

dynamic process that structures, and is structured by, ethnic groups in social interaction with one another.” The most important aspects of ethnic self-ascription are mythic common descent and kinship, an association with a geographical locality or region, and a sense of common historical experience. Above all, ethnicity is attitudinal and selective, and it is strategically employed in particular historical configurations in the interests of its constituency.

Hall takes up the question of ancient Greek origins, offering a good historical synthesis of modern archaeological and linguistic work on the problem of when Greek-speaking peoples first arrived in Greece. But this question is of peripheral importance to Hall’s study. He argues that Greek-speakers’ penetration into the Greek peninsula came gradually over an extended period of time, and that the idea of a massive population influx of Greek speakers is untenable. The main ethnic sub-categories of the ancient Greeks—Achaean, Ionians, Aiolians, and Dorians—only emerged in local conditions during the eighth and seventh centuries B.C.E. Panhellenism was a sporadic and ephemeral force in ancient Greece. It peaked under extraordinary circumstances—prospects for united aggression, the threatened security of Hellas, or international crisis for the collective Greek city-states. Hall suggests that we look to the great athletic festivals for origins; in this context, Hellenism may have been an aggregative ethnicity that operated across geographically contiguous regions to weld together a transregional aristocracy against lesser status groups. “Hellenicity” clearly emerges only in the fifth century B.C.E., and then it was largely the production of imperial Athens, which acted as “the new self-appointed arbiter of cultural authenticity.” Hellenic identity thus came to be measured increasingly in terms of culture and education rather than of putative descent groups through a process that reached its completion during the Hellenistic age.

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Openness, Secrecy, Authorship: Technical Arts and the Culture of Knowledge from Antiquity to the Renaissance. By Pamela O. Long (Baltimore, Johns Hopkins University Press, 2001) 364 pp. \$55.00

In the *Bellicorum instrumentorum liber*, a treatise on mechanical devices composed in the 1420s, the physician and engineer Giovanni Fontana described a new type of fountain. He began his description in normal Latin. With astonishing irony, Fontana then switched into a cipher of his own invention to continue the description: “All parts of the Fountain, and the complete figure of this thus are depicted clearly so that you can understand with facility” (111).

Fontana’s ciphered description points to a deep-rooted tension present in early technical treatises. Should technical secrets, be they recipes for dyes or designs for mechanical clocks, be revealed to all in writ-

ten treatises, at the risk of placing them in the hands of commercial competitors or enemy states? Or should they remain the preserve of a guild or workshop? Criticizing a bipolar historiographical tradition of ascribing noble ideals of openness to science and economically motivated secrecy to technology, Long provides a rich framework for a far more nuanced and complex account of early technical authorship. Her book is really a prehistory of “what we now call intellectual property” (1), and, as such, covers an impressive disciplinary range—from the history of alchemy to architecture, from engraving to mechanics, and from glassblowing to medicine. Long is concerned to analyze the cultural and economic conditions that promoted, on the one hand, the emergence of written technical treatises and “technical authorship,” and, on the other hand, the emergence of patents, privileges, and laws designed to protect intellectual property from piracy and plagiarism.

Long’s central thesis is that “medieval urbanism, the rise of merchant culture, the expansion of artisanal trades, and the development of merchant and artisanal guilds—all closely related phenomena—provide the context for the development of proprietary attitudes towards craft knowledge” (89). These proprietary attitudes were manifested in two distinct phenomena: “the burgeoning of craft secrecy to protect craft knowledge from theft and the development of the privilege or patent as a limited monopoly on inventions and craft processes” (89). Venetian glassmaking, and legislation concerning penalties for those who took the secrets of the craft outside Venice, constituted an important early example of a state coming to realize that “craft knowledge and inventions constituted property” (95). Venice was also the first state to pass a general patent law, in 1447, in recognition of the fact that “men of ingenuity” were an asset to the republic, and should be provided with protection in the form of a limited monopoly on devices that had not been made before in the Venetian domain.

Long argues that the last point was crucial. Absolute originality was of no importance for early patents and privileges, which were restricted to a specific locale, and, if anything, promoted plagiarism and the transmission of technological secrets from one state to another—a fact that would later be exploited spectacularly by Galileo in his attempt to receive a patent in Venice for the Dutch invention of the telescope. Renaissance courts provided the context for the development of a new kind of technical author, one who advertised his skills and inventions through texts in order to receive a position at court.

Clearly, someone like Albrecht Dürer could be described as an author in a number of different ways—an author of treatises on drawing, of woodcuts that are occasionally pirated, of paintings, and of certain technical devices described in the pages of his treatises. Each of these forms of authorship relates to a different system of reward and arguably has its own history. The combination of the history of literary authorship on technical subjects and intellectual property of techniques and devices in a single study provides a series of extremely rich case studies but

occasionally makes Long's argument difficult to follow. Nonetheless, her book remains an original and stimulating exploration of the early history of intellectual property.

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Medieval Law and the Foundations of the State. By Alan Harding (New York, Oxford University Press, 2002) 392 pp. \$65.00

The dictum, "with law shall our land be built," enunciated in the thirteenth-century Icelandic *Njal's Saga* and echoed throughout medieval Scandinavian legal compilations, is the underlying theme of this study of the role of law in the formation of the medieval state. The "state" in this context is taken in two senses: ruler or regime and realm or commonwealth. Harding limits himself to France and England, two countries that were large enough to demand, but small enough to make possible, a centralized administration. Germany is treated only tangentially.

The argument of the book proceeds chronologically, beginning with the Frankish and Anglo-Saxon courts that protected property and persons but were subsequently dispersed among local lords and towns during the "feudal age." The resulting rise in violence was counteracted by associations for the "peace of God," which had greatest influence in the German empire. The chief impetus for the formation of the state, however, came from the judicial systems of France and England during the high Middle Ages. The French kings deployed their *baillis* and urban communes to settle disputes, and the English kings expected their sheriffs and itinerant justices to protect property.

By the thirteenth century, these royal agents became so efficient that traveling inspectors and general ordinances were necessary to curb their excesses. The monarchs created centralized *parlements* / parliaments to provide broader access to royal justice, and the proliferation of law codes (from Ranulf de Glanvill to Philippe de Beaumanoir) publicized the terms of justice. At each stage of development, the French and English monarchs distinguished between the "state of the king" and the "state of the realm."

Arriving at the late Middle Ages, Harding switches genres of source material. Except for the deposition of Richard II, he abandons legal practice and governmental institutions for political theory. Beginning with Thomas Aquinas and Giles of Rome, he passes through the entire galaxy of theorists who speculated on the nature of the monarchical state. In his discussion of John Fortescue and Jean Bodin as representatives of the early modern period, Harding measures the influence of the medieval division between the two kinds of state on the early modern thinkers and concludes that the modern state perpetuates an unresolvable tension between the spheres of government and people.