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[Book Review]

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Becoming Property: Art, Theory and Law in Early Modern France, by Katie Scott, 384 pages, 117 colour + b/w illustrations, (Yale University Press, New Haven and London, 2018) ISBN: 9780300222791.

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Copyright history has long been dominated by studies of the law protecting written texts, not the visual arts. In *Becoming Property*, Katie Scott breaks new ground, with the first account of the protection of visual arts by early intellectual property laws in France, from the early sixteenth century (the first protection for printing woodcuts) to the early 1800s (after the passage of the first copyright law protecting works of authorship generally in 1793). The book, a product of meticulous archival work, drawing on an impressive range of unpublished material - legal briefs and court documents, as well as art sources - places centre-stage the relationship between art and law. Art became 'intellectual property' in early modern France, Scott contends, through the complex intersection of law and art. 'Intellectual property' was 'art theory as a practice'; 'art theoretical concepts were... constitutive of property law and its cultural forms' (p.20).

For art historians, the focus on law may feel unfamiliar: art-works and artists are selected because of their presence in legal debates and court cases, not aesthetic considerations. Scott's work speaks to broader legal interdisciplinary work about the visual arts of recent years, including the first book-length study of UK copyright and the visual arts, also published in 2018 (E. Cooper *Art and Modern Copyright: The Contested Image*, Cambridge University Press, concerning painting, engraving and photography, 1850-1911). In doing so, Scott's work illustrates the rich potential which a close engagement with ideas about law, can offer art history scholarship.

The first chapter concerns copyright protection in the *ancien régime*, through personal 'privileges' or monopolies for printing specific works, from the sixteenth to the eighteenth centuries. While there was an increase in artists applying for privileges during the course of the seventeenth century, privilege was not part of regular artistic practice. The position changed with the emergence of intaglio printing of illustrated texts: intaglio printmakers began to 'assert their authorial claims through litigation, by petitioning for privilege in their own names and by signing their work' (p.56).

The following three chapters remain with the laws of the *ancien régime* – systems of personal 'privilege' – and consider how law intersected with particular artistic ideas: 'emulation' (Chapter 2), 'imitation' (Chapter 3) and 'invention' (Chapter 4).

Chapter 2 asks why painters, sculptors and engravers were slow to take up privileges offered by the *Académie Royale de Peinture et de Sculpture* from the late seventeenth century, focussing on the culture of 'emulation'. There were customary understandings within the Academy about where the line was to be drawn between emulation (which was encouraged) and plagiarism (which was condemned). The growth of art criticism, saw a move in cultural power from the Academy to the public, and the development of modes of viewing that were

sensitive to similarity in composition and form. Emulation became ‘self-conscious and anxious’ (p.127) and, in the eighteenth century, resulted in ‘a shift in artistic subjectivity, from an emphasis at the beginning of the century on properties of the self (Académie status) to an emphasis at the end on things owned by the self: intellectual property’ (p.127).

Chapter 3 discusses ‘imitation’, focussing on portrait prints and works of wax (taken directly from the body). Privileges for portraits were consistently upheld, and in one case concerning a portrait print engraved in 1771 after a drawing by Charles-Nicholas Cochin *fils* of 1770, Scott discusses Cochin’s conceptualisation of the portraitist as author ‘because he augments... because he moves beyond the primitive outline of resemblance to embellish his model’ (p.226). Turning to portraiture under the copyright law of 1793, protecting works of the mind which were the product of genius, Scott charts the emergence of ‘the idea of the original copy, the copy that, by virtue of having been made by human hand after nature, or some other object in the public domain, necessarily constituted an invention’ (p.238).

Chapter 4, concerning ‘invention’, turns its attention to patent protection for technical inventions involving colour - the chemistry of the colourant, or technology for applying colour— tracing overlaps in the discourses of art theory, technology and law. Drawing contrasts to Chapter 2, Scott shows how, in the discourse about patent privileges, inventors were not present in their inventions, in the way in which artists became present in works protected by copyright privileges. Patent privileges as property, were ‘distinct from the self’: the relation between inventor and invention was ‘always a claim, articulated to the law and before the public’ but ‘never self-evident’ (p.279).

The final chapter considers the copyright legislation of 1793, following the French revolution, protecting authors of works of the mind or of genius. Scott shows how the legislation broke new ground in cutting across previous trade divisions (which characterised the *ancien régime* privilege system), creating a single ‘class of intellectual property owners’ for the first time’ (p.289). In this context, infringement cases – for example, court-action against the reproduction of art-works as wallpaper - involved adjudicating status divisions between high-art and industry, the separation of bourgeois property owners from working-class imitators. Accordingly, ‘the copyright question was not only about rights; it was also about hierarchy and status’ (p.290).

In unfolding her sophisticated account of the meeting of law and art, Scott seamlessly moves between the specifics of particular court cases, broader currents in legal and aesthetic thought, as well as the visual images themselves (both protected and infringing) beautifully reproduced in the book in 112 plates. *Becoming Property* is highly recommended both to art historians and lawyers interested in early modern France, as well as those wishing to sample the rich scholarship which results from a nuanced engagement with the law by an art historian.