Rethinking Fictional Characters in the Eighteenth-Century Literary Commons

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Abstract

Situated between the decline of the obsolete privilege system and the rise of copyright, literary borrowing in the eighteenth century has long been characterized as unregulated. However, studying the production and consumption of eighteenth-century fan fiction – literary works written by readers who appropriate characters invented by other authors – reveals that such appropriations were actually governed by a set of unwritten customary laws. This paper situates fan fiction and its rules within the larger intellectual property debate of the eighteenth century. In addition to identifying fictional characters as a special form of communal property, this paper redefines the “literary commons” of eighteenth-century Germany. Understanding how fan fiction fits into the history of intellectual property ultimately reveals an overlooked history of moral rights in literary works and compels a reevaluation of the concept of literary property.