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Robert L. Mack
University of Exeter

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Review of: Reginald McGinnis, ed., *Originality and Intellectual Property in the French and English Enlightenment*

Abstract
Book review

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multiplicity of meanings that might be attached to representations of the body of the child in this case leads her to insert a note commenting "One could even go so far as to imagine that the boy is no son to the couple at all" (179n1), a statement that, for this reader, threatens to topple the whole of the preceding argument concerning parenting as central to the satire.

However, it is critical clashes such as this that make Müller's study so engaging: the ample illustrations provide plenty of opportunity to contest interpretations, and the author's enthusiasm for demonstrating the richness and diversity of the figure of the child in eighteenth-century culture keeps the reader eager to learn more.

Shelley King is professor of English at Queen's University, Kingston, where she teaches nineteenth-century British literature and children's literature. She is co-editor with John B. Pierce of *The Collected Poems of Amelia Alderson Opie* (2009) and has published essays on Opie and on Philip Pullman.

Reginald McGinnis, ed. *Originality and Intellectual Property in the French and English Enlightenment*. New York and London: Routledge, Taylor & Francis, 2009. xvi+234pp. US$110. ISBN 978-0-415-96288-9.

The brief preface to *Originality and Intellectual Property in the French and English Enlightenment* informs the reader that the volume owes its inception to a session held at a meeting of the American Society for Eighteenth-Century Studies in Montreal, Canada. The editor of the collection, Reginald McGinnis, stresses that although the session provided the incentive for this more ambitious "comparative study of law and literature," the papers originally delivered at that conference have been "either extensively or entirely rewritten" (ix). McGinnis also emphasizes the extent to which the intellectual scope of the project was expanded to include a number of additional contributions and subjects.

The two key concepts that inform all the essays in this ambitious and interdisciplinary collection—originality and plagiarism—remain "twin topics" which, as one of the contributors (John Vignaux Smyth) archly puts it, seem still in our own era to be "almost as fashionable as they were in the Enlightenment" (175). From such a seemingly straightforward binary follows a host of questions that can be raised relating to topics including artistic invention, intellectual property and copyright, authorial identity and authority, notions of literary paternity, imitation, and parody. All these subjects—and more—are

productively confronted; the range of authors, artists, and works addressed in these essays remains genuinely impressive. Although a review of this length can only touch on some of the more intriguing characteristics of the individual contributions, I feel compelled from the outset to underscore the extent to which there seems very often to be—in almost all of these essays—substantially more going on than perhaps first meets the eye.

The essay by Robert W. McHenry that opens the collection, for example, seems to offer a genial if somewhat familiar recapitulation of John Dryden's thoughts on "imitation and appropriation as legitimate elements of original composition" (1). McHenry recalls that the "sense of literary forbears seems always to have been important to Dryden," and he emphasizes that Dryden himself "often invoked [the] traditional image of Shakespeare as a literary father" (3). The essay highlights the playwright's own awareness of the "generational conflict" that resonated throughout the period in which he was writing. McHenry's discussions of specific dramatic works similarly rehearse familiar accounts that detail the extent to which Dryden's dramatic material repeatedly called attention to the difficulties raised by even the most well-intentioned attempts at adaptation or revision. McHenry describes *All for Love* (1678) as "filial both in its piety towards Shakespeare's achievement and in its competitive determination to approach the challenge in a wholly different manner" (12); a near-contemporaneous version of Sophocles' *Oedipus*, on the other hand, is described as far more aggressive in its demonstration of a "filial approach to imitation at its closest to rebelliousness" (13). McHenry seems often to be reiterating the conventional view of Dryden as a playwright who regarded "those earlier writers as both fathers, whose patrimony consisted of precisely those literary elements that should benefit those now writing," while challenging them as "rivals whose legacies must be addressed" (19).

McHenry's account of Dryden's protean responses to matters of innovation, invention, and plagiarism seems, in other words, to offer its reader a helpful recapitulation of the major controversies in which the playwright was routinely involved. Yet the glaring absence throughout the contribution of any extended consideration of Harold Bloom's now famous (or infamous) analysis of the supposed crises of anxiety that the writers of Dryden's generation were the first to confront surely constitutes a calculated omission on the part of the essay author. Such a pointed omission, however, subsequently allows itself to be construed as effecting a peculiarly salubrious shift of critical attention away from what might simply have been yet another recapitulation of the "family romance"—the Oedipal *agon*—that constituted Bloom's own reading of the rivalries and neuroses that (allegedly) "burdened"

the writers of the age. The attention of the reader is instead more genially directed towards the possibilities inherent in a distinctly more constructive and dynamic range of creative responses to existing precedents and literary models, and even to the nature of the plausible crises in creative confidence that the circumstances of the period may well have precipitated. The emphasis throughout the essay on the ways in which Dryden tended often to dwell on the decidedly positive benefits of his literary patrimony—his insistence on the kinds of productive legacies that "demanded engagement" (19), and on the respectful degree of considered "attention" that was owed to the simple worth of past achievements—arguably stands on its own terms as a refreshingly useful corrective to any still more widely available (if increasingly outmoded) accounts of literary dynamics and influence in the period.

Presumably deliberate and savvy rhetorical moves of this sort, at any rate, appear to be typical of many of these essays. Similarly subtle shifts in emphasis elsewhere in the volume—adept if often deceptively minor adjustments to the situations within which various episodes in literary history are displayed or creatively constructed for the reader—have the cumulative effect of presenting familiar authors and works in new and particularly memorable contexts. The period's extended obsession with issues of literary ownership, originality, and individuality are in these essays tied together, in other words, in ways that leave fresh and vivid impressions on the mind. At their best, such reconfigurations compel the reader to reconsider issues such as copyright law or plagiarism (for example) as being connected to otherwise comfortably well-known works and authors from entirely new perspectives; the essays together demand the assumption of novel points of view. The contributions of Anne Sechin (who writes in some depth on Diderot), Tiler J. Mazzeo (who offers a compelling essay on the conflation of the personal and the professional on the occasion of the publication of Lord Byron's *Don Juan*), and John Vignaux Smyth (who contributes a closing essay that stands as a boldly expansive and thought-compelling meditation on some of the paradoxes that have emerged in the course of the volume's own intellectual journey) all partake of this decided and deliberate attempt to look at things in different and uniquely enabling lights.

Cristina S. Martinez's essay on Thomas Gainsborough, for example, begins by reminding its readers of the contexts within which a British artist of the period would have been expected to master his craft. The essay includes an engaging account of the young Gainsborough's particular strengths as a painter. Reproducing—as he was required to do—the work of earlier artists, Gainsborough discovered that he "possessed an extraordinary ability for making exact copies" (130). Yet

in a contemporary art market that was already "saturated" both with printed engravings and also with other "imitations, fraudulent copies, and counterfeits" (131), Gainsborough in time, it is maintained, presciently ensured the unique status of his own native talents by consistently demonstrating a "fluent handling and spontaneity [that] achieved effects that no engraver could adequately reproduce" (141). He went out of his way to cultivate "the unusual 'touch' of his pencil," and highlighted "the distinctive character of his brushwork" (145, 144). Gainsborough's response to "the precarious standing of artistic copyright," therefore, was strategically "to develop a peculiar and idiosyncratic style" that was entirely his own (144, 146). Emphasizing not only the inimitable techniques of the individual artist, but placing that artist within the emerging development of copyright law in the period, and further situating him within the contexts of the social and commercial influences provided by fellow artists and craftsmen such as William Hogarth and Joshua Reynolds, Martinez indelibly impresses on the reader the extent to which the "'odd scratches and marks,' as Reynolds called them," of Gainsborough's style came calculatedly to be deployed by the artist "to make his paintings unique," and so developed them into "an essential means of protecting them" (148).

Elizabeth F. Judge's essay on the popular appropriation of famous fictional characters within spurious sequels looks in a similarly innovative and even disruptively risky manner to import the language of recent "fan" fiction to the works of eighteenth-century authors; it is telling that even this sort of sleight of hand manages to work well within the collection as a whole. Judge's main contention is that the purposefully anachronistic application of such terminology with reference to eighteenth-century writers highlights "similar instabilities in copyright as are invoked by fan fiction today" (25). Judge adeptly traces the ways in which (with particular and extended reference to authors such as Daniel Defoe and Samuel Richardson) "popular, creative, and often affectionate inclusions of ... eighteenth-century fictional characters into works by other people were, more often than not, treated by the original authors as akin to legal wrongs against a person—ravishing, counterfeiting, and kidnapping" (26). Having extensively chronicled what she describes as the "custodial interests" in their fictional creations that was typically evinced by the novelists of the period, Judge's study emphasizes that reframing such debates in terms of fan fiction "foregrounds the ways that both authors and readers treasured these characters for both personal and aesthetic, and not merely proprietary reasons" (56).

One exceptionally noteworthy contribution to the volume, finally, is Simon Stern's extended consideration of the relationships that connected copyright, originality, and perceptions of the "public domain"

throughout the period. In the course of an informed and well-paced account that details the development of notions of literary property in the long eighteenth century, Stern provides his reader with a sweeping but still scrupulously comprehensive survey of the issues raised in the course of the period's myriad debates over copyright law—many of which debates, amazingly, yet have the power to resonate today. Manoeuvring his way gracefully through a mass of material that extends from the background provided by the work of John Locke, to the Licensing Acts of the mid- and late seventeenth century, through to the more explicit debates concerning copyright law that flourished in the first several decades of the century that followed (and Stern nicely emphasizes "the limited scope of legal protection and the correspondingly wide reach of the public domain" [72] at the time), the essay wraps up its historical coverage with a discussion of the "parodic and imitative writing" (88) that was "allowed to flourish" (72) under the legal regime that was in place by (at least) the middle years of the eighteenth century. In his closing pages, Stern reiterates a fundamental question that asks "why modern scholars might find a greater emphasis on aesthetic originality [among the writers active in the literary culture of the eighteenth century] than the contemporaneous legal discussion seems to support" (88). He concludes (as part of his response) with an acknowledgment that "theories of aesthetic originality have been so massively influential since the early nineteenth century that, to modern eyes, any reference to originality seems necessarily to include some element of creativity" (88). The essay possesses the virtue of emphasizing once again for the volume's readers just how relevant, how timely, and how truly fascinating the seemingly "historical" material and contexts examined throughout this collection actually remain.

Robert L. Mack, senior lecturer at University of Exeter, is the author of *The Genius of Parody: Imitation and Originality in Seventeenth- and Eighteenth-Century Literature* (2007).

Saree Makdisi and Felicity Nussbaum, eds. *"The Arabian Nights" in Historical Context: Between East and West*. Oxford and New York: Oxford University Press, 2008. xiv+318pp. CAN$139.50. ISBN 978-0-19-955415-7.

A heterogeneous entity of no single determinate origin, *The Arabian Nights* presents something of a scholarly mystery. Saree Makdisi and Felicity Nussbaum's remarkable collection of essays goes a long way towards dispelling the mystery—although not the enchantment—of the text's evolution, as the contributors trace the labours, literary