

**Darren Hudson Hick and Reinhold Schmücker, eds.** *The Aesthetics and Ethics of Copying*. Bloomsbury 2016. 432 pp. \$84.60 USD (Hardcover ISBN 9781474254519).

The question of the copy—its nature, uses, effects, and value—has been a preoccupation of Western philosophy since Socrates. His famous assertion in *Republic* X that poetic representation is a copy of a copy and hence ‘third from what *is*’ was an indictment of mimesis as both epistemically weak and ethically dangerous (599a). Of course, Plato was writing centuries before the invention of the printing press and the legal apparatus of modern day copyright law. The concept of intellectual property as we know it did not exist yet. He could not have foreseen how those developments, not to mention 21<sup>st</sup> century digital technologies, would shape our relationship to the copy. Nevertheless, it is striking how the copy remains a subject of philosophical reflection even in the face of these dramatic changes: we wonder about the nature of the relation between a copy and its source; we seek to delimit or proscribe the production of certain kinds of copies (such as forgeries), whilst encouraging the proliferation of others; and we ask how to draw the line between creative acts of copying (such as appropriation art) and those that are merely the passive consumption of another’s work.

Copies matter. Our daily lives are saturated with them, from the books we read to the designer knock-offs we purchase to the songs we download. Contemporary artist Richard Prince makes millions—and stirs controversy—by reprinting others’ Instagram photos and selling them as his own artwork. Hence, while the philosophical concern with the copy, its ontological status, its epistemic value, and its social utility and disutility, is an old subject, it remains a rich avenue for theoretical reflection and research. A new collection of essays, *The Aesthetics and Ethics of Copying*, edited by Darren Hudson Hick and Reinold Schmücker, is a landmark contribution to the philosophical literature on this subject. While rooted in analytic philosophy, the contributors offer a robustly interdisciplinary approach to their theme: evolutionary psychology, law, art history, media studies, and social science are brought to bear on the conceptual and legal questions addressed here about the modern copy.

The twenty essays that comprise this book originated in a year-long research group of scholars, hosted by the Center for Interdisciplinary Research (Zentrum für interdisziplinäre Forschung: ZiF) in Bielefeld, Germany. The collection as a whole shows the virtues of this arrangement. While each article stands on its own as a unique contribution with its own particular perspective, taken as an aggregate the articles reflect the advantages that such a working group can offer, as the same question or topic is taken up from multiple points of view and in ways that echo and respond to one another across the collection. Quite often, essay anthologies consist of pieces that are written separately by the contributors and assembled into a volume by the editors. While this is perhaps the easiest and most efficient way to produce a collection, in my experience it can lead to a group of essays that either overlap too much, as each author, in ignorance of the others’ texts, rehearses the same pieces of background information before making her particular point, or it can lead to a set of widely diverging and idiosyncratic essays that are held weakly together by a common theme. Hick and Schmücker’s book, on the other hand, avoids both of these pitfalls because it was generated by scholars working alongside and in response to one another. As a result, the pieces in this collection share a common center of gravity—a theoretical inquiry into the foundations of modern day copyright law—while offering divergent arguments and perspectives on issues related to this theme.

The aim and purpose of the working group, and its resultant volume of essays, is to bring together scholarship in the humanities and copyright law, which is a significant achievement. While

these scholarly arenas have much to offer one another, there has been little crossover, particularly in the philosophy of art. (An exception is co-editor Darren Hudson Hick, who has been publishing articles on subjects such as authorship, appropriation art, and copyright in both philosophy and law journals for nearly a decade.) The volume's articles reflect the richness of this collaboration for both parties. The law lives in the everyday but is grounded on often unstated or unexamined universal values and principles. Philosophers of art, in their search for universality, ignore actual art world practice at their peril. That is why the reciprocal engagement of these two perspectives with one another is so advantageous. Philosophers and theorists are able to provide a deeper and more nuanced reflection on the underlying values, principles, and assumptions of copyright statutes, and the legal perspective provides real world examples and hard cases for philosophers to test their arguments with. Indeed, one of the most valuable aspects of this volume is the centrality given to actual examples, from both copyright case law and the art world, of problematic instances of copying.

Furthermore, the examples discussed are international in scope, reflecting the fact that the group's members come from the US, Canada, Europe, and the UK. This diversity is not only informative to American readers who may be unfamiliar with the case law abroad, but it serves as a helpful reminder in our age of globalization that copyright law is different in other countries. For example, literary scholar David Oels' essay, 'Plagiarizing Nonfiction,' presents some fascinating examples of nonfiction authors who have unsuccessfully sued for copyright infringement over fictionalized retellings of their material, even though in some cases their own language was reused with minimal editing. This is because, in Germany, nonfiction books are not considered copyrightable, since they are understood to present facts and not be creative expressions. To an American, this may seem like an unreasonably extreme understanding of the idea/expression dichotomy that underpins our own copyright statutes.

*The Aesthetics and Ethics of Copying* is organized into four parts, each of increasing length. The first, 'The Copying Animal: Exploring the Cultural Value of Copying,' brings an evolutionary perspective to bear on humans' innate tendency to copy—as a means of learning, as a way to form social bonds, and as a way to replicate culture. This serves as a helpful corrective to the Platonic prejudice that copies are mere derivatives, and dangerous ones at that. The second section, 'What is a Copy? Conceptual Perspectives,' is the most straightforwardly philosophical in approach, as most of the essays offer some form of ontological analysis of the nature of the copy. As one would expect, it turns out that not all copies are the same, and important distinctions among forgeries, replicas, versions, and genuine instances, licit and illicit copies all must be accounted for. With Part Three, 'The Copying Artist: Aesthetic and Ethical Challenges,' the book moves from a general analytical consideration of the nature of the copy to the domain of artworks specifically. The first half of the essays in this section concern literary works, and the second half focus on visual and musical works. This is a particularly rewarding set of essays to study, not only because different art forms are discussed, but because the rich use of specific examples demonstrates how the philosophical groundwork provided in the previous section can play out in actual practice. The final section, 'Freedom for All? Towards an Ethics of Copying for the Digital Age,' is the longest and most diverse of the four parts. The scope of the contributions here range from the very particular, e.g., a sociological case study of Czech attitudes toward online piracy by Jakub Macek and Pavel Zahrádka, to the ambitiously universal: viz., Reinold Schmücker's normative prescriptions and principles for balancing the respective interests of copyright holders and content users.

This collection of essays is valuable to scholars not only because the essays are of such high quality, but because it demonstrates the rewards to be reaped by such a boldly interdisciplinary approach to its subject. While the copy has always been a source of philosophical reflection (and in

Plato's case, concern), this collection shows that its significance in the 21<sup>st</sup> century is not just academic.

**K.E. Gover**, Bennington College