

closely allied to sexuality, “concupiscent,” than to violence, and he inveighs at length against such nasty pagan practices as prostitutes of both sexes, “genteel . . . Lovers of Boys,” the community of women, and Spartan spectacles of naked women. He does, however, correct Cumberland’s easy assertion that the husband has power over the wife because of his natural superiority. “Greater Strength of either Body, or Mind, is not universal in Men,” he notes, so a woman superior in fortune or sense might stipulate by contract the dominion ordinarily accorded men.

“Intelligent design” appears, from Cicero through Cumberland to Shaftesbury, cited at length in the appendix on the law of nature. A popular essay might be written on how a doctrine originally welcoming science turned into an attempt to deny science. Maxwell’s other appendix refutes Dodwell’s argument that the soul is material before baptism. Marking the new primacy of the body, Cumberland argues about the brain and Maxwell shudders at Stoic principles that discount the body, condemning its sympathy with the mind. Rhetorically, the structure of Maxwell’s book is peculiar: his introductory essays revile the ancients’ world souls and unified world view, but the subjoined essay on the law of nature deploys pre-Popean praise of such unity from Shaftesbury and others, so that “natural law” ends beautifully, in spite of the neo-Calvinist evil of pagan goodness advanced at the outset.

The edition is exemplary. It clearly explains a complex publishing history, identifying important ancillary materials and bibliography, amplifies Maxwell’s and Cumberland’s citations, including when possible the editions they

used. The serviceable Index could be more thorough. A special treat is the 791-member subscribers list, including twenty women and Dr. Arbuthnot, Berkeley as Dean of Derry, Eustace Budgell of the Middle Temple, Esq., and in large paper, the oft-cited Anthony Collins and Sir Isaac Newton, as well as Ambrose Philips and Thomas Tickell.

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RONAN DEAZLEY. *On the Origin of the Right to Copy: Charting the Movement of Copyright Law in Eighteenth-Century Britain (1695–1775)*. Oxford and Portland, OR: Hart, 2004. Pp. xxvi + 238. £45; \$90.

Covering the same ground most recently surveyed by Mark Rose, this book unearths considerably more evidence that challenges some powerful myths about the nature and origins of copyright. Rose offered an elegant, progressive narrative: by dint of a few clearly identifiable influences, eighteenth-century copyright law evolved from protecting the interests of booksellers to protecting the interests of modern, proprietary authors. Mr. Deazley offers a dense account of the manifold influences that shaped copyright during this period in order to expose the inadequacy of such tidy, evolutionary models. The bills, acts, eighty-some cases, and pamphlets that Mr. Deazley analyzes elucidate the ways that politicians, lawyers, judges, booksellers, and a handful of authors fought to control and define copyright.

Censorship and ownership were separated for the first time in the history of the English book trade when the Licensing Act of 1662 expired in 1695. As Mr. Deazley shows, Parliament did not

want to return to prepublication censorship, but London's legitimate booksellers repeatedly demanded protection for their property. Parliament would advance the (obviously commercial) interest of the booksellers to the extent that doing so would benefit society. It finally passed the Act for the Encouragement of Learning in 1709, the goal of which was the improvement of society. Mr. Deazley notes that the Act was poorly drafted: it affirmed and denied the existence of copyright in common law, a contradiction that remained at the core of copyright arguments for the next sixty-five years. The Stationers got some of the protections they wanted, but there were many parts of the Act they did not like. Foremost, the penalties it stipulated for copyright violation were relatively lenient. This explains why prominent London booksellers continued to act as though copyright in common law existed. If it did, they could maintain their monopolistic commercial practices as well as seek injunctions and damages from the Court of Chancery—which they became increasingly inclined to do by the 1740s when, as Mr. Deazley shows, they seem to have abandoned their attempts to have a legislative remedy enacted by Parliament. Mr. Deazley reveals the many ways the Act was directly and indirectly tested into the 1750s regarding the protections it afforded to unpublished manuscripts, to the works of ancient authors, and to edited and abridged texts.

Much of the copyright debate in the 1740s, 1750s, and 1760s was driven and shaped by the legal efforts of London booksellers to stop Scottish booksellers from publishing high-quality, low-cost reprints intended for sale south of the

border, which the latter were entitled to do under the Act. Mr. Deazley is right to analyze these cases with particular care because the ideas and decisions in them are the immediate context from which the *Donaldson v. Becket* decision (1774) emerged. Although the amount of case-law relating to copyright was now starting to build, it was subject to multifarious, conflicting interpretations, as was the Act itself, Continental systems of protection, and other possible precedents, all of which were brought into the argument. A few jurists and private citizens attempted to conceptualize what copyright might and should be outside the bounds of the immediate legal squabbles, but most lawyers (and the booksellers who hired them) seem to have cared for theory only insofar as it could advance their interests. As Mr. Deazley states, “the concept of copyright . . . came to be defined . . . through the process of contesting the meaning of copyright legislation.”

He demonstrates that the decision issued by the House of Lords in *Donaldson v. Becket* was contrary to the opinion expressed by the majority of the common law judges present. As is well known, it denied the existence of copyright in common law, definitively establishing the supremacy of the 1709 Act. Mr. Deazley argues that it also demonstrated the Lords' continuing desire to benefit society by encouraging the production of useful, affordable books. He concludes his study with the Universities Act (1775), using it to illustrate that the best interest of society, not recognizing and protecting authors, was what mattered to Parliament. By passing this act, the same legislature that had just rendered the *Donaldson v. Becket* deci-

sion reasserted the rights of the two universities to own the perpetual copyrights of certain books. Clearly, perpetual copyright was permissible if it existed for the public good.

Mr. Deazley's book is directed toward a specialist legal readership, but a non-specialist will have little difficulty understanding his argument. This book is worth the work for anyone with a serious interest in eighteenth-century copyright, the development of which was far more complex than I realized.

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MICHAEL PRINCE. *Philosophical Dialogue in the British Enlightenment: Theology, Aesthetics and the Novel*. Cambridge: Cambridge, 2005. Pp. xiv + 282. \$43.

For at least half a century, editors at university presses have devised stratagems that might enable them to market their publications to audiences wider than libraries and small pools of specialists. First came the vogue for popularizations oriented toward the general reader, however elusive this "reader" may have been. Then came the advent of interdisciplinarity, which was accompanied, in turn, by a shift from literary toward more broadly focused cultural studies. In the humanities, studies of single authors or of single works gave way to thematic surveys that sought to map out new conceptual domains. Some books appeared to be specially designed for course adoption. The recent introduction of digitally printed paperback versions further supported this movement, for it enabled books to be brought back into print quite cheaply and their prices correspondingly reduced.

Mr. Prince's *Philosophical Dialogue in the British Enlightenment* presents a

signal example of several of these trends. Originally published in hardcover in 1996 and reissued as a digitally printed paperback in 2005, it not only makes effective links between the disciplines of philosophy and literature, but also seems designed to provide a template for a sparkling topics course on the interrelation between the philosophical dialogue, aesthetics, and the novel. A wide-ranging introductory survey of the genre precedes chapters on four accessible but conveniently slender dialogues: Shaftesbury's *The Moralists* (1705), Berkeley's *Three Dialogues between Hylas and Philonous* (1713) and *Alciphron, or the Minute Philosopher* (1732), and Hume's *Dialogues Concerning Natural Religion* (1779). Chapters six through eight offer specific encounters with little-known dialogues in the new discourse of aesthetics. These dialogues, which would presumably be made available to students in course packets, include Joseph Spence's hilarious *Crito, or a Dialogue on Beauty* (1752), Allan Ramsey's neglected *Dialogue on Taste* (1762), and the thoughtful "Preface, On the Manner of Writing Dialogue" to the fourth edition of Richard Hurd's *Moral and Political Dialogues* (1764). A section on Mandeville's dialogues in *Part II of Fable of the Bees* (1728) is somewhat awkwardly inserted here. Chapter nine recontextualizes the philosophical dialogue in relation to readily available but also slender works of fiction; instead of asking students to tackle the bulky tomes of Richardson, Fielding, and Sterne, Mr. Prince chooses Johnson's *Rasselas* (1759) and Austen's *Sense and Sensibility* (1811). These selections provide a compact and easily digested body of materials that somewhat mitigates the

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