

the latter, they did not differ from Jewish diaspora nationalists who are typically described as their polar opposites in modern Jewish politics; the only salient difference between them was that the Zionists believed the formation of a Jewish territorial concentration in Palestine was a critical part of the central Zionist goal of normalizing the Jewish people and had to accompany any promotion of diaspora exterritorial national rights. Even after World War I, when the federative multinational models of the prewar period appeared to go the way of the empires that had vanished and the British Mandate incorporated the 1917 Balfour Declaration's promise of a "national home" for Jews in Palestine, Zionists such as Jabotinsky and Ben-Gurion continued to advocate on behalf of transforming Palestine into a nationalities' state. The right-wing Jabotinsky may have argued that it was necessary to create a Jewish majority on both sides of the Jordan River, but he believed Jews and Arabs should form a binational state in which the centralized institutions would be neutral while each national group would enjoy substantial self-rule. For all his differences with Jabotinsky, Ben-Gurion similarly called for "establishing a national Jewish autonomy that is part of a decentralized national government" (199). Ben-Gurion only began to change his tune in the wake of the Peel Partition Plan of 1937 that proposed the creation of two mononational Jewish and Arab states in Palestine that would achieve something approaching homogeneity through extensive population transfers. He swung even more decisively behind converting Palestine into a Jewish nation-state without communal autonomy for Arabs during the destruction of European Jewry in the Holocaust. This, as Shumsky puts it, signified for Ben-Gurion a "new contract" between the Jews and the world of nations; "in exchange for exterminating millions of European Jews and erasing the collective Jewish personality from the lands of the European diaspora, the Jews must be given a state that would express the Jewish national identity alone" (218).

One peculiarity of the book is that for all the attention it lavishes on the place the *fin-de-siècle* empires occupied in the Zionist political imagination, it has almost nothing to say about the role played by the British Empire during the period of the Mandate in Zionist thought. Shumsky appears to discount the significance of the many visions interwar Zionists espoused of how Palestine might be incorporated into British imperial space, such as the plan of turning Palestine into one of the British Empire's dominions, which he mentions only in passing. None of this detracts from what is a major achievement. This is a cogent, eye-opening, deeply researched work of scholarship that should transform how pre-state Zionism is taught and understood.

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Authors and Apparatus: A Media History of Copyright. By *Monika Dommann*.

Translated by *Sarah Pybus*.

Ithaca, NY: Cornell University Press, 2019. Pp. xvi+264. \$41.95.

It is sobering to realize that the so-called copyright wars—those passionate struggles over intellectual property that pervade so many contemporary conversations about the information age—have been raging for a lifetime now. When exactly they began is a matter for debate, but book publishers were complaining loudly about campus photocopying in the 1960s, and it was around the end of that decade when the music recording industry began its long and largely futile campaign against the "home tapers" who recorded LPs onto cassettes. We tend to think of them as having gone through a series

of campaigns, each identified to a large extent with a specific technology: from the conflicts over audio recording and broadcasting in the early twentieth century to VCR and Betamax in the early 1980s, and then on, in the digital era, to Napster and LimeWire, Google Books, the Pirate Bay, and the Aaron Swartz affair. These struggles can be hard to understand, and intellectual property law is notorious in the legal community for its technical intricacy. But the stakes are arguably very high indeed. When we talk about copyright in the modern and contemporary world, we are talking about the basic protocols according to which creative work is done, by all of us, and the rules under which that work is preserved, multiplied, circulated (or not), and rewarded. On this account there are few areas of contemporary life where a historical accounting is more needed, and few where one is more difficult to achieve.

That all this can be said is partly the achievement of a generation of studies and opinions published since the 1980s. There is now a thriving field of copyright studies in existence, arising from a variety of disciplines including anthropology, history, legal studies, sociology, English literature, political science, and economics. Ranging from highly technical analyses of policy options to sometimes racy accounts of the consequences of copyright for famous artists in music, literature, and film, this body of work has succeeded in persuading a broad swath of the population of the importance of what would otherwise be an arcane topic. That is a remarkable achievement. Today, any new expansion of copyright law in a Western country is almost certain to provoke major public protests articulated in the terms pioneered by this emergent field.

Monika Dommann's *Authors and Apparatus* is another contribution to this literature, but it emerges from a rather different context from most. Dommann is a German historian, steeped in the media-theoretic approach to history associated with Friedrich Kittler. Her book describes itself, accordingly, as a "media history of copyright." What that means is that Dommann argues that we need to view the development of copyright law since the late nineteenth century in terms of a series of junctures when new media ecologies called existing concepts, norms, and laws into doubt. The first of these moments was that of the introduction of audio recording, and the book extends from that process to the late twentieth century and the advent of digital media. A central contention is that our own proclivity to see this as an "information age" is in large part indebted to claims and representations advanced in the course of these clashes. In particular, Dommann points to two pivotal junctures: the mid-twentieth century, when US experts first started to advocate for a "free trade in ideas" that might be mediated, then, by microfilm; and the early 1970s, when the scientific community found itself involved in a fierce public struggle over the relationship between its norms of openness and a copyright system that, critics argued, threatened to stifle research for the sake of rentier profits. She particularly identifies here a young political scientist named Nicholas Henry who published a pair of articles in *Science* questioning the role of copyright in managing what he defined as an informational society. After all, Henry indicated, it was in the interest of scientific authors to have their works circulated as widely as possible. At the same time, critical thinkers like Roland Barthes were declaring the death of the author, or else (in Michel Foucault's case) questioning what an author even was in the first place. For Dommann it was this pair of interventions, arising from a context of media multiplication, that propelled the copyright conflicts that had been simmering for decades into public attention as struggles for the very nature of an information culture.

The story Dommann tells in the first half of the book will be familiar, at least in outline, to historians acquainted with the work of scholars like Lisa Gitelman. She tells concisely and well the story of how the early recording industry had to compete with music publishers, composers, and music-box manufacturers. Her principal contribution here is

to provide a comparative perspective incorporating Germany and France as well as the United States and Great Britain. It is in the central part of the book where her approach comes into its own. The strongest section of the book is Part II, which focuses on the institutions known as “collecting agencies.” These were (and are) groups, first launched in the nineteenth century, charged with logging the uses of copyrighted material in various settings—in libraries, on broadcast media, at theaters, at public bandstands, etc.—and collecting royalty payments for distribution to publishers, authors, and any other qualifying members. The arrangement saves authors from having to become detectives, while presumably helping broadcasters, impresarios, and others to pay the right fees to the right people. Dommann probes into the origins, sociology, morality, politics, and consequences of these agencies. The account is fascinating. It shows how they grew apace in the early twentieth century alongside proliferating public media, and how, as they grew, they became information-management operations. By the 1930s they had substantial staffs and were making use of advanced Hollerith machines to keep track of their accounts and members. A predominantly female set of personnel in central offices operated these machines, while a different population of male inspectors ranged the country tracking down performances. Dommann’s treatment is too brief to contain a fully fleshed-out historical sociology of these agencies, but it is sufficient to convince one that such a sociology is much needed.

Part III of *Authors and Apparatus* takes the story into the postwar era and on to the situation in about 2000. It was in this generation that earlier conceptualizations in terms of the author’s moral rights had to cede ground to new and sweepingly encompassing arguments in terms of a coming—and then a present—“information society.” This account has important implications for fields of information and media studies, arguing as it does that some of their key concepts emerged in the process of the copyright debates. The only section that feels a little superfluous is chapter 10, on developing-world concerns about “folk” culture in the context of a universalizing copyright regime: the discussion seems a little disconnected, lacking the engagement with social practices that characterizes the core of the book. But this does not detract from a thoughtful and imaginative book that provides a welcome new perspective on our copyright conundrums.

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The Moral Witness: Trials and Testimony after Genocide. By *Carolyn J. Dean*. *Corpus Juris: The Humanities in Politics and Law*. Edited by *Elizabeth S. Anker*. Ithaca, NY: Cornell University Press, 2019. Pp. x+188. \$95.00 (cloth); \$23.95 (paper).

Carolyn Dean’s painstakingly researched, rigorously argued reconstruction of the cultural icon of the moral witness exemplifies the ascendant genre of the succinct, historical essay-book. Testifying to horrific mass violence and warning against future destruction, the survivor-witness became a paragon of the Western moral imagination between the 1920s and 1990s. Courtroom trials staged the emergence of this new type. As law proved incapable of making sense of genocide, moral witnesses transcended the customary role of the deponent who verifies documentary evidence and assumed an original responsibility: they addressed solemn testimony, judgment, and affirmation to publics outside the courtroom and even to humanity in general. *Never again* was their *cri de coeur*, and especially after the Second World War, they anchored a new moral economy. Since the 1990s, however, the figure of the moral witness speaking from her or his own experience has been