structure of a medieval Italian card game—formed the now-ubiquitous Rider-Waite-Smith (RWS) deck. Fifty years later, the RWS Deck was yanked out of the public domain by a canny American publisher, which proceeded to protect its asset through a strategy of exclusive licenses, evergreening, hollow copyright registrations, trademark law, and litigation avoidance. It remains the best-selling tarot deck in the world: a public domain artifact that continues to generate significant revenue for a single company.

This draft explores the uneasy tensions of tarot's copyright. This is not necessarily a story of an unearned monopoly restricting the creativity of others. The tarot remains a living creative practice, buoyed by artists creating new decks in open conversation with past works—including the RWS Deck—and used by practitioners searching for shared meaning. It suggests that the success of the tarot owes more to its attributes as a symbolic language, codified by Smith but unbridled by legal constraints. But the tarot may nurture other theories of creativity. All it takes is a reading.