

Book Review

Marino, James J. *Owning William Shakespeare: The King's Men and Their Intellectual Property*. Philadelphia: University of Pennsylvania Press, 2011. 208 pp. \$49.95.



The idea that individuals are entitled to an automatic enforceable right to the protection of their intellectual property has long been considered axiomatic. This right is the fount of creativity—without such protection, there would be no motivation for the inspired to work in their fields. Of course, this premise is historically far from accurate. The enshrinement of intellectual property is a relatively recent phenomenon, and a number of current developments suggest an increased sense of frustration with the current paradigm. Recent court rulings have upheld the idea that companies can patent genetic markers and “protect” them from infringers, a move that raises questions about the pursuit of scientific research. The open-source software movement continues to compete in various arenas successfully, a direct contradiction of the conventional wisdom that the promise of profit is the best source for motivation. These “hotspots” are testament to the unsettled nature of intellectual property and hold the potential to inspire significant realignment. James Marino’s *Owning William Shakespeare* takes a significant step into this discussion, focusing on two critical aspects of the branding process—how and why the early modern drama market moved from something akin to an open source model toward one of distinctly identifiable intellectual ownership, and, as a necessary correlate, the creation of a larger-than-life figure—in this case, the Shakespeare that has been mythologized in history, a practice that remains evident today with inventors like Bill Gates and authors like James Patterson. The result is a critically rigid, highly engaging piece that will appeal to a diverse field of scholarly readers.

Marino's argument is structured in five parts looking in turn at how the early players' companies acquired their repertory, how *The Taming of the Shrew*, *Hamlet*, and *Sir John Oldcastle* were shepherded through the evolving system of governance, how Shakespeare became an iconic figure, and, finally, how the patent system ideology took hold. Although the major moments are ordered chronologically, the book moves through various time periods throughout chapters, providing insights into attitudes of ownership and the fluidity of diverse models. Such an approach allows readers to see the myriad ways that interested parties have fought to stake their claims to a particular work or in a set of rights to it. Given Marino's explication of what were then experimental efforts, modern readers do not have to look too far to find contemporary analogues.

In the introduction, Marino begins with a discussion of the copyright model by tracing the strategy of the Tonson publishing family, which commissioned new editions with new editors who would assign their rights back to the publisher. This model, of course, should be familiar to most writers. What does become especially significant about this discussion is the battle between Pope's and Theobald's editions of Shakespeare. Pope's approach of a "Shakespeare that changed with the English language and the literary fashion" lost to Theobald's more fixed model, "increasingly remote from each generation of readers" (5). The fundamentally important point is that the fixity of a text (especially of one that would be subject to adaptation) becomes accepted as a central characteristic of editing. *Owning William Shakespeare* then pursues the history of borrowing and adaptation. Few familiar with Shakespeare would question his history of borrowing and adaptation, but this chapter provides a compelling analysis as to how such takings occurred across time periods, between companies, and over the course of a career. This evolution provides a fascinating insight into a history of texts that scholars and students alike will find insightful.

Marino also argues that the Chamberlain's Servants' used "William Shakespeare's authorship as a signifier of possession" (41-2). This idealization of one author helped to create a strong reputational claim, despite the collaborative framework of early modern theatre companies. In the chapter, "Sixty Years of Shrews" Marino demonstrates, quite convincingly, how much traction this fetishization gains by the time the

New Bibliography movement, and just how much critical gymnastics must occur in order for them to conform his works to their narrative. Chapters on *Hamlet* and *Sir John Oldcastle* effectively walk through contemporary arguments, such as those inspired by Gary Taylor's focus on the intertextuality of Falstaff and Oldcastle, while focusing on the impacts such alterations have in preserving claims on intellectual property. The rebuilding of the Globe and the identification of it with Shakespeare are the culmination of the Hemminges and Condell's public relations. Brand management is, ultimately, yet another way of securing claims to intellectual property without guaranteed recourse to law.

The final chapter looks at the framework under Charles II, when royal patents were used to authorize production, since Shakespeare's heirs were not living. At this point, "Shakespeare was no longer imagined as a private citizen with private interests but as a public treasure whose works belong to others" (156). This idea justified royal patents, which granted exclusive rights of performance and could also be used to restrict unauthorized performance. It was an effective tool for protecting various claims to intellectual property—but, tellingly, did not require the holder to have had any hand in creating it. The power of the patent, Marino notes, was undercut by a failure to press claims and by the actor Thomas Betterton asserting his claim to the figure of Hamlet. One of the most interesting lines of reasoning in *Owning William Shakespeare* is the idea that the various mechanisms of intellectual property enforcement could work against each other, an important distinction from the familiar but far more streamlined process that exists today.

Owning William Shakespeare is a thematically dense, insightful book that will engage readers interested in the origins and evolutions of intellectual property law, of the business of early modern drama, and of textual transmissions and adaptations. It will also appeal to scholars of Shakespeare and students of critical theory and its history. Because of the breadth of topics covered, the book risks losing focus, but Marino in general manages to avoid these risks. At times, he hints at support for the "content wants to be free" ethos, but stops short of advocacy. While this is certainly an understandable choice, Marino's grasp of the material and the time period should lead readers to wonder what could have been. Instead, this is a compelling account of what is, and why. It is a book well worth

considering for anyone interested in how the economic practices of the early modern theater worked and how they could be reconsidered today.

*Erik Hudak,
University of Texas at Arlington*