

cized for eliding the difference between the expansive (former) and narrow (latter) definition of the Holocaust in his earlier work, but he now explicitly repeats this move. “In the present book,” Morsink writes, he is using “the narrower term” to reassert the endangered connection: the perception of the Holocaust as a singular event is what lends it the moral force it attained in the late twentieth century. However, this understanding of the Holocaust is intended “to also include Nazi horrors generally” (75). Only this semantic sleight of hand allows Morsink to reestablish the connection: he wants to have the Holocaust in its singularity and universalize it, too. This is not only a conceptual problem. The evidentiary basis for his argument is thin: the only sources Morsink provides that show a clear connection to the Holocaust, narrowly defined, do not date from the 1940s but from later decades. Without evidence dating from what he dubs “the historic moment,” his *riposte* vanishes into thin air.

The second part of Morsink’s account deals with what he calls the “philosophical moment.” The UDHR’s drafters were right to define human rights as individual: “portable” rights that cannot be territorial or collective but belong to “flesh and blood human beings” (219). The recognition of the right to self-determination as a human right was hence an anticolonial aberration. The delegations of colonial powers who voiced objections to this extension expressed “a key philosophical point [that] was lost in a cloud of anti-colonialism” (273). Morsink’s normative view differs from that of historians such as the late Kenneth Cmiel (unreferenced here), who see human rights as an open conceptual vehicle whose success derives from its ability to express myriad political projects.

In his conclusion, Morsink calls on readers to “enact” the connection between human rights and the Holocaust, an activity promoted by many Holocaust museums and study centers. Here, it would have been helpful to reflect on the question of when exactly this conceptual conflation emerged. According to Stefan-Ludwig Hoffmann (also unreferenced here), the cultures of human rights and Holocaust memory intertwined more closely only after the end of the Cold War. Morsink does not stop to wonder whether this connection is an *ex post* construction. For him, it reflects fundamental ties between the Holocaust and human rights, an umbilical cord that needs to be restitched after having been severed by human rights’ “new historians.” Morsink also turns to philosophers whose critiques of human rights he does not share; prominently, Giorgio Agamben’s 2005 theory of “states of exception,” exemplified by the camps of the Nazi era and the refugee camps of the global present. For Morsink, the latter exemplify the differences with the Nazi camps: after the UDHR, nobody born into the human family can be stripped of their human rights. Refugees still “possess” these innate rights, but merely do not “enjoy” them. Apparently, for Morsink, enforce-

ability is a question barely worth pondering. Yet these are questions that historians have productively raised: when, how, and why human rights became enforceable, and to what ends.

LASSE HEERTEN

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MONIKA DOMMANN. *Authors and Apparatus: A Media History of Copyright*. Ithaca, NY: Cornell University Press, 2019. Pp. xiii, 263. Cloth \$41.95, e-book \$20.99.

In this compact book, *Authors and Apparatus: A Media History of Copyright*, Monika Dommann historicizes the copyright conflict from the 1850s, when the legal doctrine took its modern shape, to the 1980s, when the computer became common, but the internet was not yet part of everyone’s daily life. The developments of our present-day copyright regime as well as its embedded conflicts, she states, need to be examined jointly with the media transformation in the past two centuries. The concept of copyright emerged in the eighteenth century initially to deal with disputes between authors, publishers, and reprinters over the reproduction of printed materials and its accompanied socioeconomic gains. This author-centered formulation, which privileges material forms of intellectual and artistic “works,” she argues, has since been consistently challenged and reshaped by new technologies for mechanical reproduction of words and music. The recent debates over authorship and copyright brought by the digital revolution are the latest chapter of this long tangle between copyright and media.

Focusing on two particularly ambiguous fronts of conflicts over copyright ownership—music for its plural forms of transmission (written scores and sounds) and library and academic copies for its noncommercial and public nature—Dommann presents a largely technological-determinist evolution of copyright law in the West. Or, in her words, “the disruptive effect that technology and media have on the law” (7). As Dommann posits, the consistent disabilities and reconfigurations of copyright’s norms and practices are consequences of media transformation.

In the late nineteenth century, the rise of phonography ended the monopoly of writing—and printing—for recording music. The rights of performers, previously excluded in the writing-based music copyright structure, were incorporated into the system. With sounds being able to be recorded and reproduced via mechanical means, the legal protection and regulation for “intangible assets” also expanded beyond reprinting (2). Photographic reproduction technologies, meanwhile, provided an alternative to transcription to copy manuscripts and rare printed materials that were previously only available in specific libraries. In the name of preserving cultural heritage and disseminating

knowledge, such small-scale reproduction was not considered a violation of an author's right and thus was largely exempted from the copyright regulation.

In the 1930s, the popularization of radio broadcasting brought new challenges to the music royalty economy that was centered on composers and lyricists. Originating in late nineteenth-century France, collecting societies for licensing fees from sheet music had grown into massive bureaucratic bodies across Europe and the United States, as new forms of music exploitations made managing and distributing royalties increasingly complicated. When the collecting societies expanded their royalty system to the radios, they faced strong pushbacks from performers and commercial radio stations, who also formed their international organizations to seek protections of their rights outside the old author-centered royalty frameworks. Orally transmitted music, such as folk and jazz, which had been neglected in the collecting societies' systems, became appealing cheaper alternatives to those who wanted to resist the domination of collecting societies and the corporatism they embodied.

In the postwar period, the introduction of magnetic tapes, Xerox machines, and computers made it possible for individual users to produce and circulate their own copies of copyrighted content. The distinction between private and commercial reproduction in the normative framework for copyright protection became blurred, as did the boundaries between copying, pirating, and creating. The moral values attached to the author's right were no longer embraced by a new generation of music consumers and scholars now upholding the banner of fair use and arguing stringent media regulation would hinder knowledge and cultural progress.

Tracing these three major waves of "media revolutions," this book argues that when new reproduction technologies expanded the boundary of "intangible assets," they also enabled new interest groups to claim ownership and undermined the credibility and enforceability of the existing copyright legal structure. As new regulations, protections, and discourses were developed to accommodate these new forms of assets, however, the conflicts between the old and new interest groups and over author's right and consumers' interests were never resolved. They were temporarily alleviated by an alliance of convenience formed among the different stakeholders, often by integrating the new interest groups into the legal structure. When the next new media disrupted the legal protection of authorship, similar conflicts arose again. Yet as Dommann rightfully suggests, this is not history repeating itself, or old wine in new bottles—every new wave of copyright conflicts since the mid-nineteenth century inherited the unfinished business of the previous one.

Much recent legal and historical research on intellectual property right has underscored the embedded in-

stability of modern copyright law, and this book enriches the ongoing discussion by identifying the medium-based exclusive authorship as the fundamental source of this instability. Intriguingly, while this book emphasizes the new reproduction technologies as the main drives behind the reconfiguration of modern copyright norms and practices, it doesn't examine much on piracy or other unauthorized reproduction of words, music, and information, nor the challenges they brought to unrest authenticity, ownership, value, and the copyright legal regimes created to criminalize piracy. She seems to also assume that all the content (re)producers, regardless of whether they are authorized ones or pirates, have the same access and preference to new reproduction technologies once they became available.

Another key intervention the book provides is its transnational and transatlantic perspective. It offers valuable insights into the interplays of new media and copyright law in German-speaking Europe, a region that has been ill represented in the English-language scholarship of copyright history. More importantly, it also illustrates how the Old World of Europe and the New World of the United States developed different reproduction cultures and copyright practices yet consistently influenced each other. This book will be an important complement to recently published books with similar methodical ambition and geographical scope, such as Adrian Johns's exhaustive *Piracy: The Intellectual Property Wars from Gutenberg to Gates* (2010) and Peter Baldwin's *The Copyright Wars: Three Centuries of Trans-Atlantic Battle* (2014). Because the author is based in the European scholarly community, perhaps she doesn't engage with these English-language works, missing some potentially fruitful "transatlantic" conversations. For instance, Baldwin argues that the Continental approach of copyright that favors the author's ownership triumphed over the Anglo-American one that values the public interest. But Dommann tells an opposite story of how the New World took advantage of new media to advance its academic development and cultural influence, eventually emancipating from the Berne Convention—and the Old World influence.

Originally published in German, *Authors and Apparatus* may be a slow read for most English-language readers because of its dense and dry writing style. Nevertheless, scholars and students of media history and legal history will learn a great deal from it.

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[This review was commissioned and written prior to the book reviewer accepting a position as the Associate Editor at the *AHR*.]