BORROWING WERTHER:
THE RISE AND REGULATION OF FAN FICTION IN EIGHTEENTH-CENTURY GERMANY

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A DISSERTATION
PRESENTED TO THE FACULTY
OF PRINCETON UNIVERSITY
IN CANDIDACY FOR THE DEGREE
OF DOCTOR OF PHILOSOPHY

RECOMMENDED FOR ACCEPTANCE
BY THE DEPARTMENT OF
GERMAN

Advisers: Christiane Frey and Joseph Vogl

April 2016
ABSTRACT

Situated between the decline of the obsolete privilege system and the rise of copyright, literary borrowing in eighteenth-century Germany has long been characterized as unregulated. Studying fan fiction, however, reveals a different story about the creation and consumption of literature while unearthing overlooked notions of literary property and authorship. “Borrowing Werther: The Rise and Regulation of Fan Fiction in Eighteenth-Century Germany,” is the first in-depth study of the history of “fan fiction” — literary works written by readers who appropriate pre-existing characters invented by other authors.

Because eighteenth-century authors themselves struggled with what to name these works — variously suggesting Fortsetzung, Anhang, and Beylage — this dissertation deliberately imports the anachronistic term; after all, like fan fiction today, these appropriations could take the form of prequels, sequels, and spinoffs. Based on close readings of literary and legal texts, “Borrowing Werther” documents the widespread practice of writing “fan fiction” and reconstructs the contemporaneous debate about the much-disputed literary phenomenon.

Analyzing the changing reading, writing, and consumer habits of the late-eighteenth century, “Borrowing Werther” first scrutinizes the social, economic, and aesthetic changes that motivated the rapid rise of fan fiction after 1750. Then, utilizing an ethnographic approach borrowed from legal and literary anthropology, this dissertation identifies the set of unwritten, extralegal customary norms that governed the production of these works. This dissertation thus reinterprets the “literary commons” of the eighteenth century, arguing that what appears to have been the free circulation of characters was actually circumscribed by rules and conditions. Finally, after investigating how these customary norms influenced the rise of intellectual property rights in Germany, “Borrowing Werther” demonstrates how these rules translate into a distinctive form of literature. “Borrowing Werther” ultimately uncovers a largely overlooked literary genre and reveals a new concept of literary originality and authorship that predates Romanticism.
ACKNOWLEDGMENTS

This dissertation, like fan fiction, is perhaps best understood as a collaborative endeavor. It is indebted to the works and people that inspired, shaped, and guided its creation, above all my advisers Christiane Frey and Joseph Vogl. Beginning with a casual conversation about Nicolai’s *Freuden des jungen Werthers* as a third-year graduate student, Christiane has unwaveringly encouraged and attentively advised this project. In addition to sharing her encyclopedic knowledge of literature and providing countless *Hinweise*, Christiane has debated with me every idea in this dissertation, read myriad drafts, and provided thoughtful feedback. Joseph helped to keep me focused on the issues at large with his perceptive questions and thoughtful advice, willingly engaging with the problem of fan fiction at both Princeton University and at the Humboldt-Universität. I am grateful to both Christiane and Joseph for helping refine how I read and think.

In this regard, I owe a great debt to Peter Brooks, who has indelibly shaped how I think about law and literature. Peter has proven an invaluable mentor at Princeton and has tirelessly supported my efforts to understand what the law and humanities have to teach each other. I am also lucky to have found another inestimable mentor in Larry Rosen. Over the past seven years, in endless chats and memorable lunches, Larry taught me to see law as culture, further providing guidance, intellectual challenges, and camaraderie. Beginning with my prospectus defense, both Peter and Larry made crucial interventions that fundamentally influenced the final design of this dissertation.

More broadly, I am thankful to all of the professors in the German Department who supported me and helped shape me as a scholar, in particular: Sally Poor, Mike Jennings, Devin Fore, Nikolaus Wegmann, and Jamie Rankin. In addition, I am grateful for the support of David Pozen and Philip Hamburger at Columbia Law School. And I am especially indebted to Jane Ginsburg for her mentorship and intellectual guidance. Without Jane’s encouragement, I would never have explored the history of intellectual property. For inspiring me to pursue German Studies, I thank my undergraduate professors Dorothea von Mücke, Stefan Andriopoulos, and Kelly Barry. Beyond Columbia and Princeton, I have been lucky to find many readers and discussants who have provided thoughtful feedback on this project, including Katharina de la Durantaye, Martha Woodmansee, and Simon Stern. This project was benefited still further through my participation in the Dissertation Workshop of the Goethe Society of North America. To Daniel Purdy, John Noyes, and John Smith, I am thankful for careful reading and discussion.

This dissertation is also the product of inspiring conversations with the graduate students in the Princeton German Department, who have proven wonderful colleagues and friends. Besides talking through countless concepts and problems, Tanvi Solanki, Sarah Eldridge, Carolina Malagon, and Elaine Fitz Gibbon, in particular, have helped me write this dissertation in ways both big and small. Outside of German Studies, I am thankful to Anna Berman, Elise Bonner, and Irina Ikonsky for their enthusiastic exchange of ideas and constant friendship.

My greatest debt of gratitude goes to my family, whose love and support has been unwavering. My parents have done more for me than I could possibly articulate. Adam and Lauren put me up during my time at Princeton, guided me through law school, and crucially helped to remind me that there is a world beyond eighteenth-century literature. And, bearing the special burden of a twin, Alex did enough to earn a PhD himself. He challenged and refined every idea and every word of this dissertation, beginning with drafts so rough no one else could read them.

None of this would have been possible without Jordan. I am lucky to have a husband who has not only shown me more love, patience, encouragement, and support than I thought humanly possible, but who is also the most incisive reader and thoughtful scholar I know. This dissertation is for him.
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INTRODUCTION

Werther erhielt indessen die Pistolen, setzt’ eine vor den Kopf, drückte los, fiel zurück auf den Boden. Die Nachbarn liefen zu, und weil man noch Leben an ihm verspürte, ward er auf sein Bette gelegt.

Indessen wurden Werthers zwei letzte Briefe an Lotten und der Brief an Alberten dem letzten gebracht, und zugleich erscholl die Nachricht von Werthers trauriger Tat. Albert ließ dieselbe vor Lotten verbergen, las die sämtlichen Briefe und ging ungesäumt nach Werthers Wohnung. Er fand ihn auf dem Bette liegend, das Gesicht und das Kleid mit Blut bedeckt. Er hatte eine Art von Konvulsionen gehabt, und nun lag er ruhig mit stillem Röcheln. [...]

Albert: “Guter Werther, bist ’n Tor! Wenn doch kalte Abstraktion nicht klüger wäre als versengte Einbildung. – Da, laß dir’s Blut abwischen. Sah ich nicht, daß du ’n Querkopf warst und würdest deinen bösen Willen haben wollen? Da lud ich dir die Pistolen mit ’ner Blase voll Blut, ’s von ’em Huhn . . . .”

Werther sprang auf: “Seligkeit... Wonne...” usw. – Er umarmte Alberten.¹

The Werther we remember today suffered an excruciating death. After shooting himself in the head at midnight, Werther lay alive in his chambers until he was discovered by a servant the following morning. By the time help arrived, however, Werther could not be saved. The doctor removed him from the bloodied floor and bandaged his head, but Werther lay convulsing in bed when Albert finally visited. At noon, after a prolonged and gruesome struggle, Werther breathed his last. No joyous leap, no exultant embrace concludes Die Leiden des jungen Werthers. But where do the propitious, chicken-blood-filled pistols come from, if not from Goethe’s text? What accounts for Albert’s trick and Werther’s survival?

Within months of its first publication, Werther had been reimagined to include a happier end. In 1775, the Berlin author and publisher Friedrich Nicolai penned a sequel to Goethe’s novel titled Freuden des jungen Werthers. In Nicolai’s account, Goethe’s protagonist is spared his tragic demise and, with Albert’s

assistance, is ultimately united with Lotte as a well-adjusted member of society. Nicolai’s text raised a considerable uproar from both critics condemning the palliative rewrite and supporters who praised its new moralizing tone. The most passionate response, however, came from Goethe himself, who subsequently commenced a life-long personal and literary attack on Nicolai.

When *Die Leiden des jungen Werthers* was first published in October 1774, Goethe had little reason to believe his epistolary novel would be widely read, let alone by Nicolai.² The publisher Christian Friedrich Weygand brought a typical 1,500 copies of *Die Leiden des jungen Werthers* to the Leipzig Michaelmas book fair in the autumn of 1774. But Werther quickly captured the public’s imagination. For the following fair, Weygand doubled the print run and had arranged for three further printings by 1777. In addition to the books printed by Weygand, nine different pirated editions were on the market by 1777, comprising some 4,000 copies. Within three years, nearly 9,000 copies of *Werther* were circulating with an estimated readership of 90,000.³

Along with the official and unofficial editions of Goethe’s novel, hundreds of creative works were produced throughout the world in response to *Werther*. Known as the *Wertheriaden*, these works encompassed a variety of forms. In addition to countless poems about Goethe’s protagonists, readers wrote verses from Lotte to Albert, Werther to Lotte, and Albert to Werther. Readers also composed elegies to the deceased Werther in the voice of characters from Goethe’s text. Still other verses depicted scenes beyond the scope of Goethe’s novel, most notably Lotte’s reaction to Werther’s death. One of the first such works, “Lotte bey Werthers Grabe,” written by Carl Ernst Baron von Reizenstein and published in *Der Teutsche Merkur*

² After all, Goethe sent the manuscript at the request of Weygand, who was seeking to establish his own reputation as the publisher of young and unknown authors. Although the privately published *Götz von Berlichingen* had been well received a year earlier and had placed Goethe squarely in the public eye after its premiere in April 1774, both Weygand and Goethe failed to anticipate the astronomical success of the young author’s second major work. Besides *Götz*, Goethe published several works before *Werther*, including *Clavigio* in July 1774. *Clavigio* was also published by Weygand. Unseld asserts that Goethe falsely reports or misremembers the publication history of *Werther*, confusing it with the unique circumstances of Weygand’s initial request. See: Unseld, Siegfried. *Goethe Und Seine Verleger*. Frankfurt am Main: Insel, 1991, p. 48-49.

in June 1775, was soon copied by other enthusiastic readers of the novel.⁴ Thereafter, representations of the mourning Lotte could be found in a variety of media, from engravings to ornaments. By the end of the century, the description of Lotte at Werther’s grave had become one of the primary images of Die Leiden des jungen Werthers despite the admonition of the text’s fictional editor not to say anything “von Lottens Jammer.”⁵

Along with poetry, imitative stories and plays about similar love triangles flooded the market. Novels, dramas, harlequinades, and ballets exploited the Werther-theme. Songs and operas based on Goethe’s text were also composed throughout the continent. Beyond text-based works, Goethe’s Werther appeared in innumerable drawings, oil paintings, and engravings, including the ideal portraits by Chodowiecki (originally made for Himburg’s pirated edition of Werther).⁶ The popularity of Goethe’s creations prompted speculators to begin repackaging unsuccessful items with Werther branding to improve their sales by simply appending the names “Werther” or “Lotte” to the merchandise. In addition to texts with titles like “Lottens Leiden,” that had nothing to do with characters from Goethe’s Werther, portraits of arbitrary women were sold bearing the caption “Lotte,” prompting the Allgemeine deutsche Bibliothek to warn in 1776 that “Die Unterschrift Lotte ist bloß hingesetzt, um dem sonst sehr unähnlichen und sehr uninteressanten Bilder Käufer zu verschaffen.”⁷

Werther merchandise, ranging from fans and breadboxes to figurines and jewelry, soon appeared on the market in a wide price spectrum.⁸ Cheap baubles were sold throughout Germany, including silhouettes of

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the “real” Lotte reminiscent of the one Werther hung on his wall. Likewise, priceless porcelains bearing Werther’s image were produced by the finest German makers and even by distant Chinese manufacturers, which Goethe himself noted with pride. As attested by the English Werther-wallpaper, the French perfume “Eau de Werther,” and the firework show “Werthers Zusammenkunft mit Lottchen im Elysium,” Werther was everywhere.

As attested by the English Werther-wallpaper, the French perfume “Eau de Werther,” and the firework show “Werthers Zusammenkunft mit Lottchen im Elysium,” Werther was everywhere.

As part of the worldwide phenomenon of the Wertheriad, Nicolai’s text was hardly unique. Yet Goethe’s scorn was almost exclusively directed at Nicolai. Given the widespread and ostensibly unrestricted use of Werther, Goethe’s targeted anger is surprising, especially because the late-eighteenth century is typically characterized by the free exchange and circulation of texts and the ideas they contained. Josias Ludwig Gosch’s 1789 *Fragmente über den Ideenumlauf* typifies contemporary attitudes about circulation. In this tract, the trained jurist argues for the unrestricted dissemination and use of ideas, identifying books as a key mechanism for this transmission. In conversation with Müller and Eckermann, Goethe essentially claims as much, extending the principle to literary creations as well as ideas:

> Gehört nicht alles, was die Vor- und Mitwelt geleistet, dem Dichter de iure [von Rechts] wegen an? Warum soll er sich scheuen, Blumen zu nehmen, wo er sie findet? Nur durch Aneignung fremder Schätze entsteht ein Großes.

Although Goethe’s statement might initially be read as an endorsement of the free adoption of literary ideas, his narrowly-focused resentment toward Nicolai indicates otherwise. Something particular about the *Freuden des jungen Werthers* troubled the young author. Even if Goethe abstractly considered creative

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10 For an exhaustive study of the reception of Werther in a variety of media artifacts, see: Andree, Texte.
11 Nicolai’s text, however, was perhaps unique in the amount of attention it generated. *Die Freuden des jungen Werthers* was not only widely discussed and reviewed in a variety of periodicals, but achieved itself literary rank. See: Scherler, Kirsten. “Wie Froh Bin Ich, Dass Ich Weg Bin!” *Werther in Der Deutschen Literatur*. Frankfurt am Main: Lang, 2010, p. 54. Lessing, Wieland, Möser, Garve, Semler, Gelnner, Hüpfler, Boie, Laroche all evidence the idea that Nicoli’s version was seen as a completion of Goethe’s text.
works blossoms free to be picked, in practice this harvest was not as free as Goethe suggests. Rather, it was seemingly bound by implicit rules governing who could appropriate what works, from whom, and how.

Among the hundreds of Wertheriad-producers, Nicolai was the only well-known author to publish a work using Goethe’s characters, in the same genre as Goethe’s text, and insisting that it was the very same Lotte and Werther whom readers adored, while controverting Goethe’s Werther.\textsuperscript{13} As a result, Goethe, now a luminary whose influence rivaled that of Nicolai, refused all interaction with the publisher and contrived to ruin his literary career. Goethe’s punitive reaction underscores the notion that Nicolai had committed a transgression by publishing his Freuden des jungen Werthers. Notably, this offense was not registered by Goethe alone. Literary critics sensed Nicolai’s indiscretion. Johann Heinrich Merck refused to review Nicolai’s Freuden “aus Furcht [sich] in fremde Händel zu mischen.”\textsuperscript{14} And literary circles met to privately discuss the meaning of Nicolai’s text and debate the appropriateness of the controversial publication.\textsuperscript{15} Moreover, other prominent writers, including Bodmer and Campe, had earlier expressed a wish to write a work like Nicolai’s Freuden, but had rejected the possibility.\textsuperscript{16} By many accounts, Nicolai should not have used Werther in this manner. Although the rule Nicolai broke was not law in a juridical sense, it nevertheless seems to have constituted one of a number of tacit norms governing the literary world of eighteenth-century Germany. This dissertation endeavors to uncover these norms and understand their effect on the production of literature and the rise of intellectual property rights in eighteenth-century Germany.

\textsuperscript{13} Other well-respected authors and thinkers also criticized Werther, but did so in aesthetic tracts and literary reviews, not in creative works. Nicolai is also unique in having borrowed so much language directly from Werther. Peter Müller marks the places in Nicolai’s text where he quotes directly or nearly directly from Goethe’s original. Müller, Peter, Der junge Goethe in zeitgenössischen Urteil: Bearbeitet Und Eingeleitet Von Peter Müller. Berlin: Akademie Verlag, 1969.

\textsuperscript{14} As a friend to both Nicolai and Goethe, Merck was in an especially difficult position. Merck to Nicolai, 6 May 1775 cited in: Müller, Peter, Der junge Goethe in zeitgenössischen Urteil. Berlin: Akademie Verlag, 1969, p. 165.

\textsuperscript{15} See Peter Müller, p. 147. The debate, it seems, was one between Nicolai and Goethe. Though, this did not prevent private discussions of the work. In a letter to Nicolai, the philosopher Christiane Garve explained that his literary circle met to discuss the meaning so much as the standing of Nicolai’s controversial publication.

\textsuperscript{16} See: Müller, Der junge Goethe, p. 155.
This dissertation investigates the overlooked universe of “fan fiction” in the eighteenth century. Explained in greater detail below, fan fiction describes literary works written by readers who appropriate characters invented by other authors, like Nicolai’s *Freuden des jungen Werthers*. Such works proliferated in the eighteenth century, including texts based on Thümmel’s *Wilhelmine* (1764), Nicolai’s *Sebaldus Nothanker* (1773-76), Hermes’ *Sophiens Reise* (1770-73), Unger’s *Julchen Grünthal* (1784), Schiller’s *Der Geisterseher* (1789), Vulpius’ *Rinaldo Rinaldini* (1798), Lafontaine’s *Die Verirrungen* (1792), and Miller’s *Siegwart* (1776). Beyond documenting the widespread practice of writing fan fiction in the eighteenth century, this dissertation reconstructs the contemporaneous debate about the much-disputed literary phenomenon, analyzing the competing artistic, economic, and public interests at stake. It reveals the sometimes surprising interaction between authors and readers as they competed for control over literary characters. Before copyright existed, what strategies did authors and publishers employ to exert control over their creative works? Who owned fictional characters?

This dissertation argues that the eighteenth-century literary commons was not unregulated. Although Werther seemed to be everywhere, his appearance in texts is more complicated than scholars have traditionally thought. What appears to be the unfettered circulation and use of characters was actually circumscribed literary borrowing undergirded by a set of customary laws. This dissertation identifies those rules and contends that they create a distinctive form of literary property. In addition to presenting a more nuanced view of the rise of intellectual property rights in Germany, this project further argues that these customary laws translate into a distinctive form of literature. Accordingly, this dissertation scrutinizes a largely overlooked genre and reveals a new concept of literary originality and authorship that predates Romanticism.
Eighteenth-Century “Fan Fiction”?

To a degree, as Michael Chabon argues, “all literature, highbrow or low, from the Aeneid onward, is fan fiction.” Every allusion, homage, parody, pastiche, retelling, and reimagining stands in an appropriative relation to the texts that came before it. But for the purposes of this dissertation, it is worth being more precise. Although there is no scholarly consensus on an exact definition, most agree that “fan fiction” describes texts that make use of pre-existing characters invented by another author. More narrowly, this dissertation is concerned only with works of fan fiction that appropriate characters from other contemporary authors, those constituting what Goethe would name the “Mitwelt,” and not authors from the “Vorwelt.”

Applied to the eighteenth-century, the term “fan fiction” is decidedly anachronistic; after all, the expression was not widely used until the 1960s, when it was coined to describe the literary works created by and circulated among enthusiastic fans of Star Trek. But the term accurately describes a widespread, if overlooked, writing practice in the eighteenth century. In his early influential work Textual Poachers, Henry Jenkins theorizes the field of fan fiction, classifying various strategies of “interpretation, appropriation, and reconstruction” employed by writers of fan fiction. Despite describing a literary practice some two

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18 The definition used by this dissertation may not perfectly correspond to the various definitions used in other academic studies, let alone that used by contemporary authors. However, it follows the definitions used by Judge and Schwabach, whose works on fan fiction are foundational, respectively, in copyright and eighteenth-century studies. A “fan work” according to Schwabach, is “any work by a fan, or indeed by anyone other than the content owner(s), set in such a fictional world or using such pre-existing fictional characters. Fan works may be fiction or nonfiction, and may be created in any medium. When such works are fictional, they are ‘fan fiction.’ Fan fiction includes all derivative fiction and related works created by fans, whether authorized or unauthorized by the author of or current rights-holder in the original work.” Schwabach, Aaron. Fan Fiction and Copyright: Outsider Works and Intellectual Property Protection. Farnham, Surrey: Ashgate, 2011, p. 8.
20 Jenkins, Henry. Textual Poachers: Television Fans & Participatory Culture. New York: Routledge, 1992, p. 162-177. Jenkins’s typology includes: recontextualization (writing “missing scenes”); expanding the timeline (to provide characters’ backgrounds and backstory and to continue stories beyond their original end); refocalization (shifting attention to minor characters); moral realignment (questioning or undermining the moral framework of the source text, say, but portraying the villain as a sympathetic
hundred and fifty years later, the typology Jenkins provides – including fan fiction sequels, spin-offs, side stories, imaginative retellings from new perspectives, and fully reimagined scenes – closely corresponds to eighteenth-century texts.

As readers appropriated characters for their own use in the eighteenth century, the texts they wrote took a variety of forms. Sequels and continuations were the most common. For instance, Schiller’s *Geisterseher*, Vulpius’ *Rinaldo Rinaldini*, Unger’s *Jülchen Grünthal*, Jünger’s *Fritz*, and Thümmel’s *Wilhelmine* were all continued in sequels written and published by readers who wanted to tell the further adventures of the texts’ characters. Some sequels were accompanied by reimagined scenes – what contemporary scholars of fan fiction would call “alternative universe fan fiction” – as with Nicolai’s *Freuden des jungen Werthers* and Isabella von Wallenrodt’s *Karl Moor und seine Genossen nach der Abscheidszene beim alten Thurm* (1801) These texts rewrote death scenes to keep characters alive, thus enabling the story to continue. Readers also commonly wrote prequels in the eighteenth century. Hermes’ *Sophiens Reise von Memel nach Sachsen*, for instance, inspired *Einer jüngern Sophie Reise, aber nicht von Memel nach Sachsen* (1800), which narrates Sophie’s earlier adventures before Hermes’ novel begins. In other instances, fan fiction authors did not add to a text’s beginning or end, but expanded scenes contained within the pre-existing narrative, like the elided death scene in Miller’s *Siegwart, eine Klostergruβgeschichte*. Other fan fiction authors spun off new stories using side characters or retold the same story from the perspective of another character, such as Brückner’s *Dianora, Gräfin Martagno, Rinaldo Rinaldinis Geliebte* (1799). The popular love interest from *Sophiens Reise*, Herr Puff, similarly inspired several stories devoted to his adventures before and after the events of Hermes’ novel. The Appendix offers a more detailed look at these authors and their works (including plot summaries and reception histories), most of which, though forgotten today, were enormously popular in their own time.
Although fan fiction proliferated in the eighteenth century and contemporaries distinguished it from related literary practices, they did not have a widely agreed-upon term for these texts, even as the texts became the subject of widespread debate. Instead, eighteenth-century authors, readers, critics, philosophers, and jurists wielded multiple names for “fan fiction,” seldom with consistency, but often with confusion. Many in the eighteenth century, though, were aware of this terminological deficiency.

Eighteenth-century commentators used a variety of expressions to describe what this dissertation designates “fan fiction,” including: Anhang, Zustaz, Beylage, Nachtrag, Schwesterroman, Tochterromane, Ergänzung, Supplement. The most common description, used by authors, critics, and readers alike, was Fortsetzung. In many cases, this was entirely descriptive, as with the sequel to Unger’s Julchen Grünthal written by Johann Ernst August Stutz: Julchen Grünthal, Zweiter Theil (1788). In other instances, however, the term was used with some uncertainty. Johann Melchior Goeze, for example, named Nicolai’s Freuden a “Fortsetzung der Leiden des jungen Werthers.”21 But given Nicolai’s imaginative reworking of Goethe’s dramatic conclusion, styling his Freuden a sequel is misleadingly inexact. Contemporaries agreed. The philosopher Christian Garve, for instance, instead referred to Nicolai’s text as a “Fortsetzungen seiner Geschichte, nach Einem veränderten Umstande.”22 But such a qualification makes for an unwieldy and overly narrow expression. Other common descriptions for fan fiction included the undescriptive and often misrepresentative terms “Nachahmung” and “Bearbeitung.” The Literatur-Blatt, for example, named Moritz Richter’s Nikanor, der Alte von Fronteja (1828), a “Nachahmung” of Rinaldo Rinaldini, suggesting that it is an imitative story that copies Vulpius’ style and subject. Used here, the term fails to capture the fact that Nikanor purports to continue the same story with the same characters. Likewise, the publisher of a sequel to Lafontaine’s Die Verirrungen des menschlichen Herzens referred to the text as a “Bearbeitung,” even though it is not a reworking of Lafontaine’s novel but a straightforward continuation. In each case,

21 Cited in Müller, Der junge Goethe, p. 123.
22 Garve to Nicolai, 5 February 1775; cited in: Ibid., p. 147f.
the designator “Fortsetzung” would have been more descriptive. Confusing matters still further, eighteenth-century commentators used these terms interchangeably. Texts called “Fortsetzung,” “Anhang,” “Zusatz,” or “Nachamung” by one critic, were later named “Bearbeitung,” “Beylage,” or “Ergänzung” by another – regardless of how authors or title pages styled the works. There is no discernable stability in the definitions or use of these terms. This may explain why one critic was reduced to calling Nicolai’s *Freuden* a “Ding” – not as an insult (he liked the text!) but because he had no better word for it.

Authors and readers in the eighteenth century, in short, lacked the language to describe the phenomenon of fan fiction. In this regard, the discussion about fan fiction corroborates Koselleck’s characterization of the beginning of the modern era as losing the intuitive categorizations for social givens and their associated terminology. It also relates to recent arguments about the contemporaneously changing commercial landscape. As Matt Erlin explains, “new commodities in the eighteenth century required the development of new cognitive and discursive frameworks.” Put another way: Eighteenth-century thinkers first had to grasp the concept of fan fiction and then needed to come up with a way to talk about it. The first task was accomplished with some ease, thanks to reminders about Virgil and Cervantes. But after contemporaries acknowledged the existence of fan fiction, they continued to struggle with the vocabulary, often bemoaning the deficit. Analogizing literary characters to flowers and texts to gardens, the author Garlieb Merkel remarked that “aus dem Garten eines Nachbars […] Blumen zu holen, und sie in den seinigen zu verpflanzen, ist eine so weitgetriebene Freiheit, daß sie wohl einen härteren Namen verdiente.” Yet in his continued discussion, Merkel cannot offer a fitting name, relying instead on metaphor. Gotthold Ephraim Lessing similarly noted the lack of appropriate terminology. In a lengthy discussion of an early incident of

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23 In the English context, eighteenth-century commentators similar called these texts “supplement,” “sequel,” and “continuation” without any consistency. Importing a suitable, less-anachronistic English expression is therefore equally difficult.


such textual appropriation, Lessing struggled to situate the practice within existing concepts, claiming that the work is “weder ein Plagiat noch ein bloßer Nachdruck zu nennen sey.”

Despite having a conceptual idea of fan fiction, as Merkel’s analogy makes clear, eighteenth-century commentators had no way to generally describe a second author’s use of characters invented by another author.

Accordingly, this dissertation provides the modern expression “fan fiction,” *avant la lettre*, to describe this practice for them. Importing the anachronistic term has several advantages. In addition to crystallizing a concept eighteenth-century thinkers sought to formulate themselves, using the term “fan fiction” to describe this widespread literary practice avoids the inconsistencies plaguing current scholarship on appropriative writing practices in the eighteenth century.

Perhaps owing to the discrepancies of eighteenth-century usage, scholarship displays a marked lack of uniformity when discussing the works studied in this dissertation, thus offering little nomenclatural guidance. Commonly, if confusingly, scholars refer to these works as “Nachamungen” or “Bearbeitungen.” But works of fan fiction are more than adaptations or imitations that tell similar adventures of similar characters like the *Robinsonade* of the eighteenth century. Works of fan fiction add to the existing narratives of pre-existing characters. The Appendix examines in detail the distinction between fan fiction and related literary practices, such as plagiarism, imitation, and adaptation. In other instances, scholars deem such works “Fortsetzungen” or “Ergänzungen.” While less problematic, these general terms fail to capture the potential nuances of works of fan fiction that function as prequels, spinoffs, and retellings. English scholarship on eighteenth-century German literature is equally confused, offering several names for works of fan fiction. For example, in different studies, Stutz’s *Julchen Grünthal, Zweiter Theil* is variously referred

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to as a “continuation” of Unger’s *Julchen Grünthal*, a “sequel,” and even an “imitation.”

In her catalogue of academic descriptions, Helge Nowak notes that scholars have referred to these works as: “Plagiat, Epigonentum, sequel, continuation, supplement, completion, imitations, transtext, Totalisierung, productive Rezeption, Belebung, [and] pastiche.” And Nowak herself refers to these texts variously as “Folgetexte,” “Weiterführungen,” “Lückenfüller” and “Anhängsel.”

Existing scholarship on eighteenth-century literature has not yet reached a consensus on what to call this broad category of reader-written texts that make use of pre-existing characters.

In other cases, the scholarly terms are neither misleading nor inapplicable, but are overtly normative. Martin Andree, for instance, successfully coins a general term to describe a wide range of works of fan fiction: “intermedialen Parasiten.” As discussed more thoroughly in the Appendix, other terminological options borrowed from literary criticism – including intertext, allographic continuation, Genette’s hypertext, and Derrida’s archontic literature – are similarly fraught with hierarchical, normative, and historical associations at odds with this dissertation. Legal literature offers similarly few options. The most obvious choices, “derivative works” and “appropriative literature,” are bound up with legal and proprietary connotations that imply inherent rights and interests. However, such normatively charged expressions stand at odds with the goal of this study. To best understand eighteenth-century ideas and attitudes about fan fiction, this dissertation endeavors to approach fan fiction without preconceived notions about aesthetic hierarchy, legal status, or behavioral customs. Perhaps William Hinrichs put it best in *The Invention of the* ...

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31 Ibid., p. 16. Nowak is primarily interested in twentieth-century works based on eighteenth-century texts and limits her study to works with the following characteristics: “direktes, ergänzendes, ausgedehnteres Bezugsvverhältnis wenigstens zweier literarischer Werke zueinander, deren verbindendes Element zumindest inhaltlicher Art. Anknüpfspunkt also ein mehr oder weniger großer Teil der Handlung des Prätexes ist, deren Verfasser aber nicht miteinander identisch ist.” Nowak, p. 17-18.

Sequel: “We do not know what to call these sequels; we do not know how to talk about them; we do not know how they function; and we do not know why people read and write them.” To date, scholars of eighteenth-century German literature have not adopted a suitable umbrella-term under which all of the various forms of fan fiction comfortably fit.

“Fan fiction,” however, provides a sufficiently neutral and capacious concept, able to describe the various forms of writing included in this study, without conveying the same problematic theoretical and legal associations. Besides, using an anachronistic terms has advantages. Projecting the term “fan fiction” into the past not only provides missing terminology for eighteenth-century thinkers, it forces into sharper relief the similarities with fan fiction written today. As Anne Jamison announces in the title of her 2013 study: “Fanfiction is taking over the world.” Indeed, fan fiction is everywhere. There are currently more than 725,000 works of *Harry Potter* fan fiction on one website alone. Yet, despite the ubiquity of these texts, countless legal and aesthetic questions remain. It is unclear under contemporary American law whether characters are protected by copyright and whether fan fiction is considered fair use. Connecting the historical practice of writing fan fiction with the millions of reader-written texts published online today offers new insight into the stakes of the dispute by demonstrating that the interests involved are centuries old. Scholars and popular critics commonly assert that fan fiction today has inspired a radically new way of reading and writing literature, prompting a reevaluation of concepts of authorial property. Anointing user-generated content a new phenomenon, these scholars misguidedely claim that we occupy a new period of “participatory culture” and a unique “read/write culture” in which readers become authors and texts have

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36 This will also hopefully enlighten scholars like Brewer who disregard the widespread practice of writing fan fiction today and claim that this eighteenth-century writing practice will seem foreign to modern readers. Brewer, David A. *The Afterlife of Character, 1726-1825*. Philadelphia: University of Pennsylvania Press, 2005.
become increasingly porous.\textsuperscript{37} But this culture is not nearly as novel as these commentators insist. Provoked by fan fiction some two hundred and fifty years ago, eighteenth-century thinkers already debated the nature of textual production, the instabilities in the concepts of authorship and originality, and the competing proprietary interests in literary works.\textsuperscript{38} Rather than obscuring the similarities by inventing a new term for these eighteenth-century texts, employing the term “fan fiction” makes the connection between these historical and contemporary practices harder to overlook.\textsuperscript{39}

A Very Brief History of Fan Fiction from Homer to Goethe

Sketching a brief history of fan fiction – at least with regard to the Western literary tradition – productively distills this dissertation’s definition while highlighting its advantages. Arguably, fan fiction began in classical antiquity. Perhaps the best known example is Virgil’s \textit{Aeneid}. Although the character of Aeneas is a staple of Greco-Roman mythology, Virgil explicitly borrowed the version from Homer’s \textit{Iliad} and \textit{Odyssey}, endowing his Roman hero with the same characteristics mentioned in Homer’s texts. This tradition continued through the Renaissance, when so-called “Supplements” to the \textit{Aeneid} relating what happened after the twelfth book of the epic became a popular genre, like Maffio Vegio, \textit{Supplementum, Aeneid Book XIII} (1428). For the purposes of this dissertation, however, such fan fiction fails to illuminate the potentially conflicting attitudes toward such appropriations. Homer, after all, was long dead when Virgil appropriated Aeneas; neither Homer nor his estate could respond to Virgil’s text, whether positively or


negatively. But when authors, publishers, readers, and critics can debate, laud, and object to fan fiction, they reveal telling attitudes about literary borrowing, creation, and consumption. Accordingly, this dissertation limits its definition of fan fiction to those works that appropriate characters invented by still-living or recently deceased authors.

Characters from medieval texts were commonly appropriated by new authors and worked into new texts as well. Indeed, collective authorship has long been understood as a feature of writing in the Middle Ages. Some authors wrote self-described sequels and continuations, such as Ulrich von Türheim’s *Tristan* (1243) and Heinrich von Freiberg’s *Tristan-Fortsetzung* (ca. 1260), which claimed to complete Gottfried von Strassburg’s *Tristan* (1210). Such works might also be described as fan fiction, but are excluded from this study. Literary figures from mythology, legend, and fairy tales often have no known author or origin; they are typically treated as the common property of all and their status as such is rarely, if ever, questioned. Consequently, their appropriation reveals less about proprietary claims in fictional characters. As a result, this dissertation does not examine continuations or retellings of legends, fairy tales, or medieval epics, even when the same character is used. Rather, this dissertation is interested only in works of fan fiction that center on characters invented by known, or at least knowable, authors.40

The fan fiction studied in this dissertation is therefore limited to works written by living or recently deceased authors who invent new (at least in name) fictional characters who are contemporaneously appropriated by another author. One of the earliest known examples of such fan fiction is Alonso Fernández de Avellaneda’s 1614 sequel to Cervante’s *Don Quixote* (1605). The practice of appropriating characters from contemporaries, however, exploded in the eighteenth century. Sequels to Richardson’s *Pamela; or, Virtue Rewarded* (1740), such as John Kelly’s *Pamela’s Conduct in High Life* (1741), flooded the market. As

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40 Many of the works this dissertation examines were published anonymously, but their authors, critics, and colleagues nevertheless generated considerable private and often public commentary when the character was recently invented by a contemporary.
chapter one explains, eighteenth-century Germans were shocked by early instances of fan fiction. But they themselves quickly recalled the earlier examples of Virgil and Cervantes, repeatedly invoking the authors in the often heated debate about fan fiction. Although many scholars today fail to connect contemporary fan fiction with eighteenth-century texts and works of classical antiquity, eighteenth-century thinkers did not assume such a myopic view. They recognized the historical continuity of the much-disputed writing practice and drew on this history to help make sense of their own feelings about fan fiction.

Fan Fiction, Intellectual Property, and the History of Reading and Writing

Over the past two decades, legal scholars have increasingly turned their attention to the history of intellectual property, analyzing the origins of proprietary thinking in literary works and the concepts undergirding copyright, from the Romantic author to the public domain.\(^{41}\) In particular, legal historians have concentrated on the relationship between eighteenth-century piracy and the rise of copyright, studying the role of publishers and authors in the debate. And most have focused on the positive law as the primary mechanism controlling the production and consumption of literary works. This scholarly emphasis, together with the absence of a discernible statutory scheme effectively governing the exchange of literary ideas in pre-copyright Germany, has resulted in a widely accepted and unquestioned assumption that the lack of effective positive laws meant that there were no rules regulating literary borrowing.\(^{42}\)

\(^{41}\)In large part, this interest stems from a hope to better understand “what copyright was intended to do, how it has functioned, and for paths we could now take.” Kretschmer, Martin, Lionel Bentley, and Ronan Deazley. “Introduction. The History of Copyright History: Notes from an Emerging Discipline,” in: Privilege and Property: Essays on the History of Copyright. Eds. Deazley, Ronan, Martin Kretschmer, and Lionel Bently. Cambridge, U.K: OpenBook, 2010, p. 15.

\(^{42}\)The legal regulation of the book trade centered on the principles of privilege and censorship. Because the text is primarily concerned with privileges, a brief note on censorship: Censorship occurred both pre- and post-publication. Censors typically read and reported on printed works, but did not forbid the works. Censorship could result in works being available only “by ticket” (auf Zettel), that is, to holders of written authorization. These works were merely tolerated (toleratur) and thus could be sold only to those deemed respectable and well known enough to withstand the temptations of heterodox literature. The censor’s report merely stated that the work contained nothing “contrary to religion and good morals, or to the laws of the empire” (quoted from Leipzig Book Commissioner and Professor Carl Andreas Bel’s censor’s report to the imperial government concerning Sebaldis Nothanker. Censorship depended upon many factors, from the current political situation to personal antipathy or scholarly feuds. For more, see Selwyn, p. 182.
German authors and publishers are thought to have existed in an under-protected interstitial period characterized by a lack of formal legal mechanisms to protect their creative works.\(^{43}\)

By concentrating on the positive law and the role of authors and publishers, however, literary and legal research has largely ignored extralegal practices vis-à-vis literary appropriations like fan fiction. Moreover, little attention has been devoted to the role of the reader, including the fan fiction-writing reader, who appropriates only elements from a text (e.g. characters) without reproducing an entire text itself (i.e. piracy). As a result, a considerable blind-spot has persisted in existing scholarship. The oversight is perhaps understandable. As book profits were increasingly lost to pirating entrepreneurs at the end of the eighteenth century (like Himburg in Berlin, who actually offered Goethe remuneration for all the money he earned from unofficial reprints of *Werther*), authors, publishers, and philosophers were beginning to argue for legal protections for creative works. Eighteenth-century thinkers were consequently focused on piracy and the creation of formalized intellectual property rights. But in the shadow of the larger discussion about the legality of reproducing entire works (“Nachdruck”), an ancillary debate occurred about the propriety of appropriating fictional characters invented by contemporary authors.

By shifting the emphasis from piracy to fan fiction and from the positive law to customary norms, this dissertation fills several scholarly gaps. What rules applied, not just when pirates copied whole texts, but when readers appropriated the constituent elements of texts? In addition to providing a better understanding of how literary borrowing was regulated in pre-copyright Germany, tracing the emergence of intellectual property through the treatment of fictional characters offers a better sense of authors’ and readers’ perceptions of the norms that governed authorship, originality, and proprietary interests in literary texts.\(^{44}\)

Studying the history of fan fiction thus offers a more nuanced look at what Bosse names the

\(^{43}\) As chapter two explains, by 1750 the archaic printing privilege system was nearly obsolete in Germany. But it would not be replaced by another comprehensive legal protection for literary works until 1870.

\(^{44}\) Judge makes the argument about tracing this history through “the treatment of fictional characters,” p. 33.
“Urheberrechtsbewußtsein” that emerged in the second half of the eighteenth century.\(^{45}\) Moreover, studying the customary norms governing fan fiction answers the call for legal scholars to study the “phenomenon of cultural order without law” – a phenomenon that has been particularly overlooked with regard to intellectual property.\(^{46}\) Finally, as Andrew Piper has observed, while much work has been done to understand eighteenth-century copyright, “we know less about […] the numerous ways that this period emphasized the sharing, not the owning of information.”\(^{47}\) By identifying the tradition of fan fiction, this dissertation highlights the complexity of this writing practice and analyzes, as Piper hoped, the complicated relationship between sharing and owning in the eighteenth century, when intellectual property rights were first emerging.\(^{48}\) In so doing, this dissertation offers a nuanced view of the rise of intellectual property rights, challenging traditional narratives about the literary commons, moral rights in works of literature, and the role of the so-called Romantic author in the justification for exclusive rights in intellectual property.

In addition, situating fan fiction within the larger literary landscape contributes to our understanding of eighteenth-century literature and its robust, if under-examined, borrowing culture. As Eve Bannet notes, the scholarly emphasis on the Romantic author and originality has caused us to overlook the literature that results from appropriation, imitation, and versioning, which were fundamental to the eighteenth-century book trade.\(^{49}\) Historicizing fan fiction helps fill this void while offering a new answer to Elisabeth’s Eisenstein’s old question: “How was the ‘game’ of authorship played before copyright?”\(^{50}\)


\(^{48}\) Id. Arguing that “by identifying the richness of a literary and intellectual tradition of sharing and sharedness, we can begin to understand contemporary digital practices not as essentially aberrant but as standing in a long and legitimate history. We can begin to see how sharing and owning should not be seen as agon, as mutually exclusive of one another – as they are increasingly understood today – but as standing in a necessary, mutual, and always tangled formation with one another.”


\(^{50}\) Eisenstein, Elisabeth. *The Printing Press as an Agent of Change: Communication and Cultural Transformation in Early-Modern Europe*. Cambridge: Cambridge University Press, 1985, p. 121. Ezell seeks to answer the same question before the “game” was ruled by copyright.
Fan fiction proliferated when the concept of the Romantic author allegedly emerged. Yet, instead of denying or obscuring its relationship to other texts and authors, fan fiction foregrounds this debt. And by virtue of telling the stories of pre-existing characters, fan fiction upends the notion of authorship. Studying fan fiction uncovers a new form of authorship and distinct concept of originality. This dissertation therefore joins more recent scholarship on eighteenth- and nineteenth-century practices like imitation, citation, and plagiarism that challenge conventional notions of authorship at the end of the eighteenth century and what it meant to the creator of an original work of literature. It helps, in the words of Martha Woodmansee and Peter Jaszi, to “recover the collectivity” of writing.

This dissertation also enriches our understanding of how readers became producers of their own texts, joining what David Brewer christens the “emerging field” of “reconstructing the specific practices of actual readers in all their puzzling eccentricity.” To date, scholars have primarily focused on the material traces readers left in books, such as marginalia. Studying fan fiction as part of Darnton’s “communications circuit” diagrams the interactions between the reader, the creation of the text, and its material state. Although it has since been criticized and numerous alternates have been posited, the basic premise of Darnton’s schema remains universally accepted: that the literary landscape around 1800 consists of a set of relations and that a book is created and consumed by multiple and interrelated actors. Adams and Baker, for instance, complicate Darnton’s schema by drawing the “whole socio-economic conjunction.” Adams, Thomas R. and Nicholas Barker, “A New Model for the Study of the Book,” in: A Potencie of Life: Books in Society. Ed. Nicholas Barker, London: British Library, 1993, p. 5-43. And Darnton himself criticizes his model, acknowledging that he failed to consider “the reworking of texts through new editions, translations,” and questioning whether a flow chart can “capture the metamorphoses of texts as they pass through successive editions, translations, abridgements, and compilations.” Darnton, Robert. “‘What Is the History of Books?’ Revisited.” Modern Intellectual History. 4.3 (2007): 495-550, p. 504.


53 Brewer, p. 6.

“circuit” helps to close the notoriously ambiguous connection between readers and authors, as chapter five elaborates. But whereas scholars like Brewer are primarily concerned with the nature of texts that create “a perpetual feedback loop” between reader and author, this dissertation is more interested in the rules that regulated this reciprocal process of consumption and creation. In this regard, interpreting fan fiction as a distinctive consumer product also augments the work of scholars like Lynne Tatlock, Michael North, and Matt Erlin who have convincingly analyzed the economics of the book trade but not yet situated this writing practice within it.

Finally, this dissertation contributes new research to the nascent field of fan fiction studies, which has gained increasing interest from a broad range of interdisciplinary scholars of literature, cultural studies, media studies, and law. Specifically, this dissertation enriches our understanding of the history of fan fiction, which is far longer than traditionally conceived. Most scholarly discussions of fan fiction – and the accompanying legal and aesthetic question it raises – focus on contemporary texts, like the ubiquitous Harry Potter stories published online today. Little scholarship engages with fan fiction written before the 1960s and no comprehensive history of fan fiction has been written. In the past decade, however, three studies have critically examined historical fan fiction and labeled it such: Abigail Derecho’s 2006 essay, “Archontic

55 Brewer, p. 6.
57 Hellekson and Busse catalogue the various approach taken by scholars of fan fiction: fan fiction as interpretation of the source text; fan fiction as a communal gesture; as sociopolitical argument; as individual engagement and identificatory practice; as one element of audience response; as a pedagogical tool. To this we might add fan fiction as legal conundrum; and, increasingly so, the history of fan fiction as part of a larger history of the book and cultural history of reading and writing. Hellekson, Karen, and Kristina Busse. The Fan Fiction Studies Reader. Iowa City: University of Iowa Press, 2014.
58 Scholarship on fan fiction began in the late 1980s and early 1990s. Most studies on fan fiction attempt to understand the motivations of fan fiction writers, or when analyzed by lawyers, the copyright implications for such derivative works. As a result, as Hellekson and Busse note, scholarship has typically employed three approaches: media studies, anthropology, and psychoanalysis. For example: Camille Bacon-Smith employs an anthropological ethnographic approach to study the community of women and the interaction between author and fan; Constance Penley deploys a psychoanalytic approach to understand the ways in which authors identify with characters. Bacon-Smith, Camille. Enterprising Women: Television Fandom and the Creation of Popular Myth. Philadelphia: University of Pennsylvania Press, 1992. Penley, Constance. “Feminism, Psychoanalysis, and the Study of Popular Culture,” in: Cultural Studies, ed. Lawrence Grossberg, Cary Nelson, and Paula A. Treichler. New York: Routledge, p. 479-500.
59 Coppa notes that “not only has a comprehensive history of media fandom not been written, but there also have been very few histories of individual fandoms and the works of art they produced.” Coppa, Francesa. “A Brief History of Media Fandom,” in: Fan Fiction and Fan Communities in the Age of the Internet: New Essays. Eds. Hellekson, Karen, and Kristina Busse. Jefferson, N.C: McFarland & Co, 2006, p. 41.
Literature. A Definition, a History, and Several Theories of Fan Fiction,” Elizabeth Judge’s 2009 article, “Kidnapped and Counterfeit Characters: Eighteenth-Century Fan Fiction, Copyright Law and the Custody of Fictional Characters;” and a brief chapter titled “A Prehistory of Fanfiction” in Anne Jamison’s 2013 book, Fic: Why Fanfiction is Taking Over the World. Between them, these studies discuss early examples of fan fiction and its antecedent practices, including: Chrétien de Troyes and joint authorship in the middle ages; Lady Mary Wroth’s 1621 The Countess of Montgomery’s Urania; Anna Weamys’ 1654 Continuation of Sir Philip Sydney’s ‘Arcadia’, Avellaneda’s sequel to Cervantes’ Don Quixote; and works of fan fiction based on texts by Defoe, Richardson, and Conan Doyle. Jamison’s chapter and Derecho’s article, however, amount to fewer than 10 pages on the history of fan fiction. Judge is the only scholar to rigorously study pre-twentieth-century fan fiction, focusing her attention on eighteenth-century English law and literature. Other scholars study what this dissertation would call fan fiction, but assign an alternate name, most notably David Brewer. In his compelling studying, The Afterlife of Character, 1726-1825, Brewer reconstructs the ways in which eighteenth-century British readers narrated the further adventures of beloved characters like Gulliver, Falstaff, Pamela, and Tristram Shandy, in what he call “imaginative expansions.” No work has focused on German fan fiction in the eighteenth-century.

**Documenting Fan Fiction and Reconstructing its Debates**

Eighteenth-century attitudes about fan fiction were forged in the context of intertwining aesthetic, legal, commercial, and philosophical debates. Studying this cultural phenomenon thus requires a blurring of traditional disciplinary boundaries, including: media studies; legal anthropology; cultural history; and the history of intellectual property. Accordingly, following Margaret Ezell in Social Authorship and the Advent

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of Print, this dissertation draws on a multidisciplinary approach to reconstruct the historical conditions of the eighteenth century and the contemporaneous discussion about fan fiction. Following such an approach enables this dissertation to identify the customary laws that governed the production of fan fiction while situating the writing practice within larger literary and legal histories.

In the final pages of the second book of Werther, after the protagonist’s fatal shot, Goethe’s fictional editor intervenes to tell the remaining story. “Ich habe mir angelegen sein lassen,” the editor explains, “genaue Nachrichten aus dem Munde derer zu sammeln, die von seiner Geschichte wohl unterrichtet sein konnten . . .” The editor outlines his methodology. “Was bleibt uns übrig als dasjenige, was wir mit wiederholter Mühe erfahren können, gewis senhaft zu erzählen, die von dem Abscheidenden hinterläßnen Briefe einzuschalten und das kleinste aufgefundene Blättchen nicht gering zu achten.” To uncover the “eigensten, wahren Triebfedern auch nur einer einzelnen Handlung zu entdecken,” the editor does not overlook one piece of paper, endeavoring to fit all the available evidence into the narrative.

To reconstruct the debate about fan fiction in the eighteenth century, this dissertation takes a similar approach. In an attempt to leave no evidence unexamined, this dissertation collects information from a wide variety of sources, including private letters, publishing contracts, publishing records, book catalogues, legal treatises, philosophical essays, advertisements, and reviews – what historians like Darnton name “external evidence” of reading and writing. In addition, this dissertation closely examines works of fan fiction and the source texts that inspired their creation. Analyzing these findings, this dissertation unearths eighteenth-century ideas and attitudes about literary appropriations, weaving them into a larger story about fan fiction. By allowing these sources to speak for themselves, this dissertation attempts to view the past as it

64 Part of this approach is also letting the “silences of history speak,” and understanding that an absence is also meaningful. This practice is borrowed from Selwyn, who follows “Jules Michelet’s notion of “letting the silences of history speak.” Selwyn, p. 376.
viewed itself, without importing contemporary notions of authorship, originality, and literary property. In this regard, this dissertation joins earlier, avowedly historicist projects like Tilar Mazzeo’s 2007 study of plagiarism and literary property in the romantic period. This dissertation thus adopts an approach, “close to the ground,” as Brewer put it in his study of “imaginative expansions,” that enables the identification of interconnections and patterns lost to more “overarching observers.” Accordingly, this study does not rely on one representative reader, as in the work of Darnton; nor does it focus on reconstructing the media world of one individual reader in all its detail, such as Grafton or Ginzburg. Instead, to appreciate the diversity of the practice and the range of responses it elicited, this dissertation tries to capture as many instances of fan fiction as possible while remaining rooted in primary sources.

Concurrently, this project borrows insights from Piper and Erlin – based themselves on Foucault’s concept of the author as a social construct – of the need to analyze literary production within the larger context of consumer and legal conditions. And learning from Koschorke’s anthropological study of eighteenth-century Schriftkultur, it acknowledges the necessity of studying the interdependent social, aesthetic, and pedagogical forces that led to the creation of fan fiction. Consequently, this dissertation deploys what Cliff Geertz would name a “thick description” of this local cultural system, joining scholars of both law and literature who call for sustained work on primary matters beyond the formal positive law and beyond formal aesthetic theory to better understand the eighteenth-century literary landscape. Studying the aesthetic, legal, and socioeconomic development of fan fiction further helps to explain the actions of publishers, authors, and readers whose attitudes about fan fiction – like the villagers of Werther’s Wallheim

65 Mazzeo, Tilar J. Plagiarism and Literary Property in the Romantic Period. Philadelphia: University of Pennsylvania Press, 2007. As Mazzeo explains, her goal is to “to judge the literary obligations of Romantic-era writers by the standards of their own national moment.” Id, p. x.


68 As Kretschmer, et al, explain, legal studies must investigate more than the positive law alone, especially because “carefully sustained work on primary materials may discover new narratives….” Kretschmer, et. al, “Introduction,” p. 20.
– may otherwise be obscured. Combined with the tools of literary analysis, this legal anthropological approach makes explicit the overlooked story of fiction in the eighteenth century.

**Sources**

Studying the rise and regulation of fan fiction, as the title of this dissertation promises, requires examining a broad range of sources. As authors, readers, publishers, booksellers, philosophers, and jurists weighed in on the debate, they produced a variety of documents capturing diverse perspectives. As a result, despite wartime losses and poor record-keeping practices in the eighteenth century book trade, archival research has yielded a wealth of texts for this dissertation to analyze.

To gain a glimpse into the customary practices and attitudes that influenced the ways in which characters were appropriated, this dissertation relies on a variety of philosophical and legal texts, including publishing contracts and printing agreements signed by eighteenth-century authors. Further, it investigates legal treatises and handbooks, from the influential *Allgemeines Landrecht für die Preußischen Staaten* to colloquial references like the *Handbuch des Buchhandelsrechts*. And in addition to works by philosophical heavyweights like Kant and Fichte, this dissertation examines juridical and philosophical essays by lesser-known jurists like the Coburg Hofadvokat Johann Friedrich Eusebius Lotz, who penned an article on the propriety of borrowing characters from living authors.

Books reviews provide another rich source of information about contemporary attitudes toward fan fiction. In many cases, these eighteenth-century reviews provided far more than plot summaries, becoming critical meditations on the finer points of reading and writing. As Hadley notes, reviewers often “performed the services of a writer’s advisory board,” offering guidance on how books should be written.69 While this led

69 Hadley notes that reviewers often “performed the services of a writer’s advisory board” and that promising novelists got detailed advice on “such matters as plot, style, language, and even spelling” further noting that “worthwhile novels could expect a
contemporaries to complain that reviews had become overly sophisticated and useless for the average reader, this feature renders reviews a valuable record of eighteenth-century ideas about literary creation and literary property, especially when works of fan fiction or their source texts were reviewed – a thankfully common occurrence given the ubiquity of reviews.

This dissertation also examines the copious public advertisements, essays, and private letters that addressed fan fiction in the eighteenth century. Friederike Helene Unger, for instance, placed a statement in the Allgemeine deutsche Bibliothek addressing fan fiction based on her Julchen Grünthal. And this dissertation turns to the private correspondence of readers, authors, and publishers who did not publically broadcast their feelings and opinions. Among others, Nicolai corresponded with friends to devise a strategy to respond to fan fiction and privately appealed to booksellers to negotiate deals concerning contested texts.

Literary works themselves provide perhaps the greatest insight into fan fiction in the eighteenth century. As has been repeatedly observed, the eighteenth-century novel itself is a highly self-reflective genre; “a privileged discursive site,” Erlin and Franzel argue, “that observes the [medial] system at a level of remove.” Among other works, Nicolai’s Sebaldus Nothanker devotes a lengthy chapter to the details of the publishing industry and Hermes’ Sophiens Reise allows a side character, the Setzter, to extemporize about the book trade at length. Forewords and prefaces, tasked with justifying the novel to the public and defending it against critics, provide particularly rich information about fan fiction. Moreover, as Becker notes, the foreword to the novel became a “geeignete Plattform für persönliche Auseinandersetzungen.”

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71 Becker, Eva. Der deutsche Roman Um 1780. Stuttgart: J.B. Metzler, 1964, p. 15. As the eighteenth century came to a close, prefaces fell out of favor, or were used as an ironizing and parodying literary motif. But for most of the works studied in this dissertation the preface remained an earnest site of discussion, providing invaluable insight into authors’ ideas. For more on the gradual disappearance of the preface see: Ehrenzeller, Hans. Studien Zur Romanvorrede Von Grimmlershausen Bis Jean Paul. Bern: Francke, 1955.

72 Becker, Der deutsche Roman, p. 18.
This was especially true for disputes about fan fiction. As a result, prefaces often document the intentions and motivations of writers of fan fiction, as well as their opinions about literature and literary property more broadly.73

As explained more fully in the Appendix, this dissertation is concerned primarily with prose works and the reviews, contracts, letters, advertisements, and debates that surrounded them when their characters were appropriated for use in fan fiction. This limitation stems, in part, from the different notions of authorship and originality inherent to drama and poetry, as well as the different rules that applied to works of fan fiction that altered the genre or medium, as chapter two argues.74 This dissertation, however, examines prose works broadly, from epistolary novels of the Enlightenment to works of Empfindsamkeit to gothic novels.75

This dissertation is similarly uninterested with the scholarly distinction between canonical texts and so-called Trivialliteratur and Unterhaltungsliteratur.76 Because the latter were especially dependent on the market, Rudolf Schenda has argued that popular reading materials more finely indicate socioeconomic influences, attitudes, and trends; in the words of Marion Beaujean they function as a “Widerspiegelung des herrschenden Weltverständnisses.”77 Besides the special insights gained through an investigation of non-canonical works, studying the relationship between a diverse range of authors, publishers, and readers provides the richest picture of reading and writing practices in the eighteenth century. Moreover, eighteenth-century readers and writers of fan fiction made no such distinction between trivial and high

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73 Hadley notes that “it was the custom to justify one’s style, point of view, and even one’s reason for writing” in the preface. Hadley, The German novel, p. 60-61.
74 This limitation and its justification are borrowed from Hinrichs.
75 This dissertation contently declines to offer a definition of prose or the novel; after all, eighteenth-century writers themselves did not have a unified concept or critical definition of the genre they were cultivating.
77 Schenda, Rudolf. Volk Ohne Buch: Studien Zur Sozialgeschichte Der Populären Lesestoffe 1770-1910. Frankfurt am Main: V. Klostermann, 1970, p. 155-156. Beaujean makes a similar point: “Denn gerade am Trivialroman läßt sich sehr viel über geistige Struktur und geistigen Prozeß einer Zeit ablesen.” Beaujean, Der Trivialroman, p. 8. Beaujean claims this is the case because the uninitiated lay reader must be able to participate in the trivial work.
literature and often confused authors and their works.\textsuperscript{78} Goethe, for instance, was thought to be the author of Vulpius’ \textit{Rinaldo Rinaldini} and Vulpius was suspected to have written the \textit{Xenien}. In many circles Lafontaine was held in higher regard than Goethe and Schiller, and was certainly more popular.\textsuperscript{79} As Heinrich Heine observed in \textit{Die Romantische Schule}: “Die Romane von August Lafontaine wurden jedoch eben so gern gelesen, und da dieser unaufhörlich schrieb, so war er berühmter als Wolfgang Goethe.”\textsuperscript{80} The Catalogue located in the Appendix more carefully details the range of authors and fictional works studied in this dissertation.

This dissertation is, however, sensitive to the variations in different editions of novels. Authors like Hermes and Nicolai added to and subtracted from each new edition of their works. Accordingly, where possible, this projects cites original texts from the eighteenth century. Locating these texts, as well as the letters, advertisements, and publishing records involving fan fiction required considerable archival work. Of course, this dissertation does not capture every instance of fan fiction in the eighteenth century. But it has identified dozens of such works, the details of which are provided in the catalogue contained in the Appendix.

\textbf{Why Eighteenth-Century Germany?}

While this dissertation takes a broad approach to the texts it examines, it limits their geographic and temporal scope to works of fan fiction produced between 1760 and 1815 in Germany. Although “Germany” did not then exist as a political entity, this dissertation follows the lead of eighteenth-century contemporaries, who used the term \textit{Deutschland} to refer to the German-speaking lands of Europe, including

\textsuperscript{78} In fact, the boundaries remain porous today. As Paul Fleming observes of contemporary definitions of \textit{Trivialliteratur}. Fleming, Paul. \textit{Exemplarity and Mediocrity: The Art of the Average from Bourgeois Tragedy to Realism}. Stanford, Calif: Stanford University Press, 2009, p. 196, note 50.

\textsuperscript{79} Queen Luise, for instance, judged Schiller among the top tier of writers in Germany, right after Lafontaine. For more, see: Sangmeister, Dirk. \textit{August Lafontaine Oder Die Vergänglichkeit des Erfolges: Leben Und Werk Eines Bestsellerautors Der Spätaufklärung}. Tübingen: M. Niemeyer, 1998, p. 410.

the German-speaking areas of the Habsburg Empire but excluding Switzerland. Like most works of book history, this dissertation is therefore confined to the study of one national history. Although this model is somewhat arbitrarily imposed, given the ability of books – and characters – to travel across national borders, as Jeffrey Freedman has recently observed, this dissertation will demonstrate that different rules applied once a character travelled abroad. Moreover, as Lawrence Rosen has argued, studies of the relation between law and culture are at their best when they are about particular societies and times. Accordingly, this study is concentrated on eighteenth-century Germany alone.

As chapter one demonstrates, the second half of the eighteenth century offers a particularly fertile epoch for thinking about fan fiction and authorial control. Although some works of fan fiction were written earlier, changing economic, legal, aesthetic, and pedagogical conditions converged in the second half of the century, yielding more works of fan fiction than in any preceding era and resulting in a robust debate. Simultaneously, these same cultural developments occasioned the emergence of new and often competing attitudes about authorship and intellectual property.

As the locus of these cultural shifts, Germany is an important source of many debates about literary appropriations and author’s rights. The reading revolution that occurred in the second half of the eighteenth century was led by Germany, where the number of authors, books, and readers surpassed that of France to make Germany the leading consumer of the written word in Europe. In addition to market concerns that accompanied the growth of the book trade, new aesthetic developments and social anxieties generated a

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82 As Freedman observes, "[t]he geography of their diffusion cannot be folded neatly into the geography of nations….." Id., p. 1.


84 Though, Schenda estimates that only 25% of the population was truly literate in 1800. This figure, however, was only 15% in 1770. See: Kiesel, Helmuth, and Paul Münch. Gesellschaft Und Literatur Im 18. Jahrhundert: Voraussetzungen U. Entstehung D. Literar. Markts in Deutschland. München: Beck, 1977. See also: Engelsing, Rolf. Der Bürger als Leser. Lesergeschichte in Deutschland 1500-1800. Stuttgart: Metzler, 1974. “Jean Paul estimated that the literary public in Germany, including members of the reading societies and customers of the lending libraries, consisted of at most 300,000 persons….” in: North, Michael. Material Delight and the Joy of Living: Cultural Consumption in the Age of Enlightenment in Germany. Aldershot, Hampshire, England: Ashgate, 2008, p. 25.
contemporaneous discussion about reading. And as home to leading thinkers about genius and originality, Germany produced central treatises on authorship that record emerging attitudes about proprietary interests in texts and their constitutive parts, including characters. The result was a widespread discussion about the production and consumption of literature, including fan fiction.

Although fan fiction was written across Europe, Germany is perhaps the richest source of contemporary ideas and attitudes about the writing practice. Unlike France and England, the German-speaking lands were a legal quagmire. Consisting of some 300 territories, each with its own laws and unable or unwilling to enforce the laws of neighboring territories, the German states could not hope to resolve early disputes about literary borrowings in the legal arena alone. The result was a “legendary intellectual property debate” carried out by philosophers and legal scholars as well as authors and literary critics. In addition to a wider range of voices contributing to the discussion, the debate in Germany was more expansive than in neighboring countries. In England and France, the discussion about intellectual property was often confined to the facts of litigated cases and was circumscribed by existing statutory language. In comparison (and by necessity), Germans could think more freely and about more problems related to intellectual property. The result is a profound discourse about literary appropriations and an embedded system of customary laws governing the spread of literary ideas.

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88 In England, for example, the Statute of Anne, was implemented in 1710.
89 Saunders explains that philosophy and jurisprudence were “German specialties” owing to the lack of an administrable national territory and no practical possibility of policing the book market. Saunders, David. *Authorship and Copyright*. London; New York: Routledge, 1992, p. 106.
Argument by Chapter

By analyzing the rise and regulation of fan fiction in the eighteenth century, this dissertation endeavors to open a new field of research. It does not purport to provide a teleological account of intellectual property rights in derivative works. Nor does it attempt to discern a poetics of fan fiction. Instead, this dissertation examines why and how characters were borrowed and uncovers the rules that governed the production of fan fiction. In so doing, it paves the way for more nuanced readings of literary texts while providing an alternative history of intellectual property rights in literature. The first part of this dissertation introduces the reader to the universe of fan fiction in the eighteenth century and elucidates the customary norms governing the much-disputed writing practice. The second part analyzes the place of fan fiction in the larger landscape of eighteenth-century literature and the emergence of intellectual property rights.

Chapter one analyzes the intertwined social, aesthetic, and economic forces that contributed to the rise of fan fiction during the well-documented reading and writing revolutions that engulfed Germany after 1750. This chapter argues that the widespread changes in reading and writing habits – and the emergence of new aesthetic theories – provided a social and educational framework that primed readers to write fan fiction. The attendant writing revolution, moreover, modified the book trade to further incentivize authors to write fan fiction as the market became saturated with novels and publishers looked for marketable products. To better understand contemporary attitudes about fan fiction, chapter two reconstructs the eighteenth-century debate about borrowing literary characters from contemporary authors. After contextualizing fan fiction in the larger legal landscape of German letters, this chapter investigates the arguments made to justify and condemn fan fiction, highlighting the competing personal, artistic, economic, and public interests at stake. Chapter three uncovers the unwritten customary norms that governed the production of fan fiction, correcting the persistent scholarly assumption that the appropriation of pre-existing literary characters was lawless in the eighteenth century. Chapter three contends that these norms amount to informal intellectual property regime with established rights, trespass norms, exceptions, and enforcement mechanisms. And
chapter four – presenting information familiar to scholars of eighteenth-century literature, but likely new to legal readers – closely analyzes the sanctions used to enforce these rules.

In this second part of this dissertation, the debate about fan fiction is set against the grand narratives about intellectual property and authorship that have come to dominate scholarship on eighteenth century law and literature. Chapter five examines the reciprocal relationship between authors and readers. Situating fan fiction within the larger context of literary production and consumption, this chapter examines the aesthetic consequences of fan fiction as part of a text’s dynamic reception. Demonstrating the potential for source texts and works of fan fiction to interact with and influence each other, this chapter argues that fan fiction creates a dense network of interlinked texts – and that its creation necessitates a distinct form of authorship and originality. Chapter six then examines the debate about piracy and contends that fan fiction was treated as a separate issue. As authors were newly vested with legal capacity to hold rights in their literary creations, this chapter argues, contrary to existing scholarship, that literary characters were not free to be appropriated however readers wished. Rather, literary characters constituted a distinct form of communal property, the use of which was subject to certain conditions. This chapter thus redefines the “literary commons” of eighteenth-century Germany. Ultimately, this chapter offers a new perspective on the rise of intellectual property rights, compelling a reevaluation of the concept of literary property, the history of free culture, and the history of moral rights.

Finally, the Appendix provides a closer look at eighteenth-century fan fiction. In addition to situating the term “fan fiction” within literary criticism, the Appendix distinguishes fan fiction from related literary practices, like plagiarism, adaptation, and imitation. It further provides a catalogue of the works studied in this dissertation, as well as brief biographical accounts of many of the lesser-known authors discussed in this dissertation, including plot summaries and reception histories of the works that inspired fan fiction. Lastly, the Appendix offers a preliminary answer to the question: what works inspired fan fiction?
Fan fiction proliferated in the eighteenth century as readers eagerly appropriated characters like Werther, Seballdus, Sophie, Rinaldo, and Julchen to use in texts of their own. By analyzing the proprietary interests in fictional characters and discerning the implicit rules governing the production of fan fiction, this dissertation demonstrates that what appears to have been the unfettered circulation of characters might be reinterpreted as circumscribed literary borrowing undergirded by a set of customary norms that functioned like non-statutory law. In so doing, this dissertation paints a richer picture of eighteenth-century law and literature, unearthing a long-overlooked writing practice and analyzing its aesthetic implications and its place in the history of intellectual property.
CHAPTER I: THE BOOK MARKET, THE GOOD READER, AND THE RISE OF FAN FICTION

In a memorable scene from Nicolai’s *Leben und Meinungen des Herrn Magister Sebaldus Nothanker* (1773-1776), the novel’s unworldly hero learns about the book trade from a Magister experienced in the business. Through the mouth of the disillusioned scholar, Nicolai satirizes the factory-like production of literature, disclosing the realities of publishing industry to the surprise of the naïve protagonist. The Magister describes how publishers commission authors to write texts that will sell: “Zu solchen Büchern bedarf der Verleger keine Autoren, die einen Namen haben, sondern solche, die nach der Elle arbeiten. Ich kenne einen, der in seinem Hause an einem langen Tische zehn bis zwölf Autoren sitzen hat und jedem sein Pensum fürs Tagelohn abzuarbeiten gibt.”¹ The Magister further explains that inferior books are actually more desirable because enterprising publishers could exchange them for something better at the book fair. Authors’ motives are similarly ignoble according to the Magister. “Der Autor will gern sowenig Zeit, Mühe, Überlegung und Geschicklichkeit an sein Buch wenden und doch soviel Ruhm, Belohnung, Beförderung von der Welt einernten als möglich.”² In response, the shocked Sebaldus merely stammers, “Sie sagen mir da so unerhörte Sachen, daß ich vor großem Erstaunen mich fast nicht getraue, ein Wort dagegen einzuwenden, und doch ist mir alles unbegreiflich.”³ The truth about the book trade is so unexpected, the idealistic protagonist cannot comprehend what the Magister has told him.

When Nicolai first conceived *Sebaldus Nothanker* in 1767, the lurid realities of the book trade were well known. But one aspect of the trade was completely “unerhört:” fan fiction. Indeed, when authors and critics were first confronted with fan fiction in the 1760s and 1770s, they responded much like Nicolai’s Nothanker. Discussing Ramler’s 1761 fan fiction-like reworkings of Lichtwer’s *Fabeln* in the *Briefe, die neueste Litteratur betreffend*, Moses Mendelssohn calls the incident “unerhöret” [sic] in the 233rd letter.⁴

² Ibid. Bd. 1, p. 103.
³ Ibid.
Lichtwer himself echoes the claim, declaring that “[e]s ist etwas unerhörtes…,” adding “Ich glaube, daß dieser Schimpf Niemanden widerfahren ist, seit die Welt steht.”\(^5\) Others reacted to fan fiction with more historical insight, but no less surprise. When his *Sebaldus Nothanker* became the subject of fan fiction, Nicolai was stunned. Turning to his friends for advice, the Berlin publisher was reminded of the unauthorized sequel to *Don Quixote* and counseled to respond as Cervantes had.\(^6\) Despite the historical antecedents, most critics agreed that fan fiction was a new phenomenon in the 1760s and 1770s.

Just two decades later, fan fiction was far from unprecedented or astonishing – it was expected. In a glib parenthetical following Ramler’s statement that fan fiction was something unheard-of, the author’s grandson clarified “damals vielleicht mehr, als jetzt.”\(^7\) By 1780, fan fiction was so common that critics could anticipate its arrival in the wake of a popular novel. In his 1778 review of the *Anhang zu Sophiens Reisen* (1776) based on Hermes’ bestselling *Sophiens Reise von Memel nach Sachsen* (1770-1773), the German author Johann Karl August Musäus straightforwardly describes the fan fiction as “der Erstling aus dem Nachtrabe, der Sophiens Reisen vermutlich folgen wird” and further anticipates that “die Suite dürfte zahlreich werden.”\(^8\) Whereas the fan fiction of the 1760s and early 1770s generated considerable attention, the fan fiction produced in the 1780s and 1790s was barely registered by contemporaries. In the final decades of the century, even reviewers of fan fiction did not discuss the works’ status as such.

The eruption of fan fiction in the second half of the eighteenth century has not yet been studied. Nor have the intertwined social, aesthetic, and economic changes that caused its rapid production been systematically analyzed. Fan fiction emerged as part of the well-documented reading revolution that engulfed Germany after 1750. The widespread changes in reading and writing habits provided a social and educational

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\(^6\) See, for instance, Theodor Gülcher to Nicolai, 28 March 1775, in: Staatsbibliothek Preußischer Kulturbesitz (SPKB). Handschriftenabteilung. Nachlaß Nicolai, vol. 28, Mappe 6 [hereinafter “NN,” followed by a volume number, and additional information, if available].

\(^7\) Lichtwer, *Schriften*, p. xvii.

framework that primed readers to write fan fiction. And new aesthetic theories responding to the resulting reading mania actually encouraged readers to pen fan fiction. The attendant writing revolution, moreover, engendered changes in the book trade that further motivated authors to write – and consumers to read – fan fiction as the market became saturated with novels and booksellers looked for marketable products.

A Reading Revolution

In 1747, Johann Georg Sulzer complained to the Swiss philologist Johann Jakob Bodmer that “[d]as gemeine Publikum liest wenig…. Es ist kaum zu glauben, wie wenig Menschen in diesem Lande lesen.”

But fewer than twenty years later, Nicolai was able to justify the establishment of his enormous review journal, the *Allgemeine deutsche Bibliothek*, by explaining “[d]ie Leser sind in vielen Dörfern und Städten, zum Theil in kleinen Städten wo nicht einmal ein Buchladen befindlicht ist, zerstreut.…”

By 1779, Wieland happily observed in *Der teutscher Merkur* that “Nie ist mehr geschrieben und mehr gelesen worden.” And by 1798, Kant explained that “Die Lesery ist zum beinahe unentbehrlich und allgemein Bedürfnß geworden.” In some fifty years, reading evolved from an obscure activity to a general necessity.

For the first time since Gutenberg, reading behavior had markedly changed in Germany.

Through the spread of Enlightenment ideas and schooling, a broader reading public emerged in the second half of the eighteenth century. As Albert Ward summarizes, the German middle class had “served its literary apprenticeship; it had been schooled in the field of philosophy by Wolff, introduced to the world of feeling by the Pietist movement, and accustomed to the habit of reading a secular literature by the moral weeklies and the didactic novels of the Age of Enlightenment.”

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10 As Nicolai explains in the “Vorrede” to his *Allgemeinen deutschen Bibliothek*.
tantamount to a sin, by mid-century, reading had become a means of intellectual and moral enlightenment. And by the end of the century, reading material no longer had to make instructive claims, but could be enjoyed simply as entertainment.

Rolf Engelsing has famously termed this transformation the *Leserrevolution*. In addition to a conspicuous change in the number and class of readers, this period also witnessed a shift in the way German readers read. Eighteenth-century commentators also described the transformation as a revolution. In his treatise, *Appell an meine Nation, über die Pest der deutschen Literatur* (1795), Johann Georg Heinzmann compares the magnitude and significance of the spreading German reading habit with the French Revolution, remarking “[s]o lange die Welt stehet, sind keine Erscheinungen so merkwürdig gewesen als in Deutschland die Romanleserey, und in Frankreich die Revolution. Diese zwey Extreme sind ziemlich zugleich miteinander großgewachsen.”

Although scholars have problematized the idea of a *Leserrevolution* and disputed its size, shape, and meaning, most agree that the reading public did undergo a fundamental transformation in this period, just as eighteenth-century commentators themselves observed.

It is difficult to ascertain the exact composition of the reading public, in part, because only a small portion of the population was literate in the eighteenth century. Nonetheless, it is evident that the public was much changed from the first half of the century, when it was compromised almost exclusively of scholars. After 1750 a more diverse readership emerged with representatives from every class of society. According to one 1790 account in the *Journal von und für Deutschland*, reading had spread “durch alle Volksclassen,” and

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17 Farmers and peasants, for instance, were the least likely to know how to read, but some still could. And literacy was not a given in the Bürgertum. For more on literacy in the eighteenth century, see: Engelsing, Rolf. *Analphabetentum Und Lektüre: Zur Sozialgeschichte Des Lesens in Deutschland Zwischen Feudaler Und Industrieller Gesellschaft*. Stuttgart: Metzler, 1973, esp. p. 77.
was spreading further daily.\textsuperscript{18} But, as Reinhard Wittmann reminds, the reading revolution affected a relatively small portion of the total population.\textsuperscript{19} Although contemporaries estimated – and subsequent scholarship has confirmed – that the number of readers more than doubled from 1745 to 1785,\textsuperscript{20} the relative portion of readers remained small: in German-speaking countries, readers made up 10\% of the total population in 1750, and 25\% of the population by 1800.\textsuperscript{21} Despite the growing number of case studies and inventories, it remains difficult to calculate the size of the reading public, in part, because regional difference make it difficult to abstract generalities.\textsuperscript{22} Increases in reading were not uniform, socially or geographically; fundamental differences in culture, education, and literary taste sometimes sharply distinguished the various social classes and German-speaking territories.\textsuperscript{23} Moreover, literacy does not guarantee reading, let alone reading belles-lettres. Nevertheless, most scholars agree that a majority of the German reading public in the second half of the eighteenth century was made up of the middle \textit{Bürgertum} and that there was an overall increase in the number of readers.

In addition to a quantitative change in the German reading public, the reading revolution also entailed a qualitative change as writers sought to please the wider public. Furthermore, people began reading in a new way. According to the oft-cited model first proposed by Rolf Engelsing, readers from the Middle Ages to

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\textsuperscript{23} As Ward notes, it is difficult to discuss “German” readers. In the 18th century, Germany was not a nation but consisted of over 300 states, each with its own government, privileges, legal-system, and unique culture. Ward, \textit{Book Production}, 121.
the mid-eighteenth century read “intensively.” They read a handful of books (the Bible, devotional works, an almanac) repeatedly and often aloud in groups or in family circles. By the end of the century, people were reading “extensively.” They read a wide variety of texts, usually only once, and they read privately. As Engelsing puts it, extensive readers constantly craved new reading material.

Especially this aspect of Engelsing’s claim has been criticized – not just for its lack of evidence, but also because of its unilinear character. As Darnton nicely summarizes, “[r]eading did not evolve in one direction, extensiveness. It assumed many different forms among different social groups in different eras.”24 Intensive reading certainly did not stop in the eighteenth century. Contemporary accounts from readers of Goethe’s Werther and Miller’s Siegart verify that repeated, intensive reading was also a hallmark of the late eighteenth century. In his 1776 novel, Das Werther-Fieber, Göchhausen portrays a family who has read Goethe’s novella together more than four times.25 In fact, some enthusiasts had read Werther so many times that they could recite it from memory.26 Darnton thus interprets the changes in the eighteenth century not as decreasing intensity, but as increasing variety and opening up new possibilities of reading.

The second half of the eighteenth century also witnessed a shift in what people were reading and why. As the reading habit grew, people increasingly turned to texts for entertainment, not just instruction. Over the course of the century, reading became as much a pastime as dancing or playing cards.27 Eighteenth-century readers also read a wide range of literature without distinguishing what today would be classified high and trivial literature. As Engelsing describes of the average reader: “Er las Vulpius’ Rinaldo Rinaldini und Heinses Ardinghello aus etwa dem gleichen Antrieb.”28 “High” literature, however, was not as widely

27 Ward makes the comparison in: Ward, Book Production, p. 141.
circulated in Germany as so-called Trivial- or Unterhaltungsliteratur, but was primarily read by other writers, artists, and personal friends of the author.\textsuperscript{29}

Although readers embraced a range of literature, not all genres were equally popular. The Bible remained the most commonly read text, but there was a particular increase in reading novels. And there were plenty of novels to read. Wittmann estimates that, at a minimum, in the last decades of the eighteenth century, some 300 new novels appeared in Germany each year. Although there is scholarly dispute about the exact numbers, most research pinpoints the peak around 1800, concurring that there was, in Schön’s words, an “explosionsartige quantitative Ausweitung der Romanproduktion” in the second half of the century.\textsuperscript{30}

Beginning around 1770, “Vielleserei” began to cause concern as eighteenth-century thinkers diagnosed the dangers of the unbridled consumption of literature.\textsuperscript{31} Variously described as Lesesucht, Lesefieber, and Lesewut (reading addiction, reading fever, and reading mania) the rapidly spreading reading habit was compared to a disease or epidemic with injurious social, psychological, and physiological effects. Excessive reading, it was thought, could overexcite the reader’s imagination, leading him or her to reject reality, to neglect daily duties and routines, and to become physically exhausted or worse.\textsuperscript{32} Most diagnoses of Lesesucht blamed novels.\textsuperscript{33} Describing novels, Heinzmann claims, “Sie haben eine weichliche und wollüstige Denkungsart in alle Leser, besonders in unsre Frauenzumer gepflanzt; den Trieb der

\textsuperscript{29} Quoting Wilhelm von Humboldt and Karl Philipp Moritz, Ward observes that “high” literature was not as widely read in Germany as other countries, especially England. How this might have influenced the production of and attitudes toward fan fiction deserves additional attention. Ward, \textit{Book Production}, 129.

\textsuperscript{30} Schön, “Publikum und Roman,” p. 295.


\textsuperscript{32} Melton catalogues the physical ailments and medical consequences eighteenth-century thinkers attributed to reading mania, including: “oversensitivity, susceptibility to colds, headaches, poor eyesight, heat rash, gout, arthritis, hemorrhoids, asthma, apoplexy, lung disease, poor digestion, constipation, nervous disorders, migraines, epilepsy, hypochondria, and melancholy.” Other worries included distracting women from domestic duties, encouraging sexual license, inflaming sexual appetites, and overwhelming the senses by creating a world of fantasy – all of which could render women unfit for the realities of married life. Melton, James V. H. \textit{The Rise of the Public in Enlightenment Europe}. Cambridge, UK: Cambridge University Press, 2001, p. 110-111.

\textsuperscript{33} As Melton observes, “[t]his charge was a secularized variant of an older theological discourse, which had condemned novels as a sinful distraction from spiritual concerns.” Melton, p. 111.
Geschäftigkeit, des arbeitsamen, thätigen Lebens geschwächt; und in viele Familien Unglück und Schande gebracht.”

To save the German public, a “veritable war on reading” was consequently waged in the final decades of the century. Scholars have variously analyzed the response to Lesesucht as part of larger sexual, genealogical, or pedagogical discourses. Others have interpreted the Lesesuchtedebatte as nothing more than an “ideologische Fälschung,” an attempt to hinder the emancipation of the general population, or as part of the democratization of the Bürgertum. More recently, scholarship has interpreted the response to Lesesucht as a manifestation of anxiety about the expanding commodity culture and the anonymization of market mechanisms. Regardless of the cause or its meaning, most agree that Lesesucht overcame readers in the eighteenth century. As Göpfert summarizes: “Kurz: es gab einen Hunger nach Büchern.”

And this demand was met with a corresponding increase in the number of books.

As Table One demonstrates, the second half of the century saw a rapid increase in the number of books produced. Exact numbers are difficult to calculate because of lacunae in book fair catalogues, but historical records and contemporary accounts provide a clear picture of the changing publishing landscape.

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34 Heinzmann, Appell, p. 130-131.
37 Schenda, Volk ohne Buch, p. 88.
43 As North observes, book fair catalogues have lacunae, but are nevertheless helpful sources to estimate changes in book production and changes in genre. North also helpfully compares contemporary eighteenth-century estimates with twentieth-century scholarship on the book trade. “In the 1780s and 1790s, contemporaries spoke of 5,000 new titles a year. … According to book historian Reinhard Wittmann, announcements of new periodicals and books appearing in Germany between the Frankfurt and Leipzig fairs that did not make it into the book fair catalogues amounted to a total of 7,846 titles between 1780 and 1782, while the book fair catalogues list 8,354 titles for those years. A total production of 15,000 titles during those three years, or an
1.1 Number of New Titles Listed in the Leipzig Book Fair Catalogue, 1700-1800

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</tbody>
</table>

Between 1760 and 1790 the number of new titles that appeared as “Neuerscheinungen” tripled. Although the increase in book production was exponential, it was steadily so – except for the jump in production between the years 1760 and 1770, which North names “the great expansion.” The increase in new titles, however, was not uniform across subjects, as Table Two shows.

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45 Göpfert confirms this, describing the rise in the number of new titles in the book fair catalogues from 1763 to 1805 as a three-fold increase from around 1350 to 4500. Göpfert, Vom Autor Zum Leser, p. 82.

## 1.2 New Titles by Subject, 1740-1800

<table>
<thead>
<tr>
<th>Subject</th>
<th>Number of titles</th>
<th>Percentage of total production</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1740</td>
<td>1770</td>
</tr>
<tr>
<td>Theology</td>
<td>291</td>
<td>280</td>
</tr>
<tr>
<td>Jurisprudence</td>
<td>97</td>
<td>61</td>
</tr>
<tr>
<td>History/geography</td>
<td>85</td>
<td>110</td>
</tr>
<tr>
<td>Medicine</td>
<td>50</td>
<td>91</td>
</tr>
<tr>
<td>Philosophy</td>
<td>44</td>
<td>34</td>
</tr>
<tr>
<td>Fine arts and belles-lettres</td>
<td>44</td>
<td>188</td>
</tr>
<tr>
<td>General learning</td>
<td>40</td>
<td>52</td>
</tr>
<tr>
<td>Popular moral writings</td>
<td>25</td>
<td>39</td>
</tr>
<tr>
<td>Mathematics/natural science</td>
<td>25</td>
<td>71</td>
</tr>
<tr>
<td>Classical philology</td>
<td>18</td>
<td>35</td>
</tr>
<tr>
<td>Political science</td>
<td>10</td>
<td>32</td>
</tr>
<tr>
<td>Agriculture, the trades, etc.</td>
<td>8</td>
<td>60</td>
</tr>
<tr>
<td>Practical manuals</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>Non-classical philology</td>
<td>5</td>
<td>16</td>
</tr>
<tr>
<td>Education and child-rearing</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>Popular periodicals</td>
<td>2</td>
<td>39</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>755</strong></td>
<td><strong>1,144</strong></td>
</tr>
</tbody>
</table>

While the number of new titles increased in nearly all subjects, the growth was not proportional. Subjects like theology and jurisprudence grew more slowly, and thus comprised a declining share of new titles. Belles-lettres titles, however, saw a relative increase in proportionality as their growth outstripped every other subject. Although these works made up only 6% of new titles in 1740, by 1770 belles-lettres made up 16.5% of new titles, growing from the sixth to the second most represented subject. By 1800, belles-lettres finally supplanted theology for the top spot, constituting 21.5% of new titles on the market. Notably, the

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48 Like the declining number of texts written in Latin (which made up 28% of titles in 1740 and only 4% of titles in 1800), the relative increase in belles-lettres reveals the more general shift from a scholarly audience to a broader reading public. In 1740 still 27.7% of all new titles at the fairs were published in Latin. By 1770, only 14.25% were in Latin; and by 1800, only 3.97%. See: Wittmann, *Geschichte*, p. 112.
rapid increase in belles-lettres was due primarily to an increase in the number of new novels, as presented in Table Three.

1.3 Novels Published, 1750-1800

<table>
<thead>
<tr>
<th>Years</th>
<th>Number of Novels</th>
</tr>
</thead>
<tbody>
<tr>
<td>1750-1760</td>
<td>73</td>
</tr>
<tr>
<td>1761-1770</td>
<td>189</td>
</tr>
<tr>
<td>1771-1780</td>
<td>413</td>
</tr>
<tr>
<td>1781-1790</td>
<td>907</td>
</tr>
<tr>
<td>1791-1800</td>
<td>1,623</td>
</tr>
</tbody>
</table>

The share of novels on the German book market rose considerably – from 4% in 1770 to nearly 12% by 1800. By the end of the century, novels made up three quarters of the new belles lettres titles each year.\(^{51}\)

In some years, between 500 and 600 novels were published.\(^{52}\) Contemporaries, though, were not wholly enthusiastic about the increase. In a special “Bermerkung” in his *Appell an meine Nation*, Heinzmann calculates that between 1773 and 1794, some 5,850 novels appeared at the book fair (including German originals and translations). Of these, he says, “sind, wenn man gar nicht strengen richten will, kaum 20 die einen bleibenden, sittlichen und schriftstellerischen Werth haben.”\(^{53}\) Regardless of contemporary judgments about the merit of literature and scholarly disputes about the exact number of readers and books, it is clear that more readers were reading more – especially novels.\(^{54}\)

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\(^{50}\) Beaujean, *Der Trivialroman*, p. 178-183.


\(^{52}\) Wittmann, *Geschichte*, p. 187. Again, there is a dispute as to numbers here. Wittmann claims that, in some years, the number of new novels totaled between 500 and 600. Engelsing, though, estimates a more moderate figure. Engelsing, *Der Bürger Als Leser*, p. 231.

\(^{53}\) Heinzmann, *Appell*, p. 147.

A Writing Revolution

At the start of the eighteenth century, there was no profession of letters in Germany. In *Dichtung und Wahrheit* Goethe describes “[d]ie Produktion von poetischen Schriften” in the period as “etwas Heiliges angesehen” and clarifies that “man hielt es beinahe für Simonie, ein Honorar zu nehmen oder zu steigern.”\(^{55}\) Authors did not write texts for compensation, but for academic and artistic purposes. Writing novels, moreover, was a disparaged endeavor; around 1750 it was an insult to be called a novelist (*Romaniste*).\(^ {56}\) But as the century progressed, and the reading public grew from a select circle centered around a patron into a larger and more anonymous public, German writers multiplied and writing became a professional pursuit.

The demand for reading material was met not just with an increase in the number of new titles, but also with a corresponding increase in the number of authors. The *Leserrevolution* coincided with a social and occupational transformation of the writing sphere as writers evolved from “ständischen” to so-called “freien Schriftsteller,” resulting in a similarly pathologized author-mania.\(^ {57}\) Already in 1761, Friedrich Graf zu Lynar exclaimed: “Wir leben überhaupt in einer Zeit, da […] fast alle Menschen von der Autor-Sucht angesteckt sind. Vom Throne bis zur Schäfer-Hütte, wer nur die Feder halten kann, der schreibt Büchern.”\(^ {58}\) Indeed, the number of writers increased dramatically in Germany. From 1766 to 1800, the number of published German authors grew from an estimated 2,000-3,000 to more than 10,000.\(^ {59}\)


\(^{58}\) Quoted in Wittmann, *Geschichte,* p. 147.

\(^{59}\) Beutin, p. 127. Wittmann cites a similar increase. In 1766, Johann Georg Meusel listed fewer than 3000 authors in his *Schriftstellerlexikon*; by 1776, the number reached more than 4300; by 1788, almost 6200; by 1795, some 8000; and by 1806 the *Lexikon* listed around 11,000 authors. Of course, these figures do not represent strictly full-time writers. Wittmann estimates that the number of writers in the Lexikon who were “hauptberuflicher Autoren” could not make up more than a quarter of the 11,000. Still, even if the numbers are exaggerated, they forcefully document the staggering rise in the number of writers and more generally the increasing interest in writing. Wittmann, *Geschichte,* p. 147.
Writing as activity changed in the eighteenth century. As Nikolaus Wegmann asserts, the increase in literacy in the eighteenth century led to a “sprunghaft wachsende Verschriftlichung der Kommunikation.” As people began writing more, it became customary to keep diaries and journals. Private and public correspondence also increased. By 1770 it became fashionable to write letters – often revealing maudlin sentiments and the state of one’s heart – and for reading circles to recite them out loud.

Writing, like reading, also became an amusing pastime – especially writing novels. In his 1792 essay *Ueber Schriftsteller und Schriftstellerey*, Adolph Knigge observed that “[f]ür den Geschäftsmann ist Schriftstellerey süße Erholung.” Contemporary authors of fan fiction confirm this account, for example, the author of *Einer jüngern Sophie Reise aber nicht von Memel nach Sachsen*. The 1780 prequel, based on Hermes’ best-selling *Sophiens Reise von Memel nach Sachsen*, begins with the “Geschichte meiner Romanautorschaft,” in which the author identifies himself as a house-tutor. When he is not on duty, the author explains, “widmete ich die Stunden, so meiner eigenen Disposition überlassen sind, der Ausarbeitung vermischter Abhandlungen.” The efforts of this avocation, of course, developed into the two-volume, 364-page work of fan fiction. But for many, writing was more than just a “Zeitvertreib,” it was also a “Verdienstquelle.”

Far from the sacred activity it was considered at the start of the century, writing books had become, as Wieland describes in 1784, a “literary enterprise.” Although Nicolai still conceptualized writing as an artistically motivated activity, arguing that “[e]in Buch muß aus innerem Triebe kommen,” this was not

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64 “Ein Buch muß aus innerem Triebe kommen. Die meisten deutschen Schriftsteller schreiben, weil geschrieben werden muß… Ich danke der Vorsehung, daß ich nie in dem Falle gewesen bin, aus andern Ursachen als aus innerem Triebe zu schreiben.”
the case for most writers. Even Schiller, for instance, completed certain projects solely for the remuneration. By his own account, Schiller despised working on *Der Geisterseher*, naming it the “verfluchte[r] Geisterseher” and “Schmiererei” – but he continued writing the novel because “bezahlte wird es nur einmal.” In fact, a majority of writers in the second half of the eighteenth century were writing as “Brotschriftsteller,” “Lohnschriftsteller,” “Geldautoren,” “Polygraphen,” “Wortproduzenten,” “Mietsclaven,” “literarische Tagelöhner,” as they were variously described. Most came from the educated, un-propertied middle class; they were tutors, pastors, teachers, professors, doctors, lawyers, and public officials. Compared to the period before the *Leserrevolution*, fewer writers came from the nobility and upper middle class. With the rise of the “freie Schriftsteller” and the increasing number of educated Bürger who did not hold an office, writing became “eine schiefe Notwendigkeit zur Existenzsicherung, ein unabdingbarer Nebenerwerb.”

As with *Lesesucht*, concern about the growing writing habit accompanied its spread. In addition to anxiety that the new popularity of writing would lead to a decline in the quality of German literature, critics worried that increased authorship would harm German society as young people devoted more time to writing instead of more useful pursuits. Contemporaries also had mixed feelings about the possibility of making a living from writing. According to Knigge, “Schriftstellerey… ist kein besonderer Stand, kein Amt in der Gesellschaft.” For Knigge, a young man’s talents and efforts could better serve society. Heinzmann adopted an even harsher attitude, remarking that “Wer Schriftstellerey zu seinem Beruf und Amt macht, und auf keine andre Art in der bürgerlichen Gesellschaft angestellet ist, kann erwarten, dass man ihn

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66 Schiller to Köerner, 17 March 1788. Ibid., p. 30.


Hungers sterben lasse.”

Others, like Wieland, were more comfortable with authors earning a living from their writing, arguing that there was no reason to be ashamed of a life supported by hard work from either one’s hands or head. In this contentious atmosphere, however, many authors claimed throughout the eighteenth century not to be writing for money, informing their publishers that they did not expect an honoraria for their work. But all evidence indicates that writing increasingly became an opportunity to make money.

In the expanding book market, the growing demand for novels meant more sales. Ward interprets this demand as an opportunity for authors to win financial security; perhaps more realistically, Dainat has more recently reinterpreted this demand as an opportunity for writers to allay “den beständigen Geldmangel.”

Regardless, in the second half of the eighteenth century, authors were paid more than ever for their manuscripts. In his 1791 essay “Der Bücherverlag in Betrachtung der Schriftsteller, der Buchhändler und des Publikums abermals erwogen” the economist and natural historian Johann Albert Heinrich Reimarus noted that “[d]er Buchhändler zahlt ja wirklich den Schriftstellern jetzt oft vier und mehr Mal soviel als zu unserer Großvater Zeit…” In addition to honoraria, writing also meant the possibility of commissions, patron gifts, and rewards. Catherine the Great, for instance, was so pleased with Nicolai’s sequel to Thümmel’s Wilhelmine, that she sent Nicolai a gold medal worth 36 ducats and later commissioned him to assemble libraries for members of her court.

70 Heinzmann, Appell, p. 160.
72 For more on authors’ rhetorical refusal of honoraria, see: Steiner, p. 37.
73 Ward, Book Production, p. 28; Dainat, p. 77.
Writing became profitable at a time when almost anyone could become an author. And, unsurprisingly, it seemed to contemporaries that almost everyone did. In Wieland’s estimation “Jedermann schreibt Bücher, Bärtige und Unbärtige, Gelehrte und Ungelehrte, Meister, Gesellen und Lehrjungen; wer sonst nichts in der Welt kann und seinem Leibe keine Rat weiß, schreibt ein Buch.”

Goethe echoed the sentiment in the Xenien:

Alles schreibt, es schreibt der Knabe, der Greis, die Matrone.
Götter erschafft ein Geschlecht, welchem das schreibende schreibt.

Writing was no longer exclusively the domain of scholars or the sacred activity of poets motivated by Nicolai’s “inner drive.” New commercial interests and profit motives systematically changed the writing scene – or, as some contemporaries believed, corrupted the publishing industry. Whereas writing had once been the “edelsten Gaben des Geistes,” as Ernst Brandes described it in 1800, it was now seen as a debased, commercialized activity. In his 1790 novel, Herr Thomas. Eine komische Geschichte, Johann Gottwerth Müller even remarks that a foreigner might believe “ganz Deutschland sey ein einziges Irrenhaus” because so many young people are writing novels as a kind of “Handwerk.”

Ultimately, as writing developed into popular pastime and an opportunity to earn a living, writing became less privileged. The changing posture of merchants and the middle classes vis-à-vis the upper classes resulted in what Engelsing names “einem ganz anderen Selbstbewußtsein,” that emboldened middle class

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77 Brandes, Ernst. “Über die Leserei der Modebücher und ihre Folgen in einigen Klassen der höheren Stände,” in: Neues Hannöverisches Magazin. Vol. 7 (1800), p. 81-176, here, p. 101; quoted in: Erlin, “Useless Subjects,” p. 152. As Erlin summarizes Brandes, “the profit motive...systematically distorts communication between author and reader, because it forces the formed to written even when s/he has nothing to say. [...] In addition, he argues, the possibility of profit has tempted too many individuals to enter the industry, and their excessive competition leads some to resort to sensationalism to stay afloat.”
Bürger to appropriate writing – particularly writing belles-letters – as a legitimate activity for themselves, too. 79

Commercial Incentives: A Market Preference for Fan Fiction

Fan fiction emerged in late eighteenth-century Germany as part of a larger “consumer revolution” that occurred parallel to the shifts in reading and writing practices. 80 In the past two decades, scholars have studied the increased production and consumption of goods – from coffee and tea, to porcelain, watches, umbrellas and more – to better understand changing cultural and social norms in the eighteenth century. 81 Increasingly, scholars have turned to literature as a significant consumer good in the second half of the century. Germany, however, has featured less prominently in these discussions. 82 But the evolving German “culture of consumption,” as Matt Erlin stresses, warrants sustained attention, particularly because “the trajectory of eighteenth-century German literature was powerfully influenced by the evolution of a consumer society,” amounting to a dialectical relationship between aesthetics and commodity culture. 83 Erlin deftly analyzes how market changes influenced the narrative structure and figurative language of fictional literature. 84 But no work has systematically investigated how the changing book trade and the surplus production of novels motivated authors to write – and consumers to buy – a radically “unerhörte” form of literature, namely, fan fiction.

79 Engelsing, Der Bürger Als Leser, p. 161.
Although the demand for literature enabled authors to profit from the expanding book trade in unprecedented ways, as more people started writing for fun and money, the market became saturated with texts. Eventually, there were more books on the market than people could possibly read. Pointing to “die Menge elender Bücher, womit jede Messe überschwemmt wird,” an essayist in Der neue deutsche Zuschauer concludes, “Unmöglich ist es, daß das Publikum auch nur den dritten Theil davon anschaffen und lesen kann.”\(^{85}\) The sentiment was repeated throughout the final decades of the eighteenth century: the market was oversaturated.

Notably, the rise in the number of novels published from 1770 to 1800 was not due to the greater productivity of individual authors. Instead, the surge is attributable to the staggering increase in the total number of authors. In 1780, for instance, Saxony alone counted over 600 writers among its population trying to publish literary works.\(^{86}\) Describing the changed book market, Georg Christoph Lichtenberg quipped, “Wenn England eine vorzügliche Stärke in Rennpferden hat, so haben wir die unsrige in Rennfedern.”\(^{87}\) Lichtenberg’s comparison evokes the image of a stable of writers, reducing German authors to a sort of breedable commodity. It also highlights the need for speed and efficiency, reminiscent of the factory-like production of books portrayed in Nicolai’s Sebaldus Nothanker. Most tellingly, though, Lichtenberg captures the inherent competition between writers. Racehorses, after all, are racing against each other. Indeed, by the 1770s, the German “race-quills,” were in arduous competition. The increase in authors was so great and the competition between them so fierce, that in Eva Becker’s estimation, the success of one author hurt the commercial success of another.\(^{88}\) Writing had thus become a zero-sum game.

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\(^{88}\) Becker, p. 39.
As a result, by 1800, writing had become a decidedly risky way to earn a living. After learning that his son intended to follow in his footsteps and become a writer, Wieland tried to dissuade him, explaining that it was almost impossible to subsist as such. “Ich weiß was Du mir sagen wirst – Romane, Schauspiele, Zeitschriften, Taschenbücher – u. die Beispiele von Götthe, Schiller, Richter, Kotzebue, La Fontaine. – In der That machen diese fünf eine Ausnahme; aber was sind 5 gegen mehr als 6000 Buchmacher, die es itzt gibt?”\(^{89}\) Wieland continues: “Die Buchläden sind mit Romanen und Theaterstücken aller Art dermaßen überschwemmt,” clarifying that publishers would not pay a single Thaler for a work that was not by the likes of Kotzebue or Lafontaine.\(^{90}\)

To survive, authors had to write texts that would sell. And following the *Leserrevolution* and the emancipation of the writer, this now meant appealing to the broader, anonymous public. In his seminal work on “der freie Schriftsteller,” Hans Jürgen Haferkorn documents the rise of the professional writer from 1760 to 1800 and the resulting impact on literature. Until mid-century, Haferkorn observes, literature was produced following learnable rules and shaped by codified aesthetic norms. With the rise of the “freier Schriftsteller,” free from patrons and the court, Haferkorn argues that writers began to tackle matters of subjective originality, engendering unprecedented spontaneity and creativity in literature. Fictional texts, consequently, became a subjective expression of artistic truth and writing became a mark of individuality.\(^{91}\)

Although this argument may be true in its broadest strokes, it is not fully descriptive. In many cases, the emancipated writer was not free, but simply beholden to a different master. As Michael Hadley notes, this new authorial independence was now dependent on an author’s “ability to win public acclaim,” thus obliging authors to “accommodate themselves to commercial considerations.”\(^{92}\) Ward argues that authors


\(^{90}\) Ibid. p. 30.


like Gellert, Nicolai, Hermes, and Johann Gottwerth Müller wrote to “fill a gap,” improvising their novels “in response to a demand” and not “to satisfy theories of art.” Given the competition, many authors were inspired to write for as broad a public as possible, even if the anonymous public was largely unknowable. For example, in the preface to his bestselling *Siegfried von Lindenberg*, Müller clarifies that he wrote his novel “für alle Stände” but he asks for forgiveness, “wo ich den Geschmack des Publikums, den ich noch nicht kennen konnte, verfehlt haben möge.”

Although authors proved eager to satisfy the public’s tastes, they did not deliver their products directly to consumers. Books traveled from author to reader through a highly segmented but interdependent distribution system made up of publishers, printers, book binders, and booksellers. As the market became oversaturated with authors and books, each actor along this supply chain – from author to reader – was increasingly incentivized to produce and purchase fan fiction. The influence on fan fiction, though, was anything but linear; no single transaction was responsible for motivating the creation of fan fiction alone. Rather, each actor’s preference shaped – and was shaped by – other players’ inclination for fan fiction, resulting in a reciprocally self-reinforcing preference that led to an explosion of fan fiction after 1750.

*Readers*

Because they constituted the bulk of the reading public in the second half of the eighteenth century, middle-class readers were the dominant economic players in the book trade. Georg Friedrich Rebmann scornfully assessed the situation in his 1793 travelogue *Kosmopolitische Wanderungen durch einen Teil Deutschlands.*

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Unser Publikum besteht nicht etwa aus den Tribunalen, die in Jena, Göttingen und Berlin entscheiden, auch nicht aus den jungen Kandidaten, angehenden Pastoren oder Studenten, welche hie und da in mancher anderen gelehrten Zeitung spoken, nein, das Publikum, dessen Stimme zwar nicht in kritischer, aber in ökonomischer Hinsicht über unsere Schriftsteller richtet, besteht aus Friseuren, Kammerjungfern, Bedienten, Kaufmannsdienern und dergleichen…

The judges – at least the judges who could determine the commercial fate of a book – were average Bürger.

Despite their influential position in the market, however, middle-class readers were not ideal consumers given their limited resources. In addition to limitations on time, which caused myriad texts to go unread, middle-class readers simply could not afford to buy many books, which did not become inexpensive until the nineteenth century. Book prices were dependent on a number of factors, including: advertising costs; rebating; transportation expenses; taxes; fees (for the censor and privilege, if sought); profit margins; printing; labor; honorarium paid; the number of illustrations and the artist; paper choice. At one to two Thaler each, books were substantially more expensive than basic household goods. At most, eggs sold for 10 Pfennig and veal sold for 30-40 Pfennig per pound. Schiller reports, for instance, having lunched in Jena for 25 Pfennig. For comparison, at the end of the eighteenth century, one book would have been the equivalent of approximately 57 eggs or 23 lunches. Other estimates note that one volume of fiction was

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98 Ward calculate the average price of a volume of fiction in 1785 at about 16 Groschen per volume, further noting that the highest price was 1 Thaler 16 Groschen (for a 592 page volume) and the lowest price was 3 Groschen (for a 38 page volume). Averaging the number of pages per volume (305), Ward then calculates that “in 1785 1 Groschen could buy about nineteen pages of fiction.” Ward, *Book Production*, p. 150.

the equivalent cost of five pounds of beef or two pounds of sugar.\footnote{More specifically: 5 lbs of butter at its summer price, or 2 lbs of butter in winter; 1 Groschen could buy a pound of black bread. Ward, \textit{Book Production}, p. 150.} For an unskilled laborer, who earned an average of 50-60 Pfennig per day, a book cost nearly two weeks work. Consequently, members of the lower social classes rarely bought novels. Many students could not afford books either. According to one account from Jena in 1783, a volume that cost 16 Groschen aroused in “den Studenten schon ein Grauen.”\footnote{Cited in Göpfert, \textit{Vom Autor Zum Leser}, p. 123.} Middle-class consumption was also tightly circumscribed. The annual book budget for middle-class readers was likely no greater than 10-20 Thaler, or 8-10 books. As a result, the purchasing power a middle-class consumer was relatively limited. At these prices, even Goethe, who was notoriously bad with his finances, was urged by his advisor to purchase fewer books.\footnote{Unseld, Siegfried. \textit{Goethe and His Publishers}. Chicago: University of Chicago Press, 1996, p. 4.}

Notably, as more works came on the market throughout the century, readers’ resources did not change. In his 1800 treatise \textit{Über Deutschlands Litteratur und Buchhandel}, the publisher-publicist Arnold Andreas Friedrich Mallinckrodt woefully observed that “Denn im Ganzen genommen, werden jetzt vielleicht nicht mehr Bücher gekauft, wie vor 10, 15 Jahren und länger, und diese Summe vertheilt sich nun auf die ganze grosse Masse.”\footnote{Mallinckrodt, A. \textit{Über Deutschlands Litteratur und Buchhandel}. Dortmund: Gebrüder Mallinckrodt, 1800, p. 15-16; cited in Fischer, vol. 2, p. 223-24.} And because of the lending libraries, Mallinckrodt conjectured that consumers were, in fact, buying fewer books, despite the increase in the number of new titles on the market.\footnote{Ibid. p. 16.} As a result, as the eighteenth century wore on, more authors were competing for fewer spots on the overcrowded market. Even the best works were hurt by the extraordinary competition. Mallinckrodt posited, “selbst Meisterwerken kann unser Zeitalter nicht mehr so häufige Auflagen hoffen lassen, als manchen nur sehr mittelmäßigen Produkten der früheren Zeiten zu Theil wurden.”\footnote{Ibid. p. 19-120.}
When readers did buy books, they were likely buying what was recognizable. When confronted with a market flooded with too much choice, consumers typically anchor themselves to the familiar, whether a known brand or accustomed product. In the context of literature, this could mean sticking to a particular author (explaining why writers typically advertised subsequent works as “Von dem Verfasser des…”), a preferred genre (explaining the ubiquity of Räuberromane, say), or even sticking with a beloved character (explaining the proliferation of Lottes, Sophies, and Siegwarts populating novels). Especially when consumers’ financial means are limited, they are less likely to take risks, further raising the appeal of texts featuring beloved characters.

The ubiquity of review journals also did little to help readers make informed choices. Because of the large number of new works, many titles went unreviewed or were first discussed years after their initial publication. Readers, moreover, could not possibly read all of the available reviews. And many readers eschewed book reviews altogether as biased accounts based on personal feelings and literary feuds. As a result, Schmid zu Gießen hypothesized in 1790 that “Jener grössere Theile des Publicums…liest wenig oder gar keine Recensionen….” Instead, he clarified, readers “kauft nach mündlichen Empfehlungen, kauft durch zufällige Veranlassungen, und wird unter andern vornehmlich durch den Titel zum Kaufen gereizt.” Given the overwhelming choice available, familiarity likely wielded outsized influence among the “zufällige Veranlassungen” guiding consumer behavior—especially as consumers, hampered by limited

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106 In addition to having the widest selection of literature available to them in this history of the book, late eighteenth-century consumers were also constantly inundated with this choice. Unlike earlier in the century, readers could acquire new titles at virtually any time. In the second half of the eighteenth century, readers no longer had to wait for booksellers to return from the fairs with new products every half year; instead, readers could use the newly ubiquitous Sortimenter, who delivered titles outside the time period of the fairs.


108 Ibid.
resources, selected titles they thought they might like. Unmoored in the new market, readers were thus disposed to favor works of fan fiction over unfamiliar titles.

Booksellers

Twice a year, at Easter and Michaelmas, booksellers – who were also typically publishers at this time – gathered in Leipzig and Frankfurt for two weeks to trade books with other booksellers.¹⁰⁹ They would then return home with a diverse inventory to sell to retailers, clients, other booksellers, and itinerant peddlers, or to give to their own authors as honoraria. By the end of the eighteenth century, the second week, known as the Zahlwoche, was devoted to settling accounts and financial dealings, leaving booksellers just one week to conduct a least six months of book business. In this time, booksellers set up warehouses and shops while meeting with printers, papermakers, binders, and customers. Bookseller-publishers might also contract with hopeful authors, who came to the fairs hoping to sell manuscripts, as illustrated by the author of the fan fiction Einer jüngern Sophie Reise. In the house-tutor’s words, “Meine gnädige Herrschaft machte in der letzten Ostermesse eine Lustreise nach Leipzig, und hatte die Gnade mich mitzunehmen. – Ha, dacht ich, am Abend vor der Abreise, doch Ein Vortheil von meiner Station – packte die Früchte meines Fleißes in ein Bündelein, um damit bey des H.R. Reichs berühmtesten Buchhändlern hausieren zu gehen. Gedacht – geschehen. – Von einer Taberne in die andere…”¹¹⁰

¹⁰⁹ Beginning mid-century, booksellers began to meet in exclusively in Leipzig. Booksellers were often publishers due to the barter-system on which the fairs operated. As Selwyn explains, “[f]ew booksellers had enough ready money to pay for the books they needed in cash rather than kind, and publishers were loath to offer credit to purely retail booksellers. Thus most were compelled to publish titles of their own.” Selwyn, Pamela E. Everyday Life in the German Book Trade: Friedrich Nicolai As Bookseller and Publisher in the Age of Enlightenment, 1750-1810. University Park, Pa: Pennsylvania State University Press, 2000, p. 107. Not all booksellers were alike, though. Netto- booksellers, for instance, sold books from their own firm. There were also self-publishing authors and editors. And Sortiment- booksellers fulfilled orders between fairs, often from a single bookseller.

By most contemporary accounts, book fairs were stressful affairs. The most common complaint was that booksellers did not have time to carefully inspect works before acquiring them. They, too, were challenged by limited time and an overwhelming number of new works through which to sort. In the 1790 essay “Ueber den deutschen Buchhandel zu Beherzigung für das Publikum, Gelehrte und Buchhändler,” the anonymous author straightforwardly explains, “[d]er Buchhändler ist nicht im Stande während der Messe die Bücher zu beurtheilen.” As a result, booksellers faced an insurmountable information asymmetry. Consequently, to maximize profits, booksellers were more likely to choose a known quantity – such as a work of fan fiction, with familiar attributes – rather than take a risk on something they have never heard of.

Although not in these same terms, eighteenth-century observers report this behavior, explaining that booksellers used titles as information proxies to gain leverage in the information asymmetry. In his 1790 essay, “Ueber die Wahl der Büchertitel, ein Beytrag zu der Charakteristik der neuesten Deutschen Litteratur,” Schmid zu Gießen explains that a bookseller “wird unter andern vornehmlich durch den Titel zum Kaufen gereizt,” further clarifying that “so muß für sie oft der Titel in den Meß- und Buchhändler-Verzeichnissen, ja wohl gar nur das Gerücht von dem Titel die erste Anlockung seyn.”

Clever authors and publishers began exploiting this situation; they started titling books to make them seem like they involved beloved characters from popular texts, whether they did or not. Contemporaries named this practice “Titelspekulazion” and attributed it directly to the lack of time and resources to review books.

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111 Anonymous. “Ueber den deutschen Buchhandel zu Beherzigung für das Publikum, Gelehrte und Buchhändler,” in: Der neue deutsche Zuschauer. IX. Heft, 1790, p. 262. This sentiment is repeated by several commentators, including Christian Heinrich Schmid zu Gießen.
112 Schmid zu Gießen, p. 526.
at the fair.\textsuperscript{114} Of course, as Schmidt zu Gießen observed, the only titles that were imitated were those that “das Publicum mit ungewöhnlichem Beyfall beehrt hat.”\textsuperscript{115}

Title speculation took two forms in the second half of the eighteenth century. In the first, the hedging title bore no relation to content. The 1780 novel \textit{Siegwart der Zweite, eine rührende Geschichte}, for instance, explicitly relates to Miller’s 1776 bestseller \textit{Siegwart. Eine Klostergeschichte}, which had incited a \textit{Siegwarthiaden} and \textit{Siegwartfieber} arguably more virulent than the \textit{Wertherfieber} that preceded it two years earlier.\textsuperscript{116} The ostensible second Siegwart, however, has nothing to do with Miller’s novel, but just tells a similar story. Other cases were more duplicitous. Six years after Johann Gottlieb Schummel published the wildly successful novel, \textit{Spitzbart eine komi-tragische Geschichte für unser pädagogisches Jahrhundert}\textsuperscript{117} with Weygand, \textit{Spitzbart der Zweite oder die Schulmeisterwahl} appeared.\textsuperscript{118} In the “Vorbericht,” the protagonist of the second Spitzbart casually explains that “Beyläufig gesagt heiße ich nicht, wie der Titul lautet, Spitzbart der zweite. Niemand wird es mir aber zum Vorwurf machen, daß ich meinen wahren Namen, mit diesem erdichteten vertauscht habe.”\textsuperscript{119} Although the author wrongly assumes that he is beyond reproach – a reviewer eventually disparages the title as “blos Kunstgriffe eines elenden Schriftstellers, um seiner Waare Abgang zu schaffen”\textsuperscript{120} – it is telling that in the first pages of the novel, through the mouth of

\begin{itemize}
  \item \textsuperscript{114} Anonymous. “Ueber den deutschen Buchhandel zu Beherzigung für das Publikum, Gelehrte und Buchhändler,” in: \textit{Der neue deutsche Zuschauer}. IX. Heft, 1790, p. 262.
  \item \textsuperscript{115} Schmid zu Gießen, p. 536.
  \item \textsuperscript{117} Schummel, Johann Gottlieb. \textit{Spitzbart eine komi-tragische Geschichte für unser pädagogisches Jahrhundert}. Leipzig: Weygand, 1779.
  \item \textsuperscript{119} Ibid. p. iv.
\end{itemize}
the hero, the author feels free to announce that the novel has nothing to do with Schummel’s popular text. The early revelation indicates that booksellers were apparently not even flipping to the first pages of a text; otherwise, the author would have waited longer to disclose the real identity of his character. As reported, booksellers were making decisions based on titles alone. The author of the misleading Spitzbart perfectly embodies Heinrich Benson’s evaluation of the situation in his 1795 essay “Ueber den gegenwärtigen Zustand des teutschen Buchhandels:” “Man rechnet schon stark auf die magische Kraft der Titel.”

In some cases, publishers and authors repackaged older unsuccessful products with new titles to take advantage of the harried atmosphere of the book fair. As one commentator admitted: “Ich kenne einen grossen Leipziger Herrn Buchhändler, der einen eigenen Titulautor, oder Fabrikanten im Solde hat; daher die Mode, alte Bücher abzuraspeln, gewissermassen aufzufrischen, und mit einem neuen Titul den Buchhändler zu berücken.” This practice is reminiscent of the commercial exploits accompanying the popularity of Werther, when speculators began repackaging unsuccessful merchandise with Werther branding to improve their sales by simply appending the names “Werther” or “Lotte.”

The other, more honest, form of title speculation was to create fan fiction, which typically announced itself as such in its title. For his fan fiction continuation of Frederike Helene Unger’s Julchen Grünthal. Eine Pensionsgeschichte (1784), Johann Ernst Stutz, for instance, chose the unambiguous title Julchen Grünthal. Eine Pensionsgeschichte. Zweiter Theil. In other cases, where fan fiction authors told a side story or explored the life of a secondary character, they were still sure to link their titles to popular protagonists and works. For example, the title of Johann Jacob Brückner’s 1799 fan fiction novel, Dianora, Gräfin Martagno, Rinaldo Rinaldinis Geliebte. Ein romantisches Gemälde in 2 Theilen und 8 Büchern. Anhang zu

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Rinaldo Rinaldini, explicitly and repeatedly highlights its connection to Vulpius’s best-selling novel Rinaldo Rinaldini. As with other products of title speculation, works of fan fiction embraced commercial attributes that would attract booksellers. Whether promoting feigned or genuine prequels, sequels, and side-stories, the widespread practice of title speculation in the second half of the eighteenth century makes clear that booksellers had a strong preference for fan fiction, or were at least incentivized to acquire titles based on their promise to narrate the further adventures of pre-existing characters.124

Publishers

Publishers also encouraged the production of fan fiction. Like novelists, eighteenth-century publishers recognized popular literature as a “field for commercial speculation.”125 As a result, the number of publishers also grew in the second half of the eighteenth century.126 In fact, the increase was so great that the relative proportion of books to publishers actually shrank between 1770 and 1800 – despite the exponential increase in the number of books produced.127

In the second half of the eighteenth century, significant capital was invested in the publishing industry, offering outsized payouts for successful players, including the state. Booksellers and publishers brought

124 Schmid zu Gießen explains that an author will figure out what is popular then then, “auf seinem Titel durch Ankündigung solcher Lieblingsgegenstände und Lieblingsformen” to at least feign to portray the same object. Schmid zu Gießen, Christian Heinrich. “Ueber die Wahl der Büchertitel, ein Beytrag zu der Charakteristik der neuesten Deutschen Litteratur,” in: Journal von und für Deutschland. Zwölftes Stück, 1790, p. 532.
125 Hadley, p. 27.
126 Arguably, this circumstance could have made it easier for authors to find publishers. Some contemporaries even noted this. “Jeder Skribler, der orthographisch schreiben zu können meint, und in seinem Leben nur zwei mittelmäßig gute Gedanken zur Welt gebracht hat, glaubt daher das Publikum damit in Kontribution sezen zu müssen, weil er gar nicht nöthig hat, zu bezweifeln, daß er einen Verleger zu seinen Unrath finden werde.” Anonymous. “Einige Bemerkungen über den, in dem nuenten Heft des neuen deutschen Zuschauers abgedruckten, Artikel: Ueber den deutschen Buchhandel,” in: Der neue deutsche Zuschauer. XI. Heft, 1790, p. 188-189. Nevertheless, given the commercial pressure on publisher to release commercially viable works, they were still likely unwilling to publish books they thought stood little chance to find an audience.
127 Dainat, p. 127. This was due, in part, to the distinct legal statuses of book publishing and book selling: anyone could publish books, but only those in possession of a privilege were authorized to sell books to the public. A General-Privilegium allowed holders to both publish and sell books of all kinds and was heritable, bestowed for a lifetime, and could be transferred with permission. Nicolai, for instance, had inherited his father’s General-Privilegium. For more on the General-Privilegium and Geschäftsprivilegium see: Selwyn, p. 28.
sizeable sums into the public treasury and were responsible for the circulation of considerable capital. Nicolai’s Berlin shop, for instance, spent 1,000-2,000 Thaler annually on postage alone. More importantly for publishers, the book trade was also a way to build a private fortune. When Johann Friedrich Weygand (the publisher of Werther, Siegwart, and Spitzbart among other best-selling works) died, he left behind an estate worth 253,000 Thaler. But Weygand was perhaps an exception.

Mid-century, publishing was a stable and tightly controlled industry. Readers and writers were known quantities and publishers were able to earn a steady income from the predictable market. As the reading and writing landscape changed, however, the business of publishing became more volatile. In the second half of the eighteenth century, publishing houses started going bankrupt – a previously unthinkable occurrence. And the number of bankrupt houses seemed to increase every year. As Pamela Selwyn notes, “[t]he eighteenth-century book trade was no business for the timid or faint-hearted.” Christian Friedrich Schwan, the Mannheim publisher and friend of Goethe and Schiller, describes the book trade as “a war of all against all.”

The competitive atmosphere was intensified by the unfavorable economic conditions plaguing late-eighteenth-century Germany. In addition to a debilitating shortage of cash, inflation was rampant, prompting consumers to purchase fewer books. Printing became inordinately expensive and the price of paper exorbitant – so much so that some authors were actually compensated in paper. Furthermore, booksellers from Austria, Switzerland, and southwest Germany were buying fewer titles or avoiding the

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128 As Nicolai observed in a petition to King Friedrich Wilhelm II. See: Selwyn, p. 28.
book fairs altogether because they lacked the funds to settle accounts, thus shrinking the market. Contemporaries also complained that the increase in untrained publishers further distorted the market.\(^{133}\) And as the book trade evolved from the older barter system to cash payments, it agrew more anonymous.\(^{134}\) The relative homogeneity of the learned reading public had given way to a more diverse and unknown public. Consequently, it became more difficult for publishers to anticipate what works would be successful at the fairs.

To make matters worse, the book trade also experienced a structural transformation that shifted most of the financial risk to publishers. Through the mid-eighteenth century, the German book trade was conducted on an exchange basis (\textit{Tauschhandel}). Although certain products, including pamphlets, calendars and prayer books – the \textit{Kontant-Artikel} – were sold for cash, books were paid for with other books. Because authors’ fees were negligible, the purchasing price for a manuscript did not affect the end calculation or trade rate. As North notes, the only thing that mattered was the printed sheet, which was traded 1:1, regardless of content.\(^{135}\) Under this system, financial risk was spread out and large capital outlays were unnecessary.

In 1764, Philipp Erasmus Reich, a prominent Leipzig publisher and bookseller whom contemporaries dubbed the “Diktator” and “Fürst der Buchhändler,” replaced the traditional \textit{Tauschhandel} with cash-exchange, or \textit{Nettohandel}.\(^{136}\) Reich and other publishers in northern Germany had begun paying higher honoraria for manuscripts hoping to attract better talent and better quality literature. Due to the higher fee, the resulting works were more expensive to produce. It therefore became undesirable to trade printed sheets

\(^{133}\) This had been a complaint since the 1730s, though.

\(^{134}\) Although Reinhard Wittmann has argued that that the book trade grew more anonymous as cash payments replaced the old barter system, Selwyn notes that for some publishers, like Nicolai, business remained intensely personal. Nicolai, for example, knew almost all of his business partners personally and met with them frequently. Selwyn, p. 108.

\(^{135}\) Books were thus exchanged on the basis of length. North, p. 10. North also observes that debts were settled by exchanging books and that another advantage of the barter system was the avoidance of cash payments, which, given the variety of currencies, protected booksellers against losses from exchange.

1:1 without regard to content. The new system, however, required publishers to have both ready cash and to make greater upfront investments.

The unilateral change to Nettohandel was problematic. Most scholars agree it caused chaos in the market, ultimately leading to the bifurcation of the German book trade into northern and southern poles and exacerbating piracy. Eventually, Nettohandel gave way to a compromise system, Konditionshandel.

Under this model, instead of purchasing books, booksellers received them on commission, or publishers sent booksellers products at a discount but offered the so-called Konditionsverkehr – the right of return. If the seller could not sell the books within a certain time period, the books could be returned to the publishers at the next fair as Remittenda and accounts could be settled accordingly. In the 1790 essay “Ueber den deutschen Buchhandel zu Beherzigung für das Publikum, Gelehrte und Buchhändler,” the author connects the new Konditionshandel with new pressure not to publish books that would be commercially unsuccessful. Moreover, under this system, the entirety of the risk was also put on the publisher instead of being spread across the market.

Unsuccessful works became a new financial liability: under the Nettohandel system, works that did not sell meant a loss of upfront capital invested; and under the Konditionshandel, publishers were required to buy back titles booksellers could not retail. In light of the increasingly competitive atmosphere, unfavorable

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137 Northern publishers, concentrated in Saxony, began to eschew travel to the book fairs in Frankfurt, located in the southwest, in favor of doing their chief trading at the nearby Leipzig fairs. They also began to demand cash up front and in Saxon currency at the imperial exchange rate for their merchandise, they ceased to accept returns on unsold items, and they reduced the discounts that trading partners had traditionally granted one another to cover transportation costs. These changes, introduced unilaterally by the producers of what were rapidly becoming the most attractive books on the market, resulted in a long period of chaos in the German book trade. As Reinhard Wittmann explains, booksellers in the south – with the diminishing discounting and the transportation costs and their overhead to attend the Leipzig fair – could no longer expect to make a profit and many could not even hope to break even in trade with the Saxon publishers. Wittmann, Geschichte, p. 19. As a result, publishers in the south and south-west increasingly turned to piracy. Ward, p. 95-96.

138 The practice began in southern Germany around 1780, but eventually spread across the entire trade.


140 In a footnote, the author here identifies another potential problem: “Aber das kaufende Publikum müßte denn auch nicht die Indiskrezion haben, alles auf Gefallen hin, von dem Buchhändler zum durchlesen wegzunehmen, zu lesen, und nachdern es gelesen, dem Verkäufer zum Rücksenden an den Verleger ganz besudelt wieder zurück zu geben.” Ibid. p. 261.
economic conditions, and unshared financial risk, publishers had extra incentive to publish works that would sell at the book fairs.

Predictably, as more publishing houses looked to place their products on the overcrowded market, publishers began pursuing aggressive “Wettbewerbsmethoden,” including extreme discounting and what Wittmann names “Schleuderei” or slipshod work. As the publisher announces in Peter Philipp Wolf’s satirical novel *Magister Skriblerus* (1803): “[ich weiß,] daß ich schlechtes Zeug drücke; aber ich werde fortdrucken, so lange das Publikum kauft, und mich wohl dabey befinden.” Contemporaries echo the observation in countless eighteenth-century essays, pamphlets, and treatises. Publishers were willing to publish anything, so long as they believed it would sell. As publishers orientated themselves towards public taste, this meant publishing fan fiction as a competitive strategy; after all, readers favored fan fiction.

Publishers directly and indirectly encouraged the production of fan fiction. In a 1789 essay in the *Journal von und für Deutschland* on the “Ursachen der jetzigen Vielschreiberey in Deutschland,” one commentator blames publishers for the rise in the factory-like production of books, complaining that “Mancher junge Mensch […] bringt sich jetzt mit Fabricirung elender Bücher fort, weil er noch immer Thoren genug findet, die sein Geschmiere bezahlen und verlegen.” But publishers did more than buy completed manuscripts. The same commentator accuses publishers of encouraging people to write novels (“zu schreiben aufmuntern”) as part of their practice of “Verlagsartickel speculiren.” Eighteenth-century authors confirm that, in many cases, this encouragement took the form of specifically shaping fan fiction projects.

The author of *Einer jüngern Sophie Reise aber nicht von Memel nach Sachsen* reports going “[v]on einer Taberne in die andere” at the Leipzig book fair looking for a publisher. The house-tutor recounts that he

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144 Ibid.
received “überall den Bescheid: Nichts damit!” but that he was given advice about his manuscript, “Wenn ein Roman wär. . .”145 The author recalls changing his fan fiction to conform with the publishers’ suggestions and happily reports that he was subsequently able to sell his manuscript. In other cases, publishers were more actively involved, sometimes directly commissioning works of fan fiction. Following the 1792 publication of Lafontaine’s second novel, Die Verirrungen des menschlichen Herzens: Oder, so macht es die Liebe, the publisher Hermsdorf & Anton published a fan fiction continuation bearing the same title in 1799. According to the preface of the fan fiction sequel, Hermsdorf & Anton – which had purchased the firm that published Lafontaine’s original novel – recruited an author to pen the fan fiction, “Zufälligerweise fanden wir Gelegenheit mit einem andern eben so schäzbaren Schriftsteller darüber zu sprechen.”146

Given the competitive commercial pressure and the popular appeal of fan fiction, it is no surprise that publishers actively pursued these novels as a risk-mitigating strategy. Works of fan fiction were particularly advantageous products: they capitalized on the success of market-tested works, thus reducing the risk that a publisher would lose his upfront investment by failing to find buyers for his product on the largely unknowable, anonymous market. Fan fiction, in short, allowed publishers to exploit market insights won by other publishers while forgoing a similar outlay of finances. Moreover, as Selwyn notes, large projects – like multi-volume novels – became a greater publishing risk in the unfavorable economy.147 Many of the most popular works in the second half of the eighteenth century, however, won the public’s acclaim and interest over the course of multiple volumes. Hermes’ Sophiens Reise totals more than 4,000 pages over four volumes. Nicolai’s Sebaldus Nothanker compromises three volumes, each over 300 pages. Works of fan fiction, by contrast, were typically one-offs that filled a pre-existing market demand for beloved

147 Selwyn, p. 39.
characters created by the original work. Fan fiction, therefore, represented the safest commercial bet: an ideal risk-minimizing, profiting-maximizing product.

Of course, this does not mean that publishers did not take risks or even publish works they knew would be losers. Nicolai, for instance, published several works he knew would not be commercially successful as personal favors or because he deemed the work publicly important. But regardless of individual sacrifices, the unprecedented economic realities of the late-eighteenth century book trade incentivized publishers to publish – and even commission – works of fan fiction to stay competitive on the overcrowded market.

Authors

As writers found themselves in intensifying competition to win a share of the anonymous reading public, they became sophisticated entrepreneurs, sensitive to the market and ready to yield to popular tastes. Moreover, as the book trade shifted to a market economy, every experiment with the novel also became an experiment with the public. Because of this dependency, authors often sought to classify their works as pre-existing and known types. Becker argues that originality, where present, was often masked or hidden rather than emphasized. Frequently, this led to deceptive behavior, as with title speculation; more often, it led to copying. In high-risk competitive fields, distinctions are flattened as products regress to a common model of success. Eighteenth-century authors and publishers repeatedly exhibit this economic behavior. For example, when he was deciding what to write, Heinrich Ludwig Lehmann reasoned: “Räuber-Romane

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148 See, for instance, Nicolai’s letter to Recke, 30 December 1794, explaining that he published knowing they were going to perform poorly on the market. NN228. For more on Nicolai’s publishing practices generally and his non-economic motivations, see Selwyn, p. 302.
150 Often through titles and forewords. Becker, p. 33.
151 Ibid.
Driven by a new profit motive and facing excessive competition, authors were naturally incentivized to exploit the success of works that had proven profitable on the market. Schmid zu Gießen recognized in 1790, that “wenn das Publicum heute gewisse Materien [liebt]…, so ist es natürlich, daß ein Schriftsteller, der sein Buch gesucht, oder gar beliebt zu sehen wünscht, darauf Rücksicht nimmt.”\(^\text{153}\) This exploitation took many forms, but ultimately led to what Sangmeister names the “inflation of imitation.”\(^\text{154}\) Contemporaries also identified a pervasive “Nachahmungsgeist,” which they attributed to the increasing capitalization of the book trade.\(^\text{155}\) As Mallinckrodt explains, “Kommt irgend ein gutes Buch heraus, welches Beifall findet, gleich wird von vielen andern über denn nemlichen Gegenstand nachloboriret, und man findet in einer Messe bis zu 20 und mehr in der nemlichen Idee und Manier, vornemlich im Romansache.”\(^\text{156}\) Although mercantile interests discouraged many authors from taking risks, those who did and found success were not rewarded for long. As Johann Ernst Daniel Bornschein complained, “Brichtr irgend ein Mann von Kopf eine neue Bahn in der Litteratur, gleich kommen hundert bucklichte und lahme Nachahmer, die die nämliche Bahn betreten wollen.”\(^\text{157}\) “In den jetzigen Zeiten,” Knigge similarly reports in Über Schriftsteller und Schriftstellerey, “tritt kaum ein Mann von Kraft und von Genie auf und eröffnet sich eine bis jetzt unbetretne Bahn; so hinkt auch schon ein ganzer Haufen Lahmer und Schwacher auf diesem neuen Wege hinter ihm her.”\(^\text{158}\)Because of the financial risks, few authors were willing to stray from what had proven successful, but once an intrepid author identified or established a new market,
subsequent writers proved willing to actively pursue the popular trend. The result was a proliferation of Nachahmungen, Fortsetzungen, Seitenstücke, and Gegenstücke. Indeed, there were so many imitative works, scholars have claimed it could seem that there more imitations than original novels in the second half of the eighteenth century.\(^{159}\)

Exploiting successful works, as part of the “Nachahmungsgeist” or “inflation of imitation,” took many forms: authors copied genre (exemplified by Heinrich Ludwig Lehmann’s decision to write a *Räuberroman*); imitated style (as Miller’s *Siegwart* copies the sentimentalism of Goethe’s *Werther*); and, in many cases, authors borrowed characters from successful works (demonstrated by the abundance of fan fiction).

Schmid zu Gießen offers an unblinking look at the exploitative commercial strategies, or “aids,” common in the second half of the eighteenth century. In his 1790, Schmid zu Gießen recognizes that “Ein bekanntes Hilfsmittel junger und minder bekannter Schriftsteller ist es, sich dadurch an berühmte Männer anzuschließen…daß sie ihr Werk als Fortsetzung, Ergänzung, Seitenstück, Gegenstück, Beylage, Nachtrag zu bekannte Schriften auf dem Titel ausgeben, oder doch ihren Titel so einrichten, daß er sich auf den Titel eines bekannten und beliebten Buchs bezieht.”\(^{160}\) He concludes, “So hat man mehrere Faustine…einer jungen Sophie Reise, einen Spitzbart den Zweyten, einen Siegwart den Zweyten, eine kleine Chronik des Königreichs Tatojoba von Wieland dem ärtern, einen Wendelin von Karlsberg, einen Graf Ortenburg, oder Gemälde menschlicher Glückselgikeit.”\(^{161}\) Although he does not define the terms in his catalogue, Schmid zu Gießen’s examples more fully illuminate the literary products at stake, highlighting an active differentiation between imitative forms many scholars conflate today. Although they are all imitations, Faustine, Sophie, Spitzbart, Siegwart, and Wendelin comprise a list of diverse, not like, objects. The


\(^{160}\) Schmid zu Gießen, p. 540-541.

\(^{161}\) Ibid.
“second Spitzbart” bears no resemblance to the original Spitzbart. But the “young Sophie” is meant to be an earlier iteration of the first Sophie – she is the protagonist of fan fiction. Already in the second half of the eighteenth century, fan fiction was thus understood as the product of capitalistic book production.

Compared to works with misleading titles and novels that only imitated a popular genre or style, works of fan fiction were an even safer bet in the competitive book trade. Because they filled a uniquely known demand for a beloved character created by an earlier blockbuster text, these works likely represented the surest chance that a novel would find an audience. Under these circumstances, it is little surprise that competitive authors turned to fan fiction as a “Hilfsmittel” and risk-mitigating strategy.

A preference for fan fiction at any stage in the book trade would likely have motivated market-sensitive authors to write stories using popular pre-existing characters. But in the second half of the eighteenth century, fan fiction was favored at every transactional step. Publishers pursued and even commissioned fan fiction as a risk-mitigating strategy. Information asymmetries predisposed booksellers to purchase works of fan fiction. And readers, overwhelmed with choice, were prone to spend their limited resources on a familiar text. Fan fiction thus emerged in the second half of the eighteenth century as the inevitable product of the changing book trade and the interdependent commercial incentives motivating publishers, booksellers, authors, and readers. The reading and writing revolutions provided the economic motivation for authors to write fan fiction, for publishers and booksellers to encourage its creation, and for the public to buy it. But commercial incentives alone do not fully explain why the production of fan fiction exploded in the second half of the eighteenth century, particularly from a class of new authors who had only recently appropriated writing from scholars. The rise of fan fiction was also aided by educational practices and evolving aesthetic norms that primed readers to write fan fiction.
Educating Fan Fiction Authors

In the second half of the eighteenth century, education in German-speaking countries underwent substantial reform, including the implementation of new attendance policies and new instruction practices.\textsuperscript{162} Instead of emphasizing memorization, teachers began training students to be engaged readers.\textsuperscript{163} The prominent education reformer Johann Bernhard Basedow insisted that no pupil should leave school “ohne ein mäßiger Freund der vernünftigen Lektüre geworden zu sein.”\textsuperscript{164} Basedow had effectively elevated what contemporaries considered Lesewut or Romanenschwärmerei to an educational program.\textsuperscript{165}

Writing instruction also changed. As part of the “textualization of communication,” new emphasis was placed on writing over rhetoric.\textsuperscript{166} As Bosse summarizes, “[e]s gilt nicht mehr Dichter und Redner auszubilden, es gilt den schriftlichen Ausdruck zu schulen.”\textsuperscript{167} Students were no longer expected to master rhetorical expressions, but were to learn “Schriftstücke selbständig herzustellen.”\textsuperscript{168} Eventually, this emphasis led to a debate about what kind of writers educators should train. Peter Villaume, an influential Berlin pedagogue and one-time Campe collaborator, argued in 1786 for schools to modify writing instruction, “Denn Autoren müssen wir nicht bilden wollen. Wir haben deren schon zum Uerbefluß, befugter und unbefugter.” Instead, Villaume contended, “Es werden nur simple, deutliche, vernünftige Schreiber verlangt, die in ihren Geschäften die Feder zu brauchen wissen…. Also nur Geschäftsmänner,

\textsuperscript{162} Cumpulsory education was mandated by individual German territories throughout the eighteenth century. For for specific dates, see: Ward, p. 149. School attendance policies, however, were not strictly observed. Engelsing notes, for example, that as late as 1818, still some 29 percent of school-aged children did not attend school in Berlin. Engelsing, \textit{Analphabetentum}, p. 72.
\textsuperscript{163} Engelsing, however, overstates the case when he argues that the traditional education common around 1750 was barely existent by the end of the century. Engelsing, \textit{Der Bürger Als Leser}, p. 252.
\textsuperscript{165} Bosse makes this observation. Ibid.
\textsuperscript{167} Bosse, “Dichter,” p. 84.
\textsuperscript{168} Ibid., p. 89.
Villaume’s critique is telling; students were not just learning how to write, they were learning how to write fiction, including novels.

As instruction emphasized better reading and writing, there was also a change in the texts studied. Students were no longer restricted to analyzing classical Latin and Greek works, nor were they limited to English and French imports. Instead, as students were increasingly taught how to express themselves in German, classroom instruction began using popular contemporary German works. Moreover, although the use of Latin was dwindling, traditional poetological instruction nevertheless endured. Declamation exercises and rhetorical drills were practiced until the nineteenth century, though, increasingly in German instead of Latin.

Imitation exercises were a defining feature of these exercises. In some cases, direct copying was advocated. An instructional text from 1781 titled An die Jünglinge von der Bildung durch Lektüre explained: “Junger Redner, junger Dichter, willst du groß werden, so kenne die, die vor dir groß waren, stiehl ihnen Begriffe ab, lerne wie sie Gedanken ordneten, um zu des Hörers Seele den Weg zu finden, sein Herz zu entflammen, seine Entschlüsse zu lenken.” Beyond stealing expressions, students were instructed to reverse-engineer a successful poet’s thoughts.

170 Engelsing notes that it was not unheard of for students to be given English-language newspapers like the Spectator and the Tatler. Engelsing, Der Bürger Als Leser, p. 144. For more on what students read, see Bosse, “Dichter,” p. 104-116.
171 More recent scholarship has made clear that Bosse and Engelsing may have overstated their early claims about the declining place of rhetorical instruction in the late-eighteenth-century classroom. For more on instruction in the late-eighteenth-century classroom, see: Kraul, Margret. Das Deutsche Gymnasium 1780-1980. Frankfurt am Main: Suhrkamp, 1984, esp. 13-17.
172 For more on “Imitationsübung” see: Bosse, “Dichter,” p. 89-91.
The progymnasmata were another essential component of education in Germany until the end of the eighteenth century. In a 1773 essay discussing how to draw out the “verborgen Funken des Genies,” Wieland asserts that authors learn how to write well via the progymnasmata, “die wir nicht anders als vollkommen billigen können.” Instead of advising students to steal successful authors’ expressions, the progymnasmata required students to think creatively while anchoring their writing in pre-existing works. From the late Middle Ages onward, Gymnasium students completed a sequence of progymnasmata exercises based on Hermogenes and Aphthonius, the admired Greek rhetoricians whose treatises were developed into popular textbooks. The progymnasmata consisted of fourteen steps, including exercises in refutation, confirmation, encomium, and invective among others. The eleventh step of the series entailed “ethopoeia,” or characterization and impersonation exercises. The ethopoeia posed questions like “What would Niobe say on the death of her children?” To complete these exercises, students were required to compose a speech or story using words and ideas appropriate to the assigned character and her circumstance. Students, in other words, had to think about what a character would do beyond her original depiction.

Johann Christoph Gottsched authored a popular German adaptation of the progymnasmata, Vorübungen der Beredsamkeit, zum Gebrauche der Gymnasien und größern Schulen, which went through multiple editions in the eighteenth century. Consistent with the general school reform, the goal of this program was to teach children to write. In his Ausführliche Redekunst, Gottsched claims “Nun habe ich zwar schon in meine Vorübungen der Beredsamkeit Vorschläge genug gethan, wie man die Jugend in der Feder üben soll.” A significant part of Gottsched’s program included ethopoeia.

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Titled “Von der Kunst, eine fremde Person zu spielen,” Part V of the Vorübungen der Beredsamkeit bears the parenthetical explanation that it consists of ethopoeia exercises. As Gottsched outlines it: “Es ist aber diese Ethopöie, eine Nachahmung der Gesinnung, Sitten und Leidenschaften einer gewissen Person, in gewissen Umständen.” Gottsched classifies various types of ethopoeia (moral, passionate, and mixed) and then clarifies that they could either be based on historical speeches or “ganze erdichtete Reden.” He continues: “Denn bisweilen ist es wohl wahr daß dieser oder jener etwas gesaget; aber wie ers gesaget haben könnte, das legt man ihm in den Mund. Bisweilen aber sind Personen, Imstände, und alles erdichtet. Allein diese Abtheiling ändert nichts in der Sache” Gottsched provides several examples from antiquity, including Aeneas and Dido, but also suggests native German sources such as the “Heldengedichte Hermann.” Gottsched emphasizes that students can invent wholly new scenes, adding a speech where none existed. “Er kann ferner bey Stellen, wo keine Reden sind, welche auszuarbeiten vorgeben; was wohl diese, oder jene Person gesaget haben könnte.”

Although Gottsched notes that the different types of ethopoeia require different tones and styles, he identifies prerequisites common to each: good ideas, sound imagination, and a meaningful understanding of the character. In order to complete the exercises, Gottsched asserts that the students must “die vorhergehende Geschichte und Gelegenheit der ganzen Sache recht inne haben: weil sie sonst mit keiner rechten Einsicht von der Sache reden können.” And Gottsched stresses that the students must understand the individual character and her circumstances in order to properly compose the ethopoeia.

In the process of learning how to read and write, students in late eighteenth-century Germany were thus effectively trained to write fan fiction, increasingly on the example of contemporary German works.

179 Ibid. p. 126.
180 Ibid. pp. 129, 133.
181 Ibid. p. 126.
182 Ibid. p. 128.
Ethopoeia exercises required students to imagine what pre-existing characters would do beyond an author’s original text, not just by comprehending the original narrative, but also by internalizing the story and character – precisely what changing aesthetic norms demanded of readers in the second half of the eighteenth century.

**Aesthetic Encouragement**

If changes in schooling in the second half of the eighteenth century equipped students to write fan fiction, shifting aesthetic norms primed readers to want to write fan fiction. Situated between the decline of the Enlightenment’s moral prescriptivism and the rise of the circumscribed aesthetics of classicism, readers around 1770 lacked a normative guide.\(^{183}\) Within this aesthetic vacuum, literary texts acquired new power and the novel, in particular, became a site to negotiate new reading and writing practices.\(^{184}\) Furthermore, as readers were emancipated from traditional methods of social control, authors lost control over their texts.\(^{185}\) Novels were increasingly read in isolation, enabling readers to “create their own meanings, free from the influence of social authority,” as Erlin observes.\(^{186}\) In the second half of the eighteenth century, readers were freer than ever to do with texts what they pleased, interpretively, aesthetically, socially, and commercially. While this suggestive power of literature and new consumer freedom led to pathological effects, as demonstrated by the ecstatic reception of Goethe’s *Werther*, it also enabled the creation of fan

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\(^{183}\) Luhmann, Niklas. *Liebe Als Passion: Zur Codierung Von Intimität*. Frankfurt am Main: Suhrkamp, 1982. In his analysis of how individual reading experiences and the knowledge that emerges from them facilitate the emergence of new cultural forms and structures, Luhmann describes the period as a deregulated condition and highlights the suggestive power of literature and its pathological potentials.

\(^{184}\) This occurs within the larger context of the “Verschriftlichung der Kommunikation.” Koschorke argues that arbitrary signification in the written word must compensate for the loss of orality’s immediacy by over-emphasizing emotional expression (as demonstrated by the experiments of *Empfindsamkeit* and the *Sturm und Drang*). *Der ganze Mensch. Anthropologie und Literatur im 18. Jahrhundert*. The novel, moreover, assumed new experimental capaciousness, as Schlegel believed, and became a second-order observer of medial changes in the eighteenth century.

\(^{185}\) Or, as Erlin describes, authors lost control “over the products of his labour.” Erlin, “Book Fetish,” p. 361.

\(^{186}\) Ibid., p. 361-362.
fiction as readers began identifying with fictional characters and exploring how those characters might act beyond the original story told.

*Identifactory Reading*

In addition to intensive and extensive reading, eighteenth century readers also read in exemplary and empathetic modes. Erich Schön argues that exemplary reading was the most practiced form of reading in eighteenth-century Germany. According to Schön, “[d]as [exemplarische] Lesen ist gesteuert von einem stofflichen Interesse, und die Handlung des Buches gilt als übertragbar, seine ‘Lehre’ oder ‘Moral’ als anwendbar in der Lebenspraxis des Lesers. Das gilt – in je spezifischer Anwendung – für religiöse Lektüre wie für Romane…. Exemplarisches Lesen wendet vor allem die Rezeptionsmuster der Erbauung und der Belehrung an.” Exemplary reading presupposes a moral or educational lesson at the heart of a work’s content and judges a book by its practical substance, not its aesthetic value. The novel was the locus of exemplary reading, particularly identificatory reading, in which lessons are learned through identification with protagonists and subsequent modelling behavior.

Empathetic reading, by contrast, does not require the same substitutive identification. Instead, empathetic readers slip into the role of the protagonist, but only temporarily, allowing empathy without projective identification. Schön elaborates, “[e]in Identitätsverlust ist nicht zu befürchten bei der Übernahme einer fremden Affektkonstellation in empathischer Rollenflexibilität; es gehört zu dieser wesentlich im 18. Jahrhundert entwickelten Empathiefähigkeit, daß man in der Lage ist, aus der angenommenen Fremd-Rolle

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Empathie ist nicht Rollen-Wechsel, sondern die Fähigkeit, Rollen zu wechseln...”

Empathetic reading, accordingly, “does not so much reject as absorb and build upon exemplary reading.”

Despite the scholarly differentiation of exemplary and empathetic reading, the term “identificatory reading” has not attained stable meaning. Edward T. Potter, for instances, opposes identificatory reading to “reading for information or moral improvement” – precisely what Bledsoe identifies as the purpose of identificatory reading. Identificatory reading, therefore, is perhaps best understood as a potential form of both exemplary and empathetic modes of reading. Regardless of whether people were reading exemplarily or empathetically, identificatory reading became a predominant mode of reading in the second half of the eighteenth century as German readers began reading with a previously unknown emotional capacity.

As Albrecht Koschorke has observed, writing created new forms of communication in the second half of the eighteenth century, resulting a process of substitutions. Although Koschorke focuses on the corporeal substitutions of the text for the body, the mediated subject of the literary text also allowed for an identificatory substitution. Joseph Vogl describes the process as a “Mechanik einer personalen Substitution, eine Art fundamentaler Stellvertretung” in which the reader assumes the place of another to feel all of the sensations of the other as if they were her own. Identificatory reading is especially powerful precisely because of its mediated subject. By recognizing the analogies between her life and the circumstances of a text’s characters, the reader becomes an active participant in the text. She sees herself reflected in the

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190 Schön, Verlust, p. 214.
193 The new empathy, which results from an engagement with a mediated subject, is made possible only by writing. Koschorke has argued that new norms are inextricably linked to new forms of communication derived from the writing and circulation of texts. Specifically, Koschorke demonstrates how bodies, in the course of the eighteenth century, close themselves off from one another as self-referenced systems, and then argues that the medium of writing is substituted for the body. Koschorke, Albrecht. Körperströme und Schriftverkehr: Mediologie Des 18. Jahrhunderts. München: Fink, 1999.
aesthetic experience of text and becomes self-aware; but as Anselm Haverkamp notes, the experience of reading allows her to gain further self-awareness than she might otherwise have achieved. The aesthetic experience thus allows the reader to experience feelings and empathy that can only be experienced by reading.\textsuperscript{195} Hans Robert Jauß identified five modes of identification with the protagonist: admiring, sympathetic, cathartic, and ironic identification that ultimately open up a dialogue between the text and reader, who must interpret or supply the indeterminate elements of a text and thus give meaning to the text.\textsuperscript{196}

Coeval theorists did not develop such sophisticated theories, but they did describe readers’ identification with characters at length. In 1774, the same year in which Goethe’s Werther was published, Christian Friedrich von Blanckenburg offered the first comprehensive theory of the novel in his Versuch über den Roman. In just over 500 pages, Blanckenburg outlines the novel’s didactic potential to make readers better people, accomplished through the author’s careful crafting of the novel and the reader’s identificatory engagement with the text. “Der Romanendichter hat, vermöge der Gattung, in welcher er arbeitet, vorzüglich Mittel in Händen, den höhern Endzweck zu erreichne; er kann, auf die anziehendste Art, den Menschen, durchs Vergnügen, zu seiner Verwollkommnung ausbilden helfen.”\textsuperscript{197} According to Blanckenburg, the novel reaches this objective by awaking emotions (“unsre Empfindungen erregen”)\textsuperscript{198} and teaching empathy (“Theilnehmung für andre”).\textsuperscript{199} By depicting characters in the real world and focusing

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\textsuperscript{196} Jauß, Hans R. Ästhetische Erfahrung Und Literarische Hermeneutik. Frankfurt am Main: Suhrkamp, 1982, esp. p. 244-292. Jauß uses Rezeptionsästhetik to both study literary history and to determine the “horizons of expectation” that historical readers confronted while reading because the history of a literary work, according to Jauß, is bound with the active participation of its audience. Ultimately, Jauß describes a reader’s development from associative levels of textual engagement (like identification and sympathy) to a more critical engagement in which the reader interprets the greater aesthetic meanings of a text to understand the complete work, that is, a shift in the aesthetic experience to a literary hermeneutic.
\textsuperscript{198} Ibid. p. 428.
\end{flushright}
on the “das Innere der Personen,” the novel enables the reader to sympathize with characters. The reader is transposed into the mind of the character and experiences his or her inner world and development. By sympathizing with the character, the reader is meant to judge the character’s behavior as moral or immoral, recognize its consequences in a clear causal chain, and then apply the insights to his own life. The novel was therefore thought to have the ability to cultivate the hearts and minds of the reading public through a process of identificatory reading.\(^{200}\)

Identificatory reading was aided by changes in writing that occurred in the second half of the century, which ultimately engendered texts to which readers could more directly relate. Above all, the rise of the novel fostered identificatory reading. Whereas the courtly romance turns to history for its material and the epic foregrounds its protagonist as a political actor and hero of public exploits, the eighteenth-century novel creates a portrait of fictional life by turning inward, exploring human existence through the private individual. As Blanckenburg explains in Versuch über den Roman, the novel occupies itself “mit den Handlungen und Empfindungen des Menschen”\(^{201}\) and the novelist “zeigt uns in seinem Werke wenigstens die möglichen Menschen der wirklichen Welt.”\(^{202}\) The yawning length of eighteenth-century novels, many of which stretch over 1,000 pages, further allows the author to portray the protagonist’s development over time in a series of episodes.

The novel itself underwent changes that also enabled identificatory reading. Throughout the century, novels gradually shed their pedagogical cloaks, eventually becoming pure sources of entertainment. Furthermore, following its first German treatment by Sophie von La Roche in Geschichte des Fräuleins von Sternheim

\(^{200}\) Blanckenburg was far from the only theorist who identified this power of the novel. Bührns, for instance, argued in 1786 that: “Ein Roman soll seiner Bestimmung nach nichts anderes seyn, als rednerische Darstellung erdichteter oder belehrender und interessanter Charaktere, Leidenschaften, Begebenheiten und Unternehmungen, so wie man sie im wirklichen Leben zu finden pflegt. Belehrend soll er seyn, denn das ist der letzte Zweck der Geschichte überhaupt. Interessant, denn deswegen is er erdichtet, um die Theilnehmung des Lesers für die Hauptperson in allen Szenen ihrer Geschichte zu gewinnen. Und dieses Interesse wird noch dadurch erhöht, daß der Leser eine wahre Geschichte zu lesen glaubt, die auch wohl nach Gelegenheit auf ihn selbst passieren könnte.” Bührns, J.C.F. Über den Werth der Empfindsankeit. Halle: Gebauer, 1786, p. 5.

\(^{201}\) Blanckenburg, Versuch, p. 17.

\(^{202}\) Ibid. p. 257.
(1771), the epistolary novel quickly became the most popular genre of the 1770s and 1780s. By allowing readers to participate with texts in a less-mediated manner and depicting new psychological depth, epistolary novels were particularly well-suited to an identificatory mode of reading.

Changes in novels’ protagonists further facilitated identificatory reading. In the second half of the eighteenth century, novels began featuring protagonists relatable to the middle-class that made up the bulk of the novel-reading public. The princes and fools populating seventeenth- and early eighteenth-century novels were replaced by ordinary members of bourgeois society – specifically, by German Bürger. Late-eighteenth-century novels predominately feature German characters: Sophies, Siegwarts, Werthers, Wilhelmines. They were mostly set in the present and very often name concrete German settings: Leipzig, Berlin, Dresden, Hamburg, Königsberg, Munich, Vienna. After the flood of English and French translations on the German book market in the first part of the eighteenth century, Ward concludes that “readers now welcomed a story with characters they understood, a setting they knew, and conditions … they had themselves experienced.”

Under such circumstances, identificatory reading – whether exemplary or empathetic – became easier as readers could better relate with the protagonists of their texts. As one reader explained of fallible German characters in 1775: “Mit einem solchen Karaktern werd’ ich sympatheisieren, ich werd’ ehr fühlen, daß ich etwas Aehnliches mit ihm haben könnte, als mit jenem himmlischschönen Menschen, der nur im Gehirn des Dichters war.” As a result, many characters became especially beloved. The cult that sprang up around the fictional Werther is perhaps the most emblematic, as young men dressed in blue dresscoats, yellow waistcoats, and jackboots in emulation of their favorite character. But identification more commonly

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203 Becker, p. 122.
204 Ward, Book Production, p. 71.
206 Of course, there were beloved characters before the 1770s. Consider the popularity of the title figure of Christian Reuter’s Schelmuffskys warhaftige curiöse und sehr gefährliche Reisebeschreibung zu Wasser und Lande (1696-97).
led to emotional investment instead of outright imitation, inspiring readers to become interested in characters’ fictional happenings and devoted to their lives as attentive followers and passionate friends.

In a 1777 letter to Johann Martin Miller about his blockbuster novel *Siegwart*, Ernestine Boie wrote of the protagonist’s love interest, explaining “Mariane hab ich so lieb, daß ich Gott herzlich danken würde, wenn ich eine Freundin wie sie fände, ihr Schicksal riß mich einmal so fort daß ich einen ganzen Abend weinte.” Boie then describes her anger with Miller for his unfavorable portrayal of the protagonist: “ich war Ihnen einmal böse, daß Siegwart bey Sophiens Schicksal so wenig fühle, selbst als er so unglücklich war dacht er nicht mal an sie, und sie war doch so ein liebes gutes Kind, und um seinentwillen so ganz unglücklich.” By her own account, Boie was highly invested – enough to express her dissatisfaction and to wish the character existed in real life. Boie was just one of dozens of readers who wrote to Miller. Throughout the century, countless enthusiastic readers wrote to authors. The enormous *Werther* fan base may be the best known, but was hardly the only such fandom – or even the largest.

In addition to writing to express their pleasure and displeasure as the passive recipients of texts, many readers also assumed more active roles, attempting to intervene into a text by imploring the author to pursue specific plot developments. For example, in a 1773 letter to Nicolai, Michael Denis first describes how reading *Sebaldus Nothanker* inspired impassioned outbursts, admitting shouting aloud “Er hat Recht!” in response to the protagonist. Next, after thanking Nicolai for the novel, Denis urges him to publish the sequel soon. Denis then concludes with a request: “Aber machen Sie den ehrlichen Apokalyptiker [Sebaldus] zuletzt glücklich, ich beschwöre Sie, und geben Sie dem zärtlichen Säugling seine Mariane!” Denis is so invested in the character that he writes to the author to request a specific conclusion. But not all readers were satisfied making requests. In an essay on *Sebaldus Nothanker* from

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208 By most accounts, Vulpius won more readers with *Rinaldo Rinaldini*. 
1776, a critic in the Revision der Teutschen Litteratur described the new steps readers undertook. “Viele konnten nicht einmal so lange warten, bis diese [the next volume] erschienen war, sondern schnitten im voraus ihre Federn” to write the further adventures of Nicolai’s beloved character.\footnote{Anonymous, “Ueber das Leben und die Meynungen Sebaldus Nothankers,” in: Revision der Teutschen Litteratur, Stück 2, (1776), p. 229-236, here, p. 230-31.} Increasingly, readers took up their own quills to explore the further adventures of their beloved fictional friends.

Identificatory reading made readers want to know what characters were doing beyond the printed page while simultaneously making it easier for them to imagine it. Changing aesthetic demands on authors also helped readers imagine for themselves how stories might be continued. For Blanckenburg, the novel must be formed of chains of cause and effect, “über die Verbindung von Ursach und Wirkung, über das Eigenthümliche, das au seiner Reihe von Begebenheiten, ausgeführt durch gewisse Charaktere, erfolgen muß,” otherwise, he asks, how can an author justify including one event rather than another?\footnote{Blanckenburg, Versuch, p. 316.} Blackenburg insists that novels hang together internally, clearly displaying cause and effect to allow readers to properly judge a character’s development. Literary critics relatedly expected that the “Faden der Geschichte” not be overly complicated or lost in the text, but remain something the reader could follow.\footnote{Knigge, Schriftsteller, p. 258.} Blanckenburg’s aesthetic demands were widely accepted by literary critics in the eighteenth century. Countless reviewers evaluated works on the basis of a story’s Wahrscheinlichkeit and the consistency of a character’s actions.\footnote{The question of the probable or Wahrscheinlichkeit has been a recent focus of scholarship on the novel. Rüdiger Campe has tracked the simultaneous development of probability in literature and statics; Elena Esposito has considered doublings of reality. Campe, Rüdiger. Spiel Der Wahrscheinlichkeit: Literatur Und Berechnung Zwischen Pascal Und Kleist. Göttingen: Wallstein, 2002; Esposito, Elena. Die Fiktion Der Wahrscheinlichen Realität. Frankfurt am Main: Suhrkamp, 2007.} Novels were judged particularly harshly when a protagonist acted without clear reason or surprisingly out of character.

Confronted with characters set in a familiar social milieu, endowed with perceptible motivations and consistent behavior, readers could more easily predict how a favorite character would act. And especially
as readers became more emotionally invested in protagonists, they had new incentive to do just that – to imagine a whole universe of action far beyond an author’s original text. If the progymnasmata required students to internalize a text and understand its characters to complete ethopoeia, identificatory reading and new aesthetic demands on novelists enabled the common reader to do the same in the form of fan fiction.

**Thinking Like Authors and Beyond**

Although identificatory reading was encouraged under Enlightenment aesthetics as a means of personal development, the practice came under attack as part of the *Lesesucht* debate. Critics of identificatory reading (particularly in the exemplary mode) identified two primary dangers: the reader’s unhealthy blending of the poetic and the real, and stunting the reader’s individual development. Just as Werther could not separate perception and fiction, his readers manifested the first hazard: they dressed like Werther, wept like Werther, and in a few cases commit suicide like Werther. The eponymous hero of Moritz’s *Anton Reiser* exhibits the second danger: that novels act as an opiate, leaving the once-satisfied reader depressed, without a grasp on the objective world, and with a lost sense of self. This anxiety was amplified by the new aesthetic autonomy of eighteenth-century readers, who had assumed full responsibility for textual reception. Consequently, to fill the normative void, nervous critics devised theories about how to read well. Through proper training, it was believed readers could evade the dangers of reading while still

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213 Bledsoe, p. 203. Although Wieland’s early novels criticize identificatory reading (for instance: *Der Sieg der Natur über die Schwärmerei oder Die Abenteuer des Don Sylvio von Rosalva* (1764)), Bledsoe identifies Goethe’s *Werther* as the ideological tipping point, based on the “enormous gap between the empathetic reading for which the novel is designed and its actual reception, which followed identificatory lines.” Ibid. p. 212. Mortiz’s *Anton Reiser. Ein psychologischer Roman* (1785-1790) has also been regularly interpreted as a critique of identificatory reading.

214 As evidenced by the theories proposed by Schiller, Kant, and Karl Philipp Mortiz.

profiting from its salutary effects. But in the process of training good readers, German theorists also unintentionally primed readers to write fan fiction.

Because the passive consumption of literature was thought especially injurious, most eighteenth-century theories of reading focus on the reader’s active participation in the text, above all, on how a reader should think while reading and how a well-written novel can encourage it. Beginning with Sterne’s influential *Tristram Shandy*, authors and theorists consistently emphasize the novel’s ability to teach the reader to think. Blanckenburg similarly argued that pleasure for the good reader does not derive from simply being told a story, but rather from exercising his powers of thought (his “denkende Kraft zu üben.”216)

Johann Adam Bergk, a professor of jurisprudence and philosophy at Leipzig, published the best-known treatise on how to read properly – a 416-page tome titled *Die Kunst, Bücher zu lesen* (1799). For Bergk, a disciple of Kant, reading could be a sleeping potion of sorts, a “Betäubungsmittel” that entertains the reader while keeping him in a state of perpetual dependence.217 The passive reader eventually loses the ability to use his mind, becoming a kind of unthinking vegetable, “[d]ie meisten fahren in Lesen fort, weil sie keinen Funken von Selbstthätigkeit und Energie in sich spüren. Die Thätigkeit des Geistes ist von der Masse von Eindrücken gänzlich erstickt: der Mensch vegetirt bloß und ahndet nicht, daß er zu etwas Bessern bestimmt sey, als zum Schlafen, zum Essen und Trinken.”218 Alternatively, reading – if pursued actively and critically – could be an emancipatory activity, providing a pedagogical path to personal autonomy. “Selbstthätigkeit muß das Ziel seyn, worauf . . . alles Lesen gerichtet seyn muß.”219 To realize the goal, novels in particular had the task “unsern Geschmack zu bilden”220 and “die Empfänglichkeit und Reizbarkeit unsers Gemüthes für . . . Gefühle zu üben und zu vergrößern.”221 Through reading, Bergk argues, “lernen wir manchen

216 Blanckenburg, *Versuch*, p. 301.
218 Ibid. p. 65.
219 Ibid. p. 85.
220 Ibid. p. 204.
221 Ibid. p. 205.
geheimen Zug des menschlichen Herzens, manche Falte im menschlichen Charakter, und manche Täuschung und manche Geheimnis der Gefühle kennen.”

But the benefits of reading were realized only when books “muntern uns zum Denken auf.” For Bergk, this form of thinking derives from what Martha Woodmansee names a “highly reflexive” mode of reading. “Sobald wird nun sehen, welche Absicht der Dichter bei seinem Werke hat, so müssen wir dieselbe scharf ins Auge fassen, sie zergliedern, alle Fäden, die darauf hinlaufen, und alle Triebfedern, die dabei thätig sind, kennen lernen, und uns aller Details zu bemächtigen suchen.” Reading properly thus involves divining the creative intentions of the author in a multistep process: first, the reader identifies a work’s central idea; then, after relating the work’s details to this central idea, the reader finally synthesizes all of these pieces, winning sovereignty over the whole and insight into the creative spirit that permeates it. Reminiscent of the advice given to pupils learning to write, Woodmansee characterizes this as “a kind of creation in reverse, the object of which is to re-experience what an author originally thought and felt.” For Bergk, to exercise Selbstthätigkeit and to become a Selbstdenker, one must be a good reader, which entails thinking like the author.

Bergk was not the only theorist who advocated thinking like authors. Lessing describes a similar form of reading in the 234th letter of the Briefe, die neueste Literatur betreffend, celebrating Ramler’s advantageous “Gabe,” “sich mit sehr gutem Glücke in die Denkungsart eines fremden Dichters zu versetzen.” And Goethe similarly argues that the “true reader” is “able to sense the state of mind of the poet behind the work.” Writing to Rochlitz, Goethe explained: “[d]er Zustand des Schreibenden teilt sich dem wahren Leser sogleich völlig mit.” As Deirdre Vincent explains, Goethe believed that “reading, when properly

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222 Ibid. p. 178-179.
223 Ibid. p. ix.
225 Bergk, p. 214.
227 Brief 234, p. 281.
229 Ibid. citing Goethe to Rochlitz, 22 April 1822.
carried out, was in itself a creative act, a productive encounter for the reader between minds on the same wavelength.”

Notably, the notion that good reading entailed thinking like the author was not limited to lofty philosophies intended for rarified consumers. In her 1790 essay “Ueber die Lektür,” the author and journalist Marianne Ehrmann informs the mostly female readers of Amaliens Erholungsstunden, that there is only one kind of proper reading: “Wer während dem [sic] Lesen nicht denkt, nicht urtheilt, sich nicht Schlussfolgen herauszieht, nicht nach Menschenkenntnis hascht… nicht an des Verfassers Denkart hält, der lege ums Himmelswillen das Buch weg!” Ehrmann is careful to specify that active thinking itself is inadequate, stressing that reading is worthwhile only when the reader thinks like the author.

August Friedrich Ernst Langbein, one of the most popular authors in the late-eighteenth century, also understood the reader as someone who could think like the author. But Langbein recognized a downside. In the foreward to his Neue Schriften, Langbein complains that writers were publishing texts strikingly similar to his own. Although Langbein may have understood the commercial incentives, he describes the cause in aesthetic terms, explaining that the imitating authors “zum Theil so stark mit mir sympathisiren, daß sie mir in der Wahl des Stoffes und der Behandlungsart desselben folgen,” resulting in consumer confusion.

August Friedrich Ernst Langbein, one of the most popular authors in the late-eighteenth century, also understood the reader as someone who could think like the author. But Langbein recognized a downside. In the foreward to his Neue Schriften, Langbein complains that writers were publishing texts strikingly similar to his own. Although Langbein may have understood the commercial incentives, he describes the cause in aesthetic terms, explaining that the imitating authors “zum Theil so stark mit mir sympathisiren, daß sie mir in der Wahl des Stoffes und der Behandlungsart desselben folgen,” resulting in consumer confusion.

230 Ibid. citing: Goethe to Schiller, 19 November 1796.
231 Despite the ubiquity of this belief, not all theorists advocated reading for all. Bergk, for instance, believed that almost any kind of book could be useful if properly, but he think that everyone should read. Bergk, p. 354. Moreover, Bergk argued that certain texts should only be read once the reader “im Selbstdenken geübt ist,” otherwise the book could overwhelm the Einbildungskraft and have negative effects. Ibid. p. 266.
234 Langbein also complains that people are naming works similar to his titles, and in the most egregious cases (at least from Langbein’s perspective) using his name. Langbein, August Friedrich Ernst. Neue Schriften von A.F.G. Langbein. Erster Band. Berlin: Schüppel, 1804, p. iv.
identify with authors to such a degree that they begin producing texts indistinguishable from the original author’s own.

Good reading put readers on the same wavelength as the author. But by getting readers and writers on the same page, good reading enabled readers to promptly leave it. Readers could follow an author’s train of thought, understand what he was attempting to accomplish with his story, and anticipate where it was going. Good reading endowed readers with the intellectual and aesthetic framework to continue a story as the author might.

Eighteenth-century theorists even explicitly urged readers to think about the story beyond the confines of the printed page. The reader, according to Bergk, “müß dem Schriftsteller nachhelfen: er müß das Selbstdenken nicht aufgeben, sondern er müß ihm vor- und nachdenken.”235 Bergk instructs the reader to ask himself from what other angles a subject could be explained. “Immer muß er sich fragen, gibt es nicht noch mehrere Arten, die Ursache von dieser oder jener Erscheinung zu erklären”236 And as part of the multi-step reading practice, Bergk instructs the reader to follow all of the threads (“Fäden”) of a story.237

Consistent with this instruction, readers began following narrative threads beyond the confines of the author’s original story. In many cases, writers invited the practice. In *Tristram Shandy*, Sterne explains through his eponymous protagonist:

> Writing, when properly managed . . . is but a different name for conversation: As no one, who knows what he is about in good company, would venture to talk all; -so no author, who understands the just boundaries of decorum and good breeding, would presume to think all: The truest respect which you can pay to the readers’ understanding, is to halve this matter amicably, and leave him something to imagine, in his turn, as well as yourself.238

235 Bergk, p. 66.
236 Ibid. p. 66-67.
237 Ibid. p. 214.
German authors followed suit, conceptualizing the novel as a sort of collaborative dialogue between the author and reader. In Über Schriftsteller und Schriftstellerey Knigge describes writing as the “öffentliche Mittheilung der Gedanken; gedruckte Unterhaltung; laute Rede, an Jeden im Publico gerichtet, der sie hören will; Gespräch mit der Lesewelt.”

Fittingly, many authors left scenes to their readers’ imaginations. Through fictional editors and third-person narrators, writers commonly broke off narrative threads, encouraging readers to fill in what was left out. For instance, mid-way through the second volume of his 1790 novel Ala Lama oder der König unter den Schäfern, Karl Friedrich Bahrdt (the figure at the center of the Kotzebue-Knigge literary scandal) cuts short a climatic scene, explaining “[w]ir überlassen dem Leser, diese rührende Scene sich vollends auszumahlen.”239 This common rhetorical gesture takes on new meaning in the context of the good reader, who thinks like the author and is highly invested in the characters: the gesture become an invitation to write fan fiction.

Beyond inviting readers to fill in missing scenes, authors also invited their readers to imagine alternate universes involving their characters. In his 1802 novel Der Todtengräber: Ein Gegenstück zur Urne im einsamen Thal, Ludwig Franz von Bilderbeck addresses the expectation that his novel might be like Rinaldo Rinaldini. Clarifying that his protagonist had nothing to do with Vulpius’ beloved character, Bilderbeck nevertheless invites his readers to imagine this were the case: “übrigens könnte er sich vorstellen daß Waldmann wirklich zu Rinaldinis Zeiten gelebt, und alle seine Feld- und Streifzüge mitgemacht hätte, und da wäre ja auf einmal dem Uebel abgeholfen.”240 Bilderbeck sanctions and even welcomes the reader to imagine, in today’s terms, a mash-up of his character with Vulpius’ hero.

After engaging the author in active conversation, thinking on her wavelength, and imagining scenes she did not portray, the good reader was expected to act. The final step of good reading was the use of the newly won Selbstthätigkeit. Bergk recommends that this self-activity take the form of writing.241

Indeed, in response to reading novels, eighteenth-century fan fiction authors report having felt compelled to write. Nicolai exemplifies the good reader in his discussion of Thümmel’s best-selling Wilhelmine. He insists that the protagonist won over “unsere Herzen,” further noting that he felt a real “Freundschaft für sie.”242 In addition to sympathizing with Wilhelmine, Nicolai also makes clear that he was actively thinking about the text. In a 1773 letter to Lessing, Nicolai explains that since reading Thümmel’s work, “hatte ich so viel einzelne Gedanken schon geschrieben, so viel einzelne Scenen überdacht, so oft.” According to Nicolai, the ideas about Wilhelmine “immer wieder in den Sinn kam, und dass ich sie, um sie aus dem Kopf zu bringen, in einer andern Form [in his novel] herausschreiben musste.”243 Nicolai later justifies his Wilhelmine fan fiction by claiming that he was simply pursuing the story further. Although Thümmel’s celebrated text concludes with the happy marriage of Wilhelmine and Sebaldus Nothanker, Nicolai believed the post-nuptial life of the beloved characters should be depicted, too. Although “Romanenschreiber glauben, sie hätten das Leben ihres Helden weit genug beschrieben, wenn sie ihn bis zur Heirat bringen…,” Nicolai asserts he wants to “ganz einfältig melden, wie es vorgegangen ist.”244 For Nicolai, the final product of good reading was a desire to see the narrative continue and an impulse to write that story.

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241 “Wir müssen … unsern eigenen Verstand brauchen, um durch Lektüre die Ausbeute des Selbstdenkens davon zu tragen.” Bergk, p. 206. Bergk earlier declares that one byproduct of this “harvest” is the stimulation of the drive to write. “Jedes Buch, das wir lesen, muß in uns die Kräfte in Thätigkeit setzen, die dazu gehören, eine gute Composition zu machen.” Ibid. p. 66.


Many fan fiction authors described a similar compulsion. According to Schiller’s oldest son Karl, the Prussian cameralist and Hofgerichtsrat Follenius claimed, “dass es sein innerer Drang sei,” that inspired him to write a continuation of Schiller’s *Geisterseher*.\textsuperscript{245} The anonymous author of the fan fiction, *Siegwart und Mariana*, expressed a comparable impulse.\textsuperscript{246} In the preface, the author states: “Diese Romanze ist die unvollkommene Geburt etlicher heiterer Sommerabende, die ich in der meinem Herzen so behaglichen Einsamkeit unter dem erquickenden Schatten einer balsamdustenden Linde, wo mich unerwartet eine wohlthätige ländliche Muse überraschte, die mit ihrem füssen Wonnelächeln Ruhe und Heiterkeit in meine Selle zauberte, verlebte,” reporting that “Dann ergriff ich meine Schreibtafel...”\textsuperscript{247} Unlike Nicolai’s fan fiction, *Siegwart und Mariana* does not continue Miller’s popular novel in a sequel or prequel, but rather fills in a missing scene. In Miller’s original, Siegwart rushes to Mariana’s death bed. “Eine Nonne kam heraus: er hielt für Marianen und lief zitternd auf sie zu; aber es war Brigitte. Jesus, Maria! sagte sie; eben liegt Mariane in den letzten Zügen; mach er, daß er fort kommt. – Gott im Himmel! rief er aus. – Indem ward die Thüre wieder geöffnet, und drey oder vier Nonnen stürzten heraus. Er sprang, ohne daß ers wuste, fort, indem Brigitte einen Schrey that. Wie der Wind flog er die Leiter hinauf, warf sie mit dem Fuß um, und die Leiter auf der Aussenseite hinab. Fort, fort! rief er, sie ist todt!”\textsuperscript{248} It is unclear how long Siegwart remains in the chamber and whether Mariana was already dead when he entered. The fan fiction, however, expands what is ambiguously contained in Miller’s punctuation into a dramatic scene between the lovers, putting words into the dying Mariana’s mouth: “Die Kranke zittert’ auch – Ja! Edler - - ewig ewig Dein - - - Dies war ihr letzter Hauch.”\textsuperscript{249} Unlike other authors who invited readers to imagine what took place off the printed page, though, Miller did extend a similar invitation. *Siegwart und Mariana* thus appears to be

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\textsuperscript{247} Ibid. p. 3-4. Here, the author parallels himself to Miller’s hero. In Siegfried, the eponymous hero is similarly compelled to grab his writing tablet and write: “Als es Nacht wurde, stellte er in einer Dorfschenke ein. Er hatte keine Ruhe, weil er stets an Marianen dachte, und schlafen konnte er auch sogleich nicht. Er ging also in den, an das Wirthshaus stossenden, schönen Baumgarten. Der Mond schien trüb; er sah zu ihm auf, und machte folgendes Gedicht, das er nachher auf der Stube in seine Schreibtafel schrieb.”


\textsuperscript{249} Anonymous, *Siegwart und Mariana*, p. 22.
the product of an emancipated reader exercising his new aesthetic and interpretive autonomy by filling in a scene he wanted to see and felt moved to write.  

Throughout the late eighteenth century, fan fiction is repeatedly linked to both thinking like a text’s original author and following the threads of the story. In the preface to a fan fiction continuation of August Lafontaine’s *Die Verirrungen des menschlichen Herzens*, the publisher introduces the new author: “[d]ieser Gelehrte übernahm es, den zweyten Theil des Buches zu bearbeiten, und wir überliessen es ihm in vollem Vertrauen auf sein schöpferisches Genie.” According to the publisher, the fan fiction was made possible because the new author is “reich an … Talent sich in den Geist anderer Schriftsteller hinein zu denken, und da ihr Gewebe wieder aufzuheben und es fortzuspinnen, wo jene es ruhen liessen.” Fan fiction is portrayed as the unique product of good reading. The fan fiction author, often dubbed “Herr Ausspinner,” thinks himself into the mind of the original author, picks up the threads of the story, and from there spins the narrative tapestry forward.

Although critics like Bergk devised theories of good reading to combat the dangers of passively consuming novels, in the process of training eighteenth-century consumers how to read properly, they also primed readers to write fan fiction. As reading habits evolved and the novel changed, readers proved especially adept at sympathizing with characters, thinking like authors, and following narrative threads. Consequently, readers began writing prequels, sequels, and missing scenes using the characters in whom they were emotionally invested, whether the original author invited them to or not.

In the second half of the eighteenth century, changing commercial practices and evolving aesthetic norms converged to create an atmosphere ripe for the production and consumption of fan fiction. As literature

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250 His decision to take the next step and publish it is a different matter.
252 Ibid.
became more relatable, readers began reading with a new emotional capacity, inspiring them to imagine the further adventures of beloved characters. At the same moment, readers were urged to become active consumers of literature, as participants in an ongoing conversation with a text’s author. Now, instead of making impassioned requests for plot developments, readers were empowered through educational practice and aesthetic training to write these scenes themselves. Concurrently, writing became a favorite and profitable pastime of members of the middle-class. In addition to new aesthetic encouragement, commercial conditions incentivized readers to write fan fiction, often driven by enterprising publishers and market demand. Fan fiction thus seems to have arisen as an inevitable consequence of the changing reading and writing conditions that occurred during the great expansion of novels after 1750. Within two decades, fan fiction evolved from an unheard-of phenomenon to a common and even expected response to a popular novel. But despite its ubiquity in the final decades of the eighteenth century, fan fiction continued to selectively inspire the ire of writers whose characters were used by second authors.
CHAPTER II: THE STAKES OF FAN FICTION

In the second half of the eighteenth century, of the hundreds of novels produced each year, only a handful commanded widespread public attention. Discussing *Rinaldo Rinaldini*, one contemporary named these works “Glücks-Kind[er] . . . weil die Fälle rar sind, dass ein Buch in 3 Monate vergriffen ist.” But nearly all of the texts that inspired fan fiction were bestsellers. Thümmel’s *Wilhelmine* was a “Lieblingsbuch des deutschen Publikums.” *Sophiens Reise* became a family reference book, or Hausbuch, “that no middle-class home of the eighteenth century could afford to be without.” And *Sebaldus Nothanker* was the undisputed bestseller of the German Enlightenment, selling over 12,000 copies in four German editions.

Due to the public interest in the characters appropriated for use in fan fiction, this writing practice had exceptionally high stakes in the eighteenth century. Yet no formal law regulated the creation, distribution, or consumption of these works. To better understand contemporary attitudes about fan fiction, this chapter seeks to reconstruct the eighteenth-century debate about borrowing pre-existing characters from contemporary authors. First, this chapter analyzes the formal legal mechanisms protecting literary property and discusses authors’ rights vis-à-vis their publishers. By situating fan fiction in this larger legal landscape, this chapter does not add to existing scholarship on the eighteenth-century book trade; however, it introduces this history for the first time to an English-language audience and lays the groundwork for understanding the legal and commerical interests implicated in the creation of fan fiction. Then, by investigating the arguments made to justify and condemn fan fiction, this chapter highlights the diverse and often-competing personal, economic, and artistic interests in fan fiction, adding new insight into eighteenth-century literature and the stakes of its production.

2 The only source work in this study that did not widespread commercial success (initially, at least) was August Lafontaine’s *Die Verirrungen*, which received a bad review in 1793 and saw dismal sales. But Lafontaine was among the most popular authors of the period and *Die Verirrungen* was only the second novel he published.
5 Selwyn names it “the literary bestseller of the German Enlightenment.” Seywlyn, p. 16.
Popular Source Texts and Their Derivative Works

Private letters and public reviews repeatedly note the “Beyfall” associated with the bestsellers that inspired fan fiction. Describing *Julchen Grünthal* in the *Allgemeine deutsche Bibliothek*, an anonymous reviewer wrote: “Dieser Roman hat gleich bey seiner ersten Erscheinung eine gewisse Sensation gemacht…. Der größte Theil unser Lesewelt gab ihm seinen Beyfall.” Nicolai similarly explained that Thümmel’s *Wilhelmine* “[hat] den allgemeinen Beyfall erworben….”. And recounting the reception of *Sebaldus Nothanker* in a letter to Herder, Nicolai explained “Der Beyfall ist freilich gross, u. viel grösser, als ich ihn verdient habe.” His modesty, however, gave way to temporary excitement, “Mein Büchlein hat sogar den Beyfall – rathen Sie wessen – des Königs von Preussen, erhalten.” In many cases, fan fiction authors seem to have chosen their source works precisely because of the acclaim they had won. Störchel, the author of *Die Familie Neubeck* fan fiction, explained that he selected Lafontaine’s text as the source of his fan fiction based on its popularity. “Ich fand die Skizze zu dieser Familiengeschichte in der Berliner Monatschrift für Teutsche des Jahrs 1800. Sie ward in derselben mit allgemeinen Beifall gelesen.” And a reviewer of Stutz’s *Julchen Grünthal* fan fiction notes that, “Der Beyfall, den dieser Roman [Unger’s original] gefunden hat, hat, zu er den ersten Plan, diese Fortsetzung veranlasst.”

The opinion of the general reading public, however, did not always accord with the judgment of literary critics. Although works like *Wilhelmine* and *Julchen Grünthal* were nearly universally praised by critics, other texts, like *Werther*, were polarizing. Still other novels, including Lafontaine’s *Die Verirrungen des Ihnen in 8,” in: *Allgemeine deutsche Bibliothek*, Bd. 86, 1. St. 1789, p. 124-125., p. 124.
Menschlichen Herzens and Vulpius’ Rinaldo Rinaldini were actually dismissed as uninteresting and even poor works of literature. In 1801, Vulpius’ publisher Heinrich Gräff noted the schism, observing in the Intelligenzblatt der Allgemeinen Literatur-Zeitung, that “Was Siegwart erfuhr, erfuhr auch Rinaldo; denn Recensent und Leser gehen selten einen und denselben Weg.”\(^\text{11}\) Others were less secure with the rift between public and critical opinions. Nicolai, for one, was unsatisfied that the literary establishment did not share the public’s esteem for his novel. “So wenig ich literarischen Ruhm suche,” confessed Nicolai in a 1776 letter to Johann Heinrich Merck, “so werde ich doch oft verdrießlich, wenn ich, indem mir das Lob des großen Haufens vor den Ohren gellet, mir vorstelle, daß vielleicht Kenner die Köpfe schütteln.”\(^\text{12}\) Nevertheless, where met with general approbation, novels inspired fan fiction regardless of critical acclaim.

Fan fiction, though, was just one response to a bestselling novel and a beloved character. At the start of Rinaldo Rinaldini, the unnamed narrator explains of the eponymous robber-bandit that “Ganz Italien spricht von ihm…. Er lebt in den Canzonetten der Florentiner, in den Gesängen der Kalabresen, und in den Romanzen der Sizilianer.”\(^\text{13}\) At the start of the novel, the fictional Rinaldo was already the famous subject of songs and stories. Much of Vulpius’ novel, therefore, documents his hero’s navigation of his widespread notoriety. In the first book, after a false rumor spreads that Rinaldo has died in a duel, the protagonist visits the scene of his supposed demise. There, Rinaldo encounters an artist and enquires what he is sketching. “Ich zeichne diese Gegend,” the man replies, “Ist der Platz gezeichnet, radiere ich ihn und verkaufe ihn illuminiert, wovon ich einen guten Profit zu ziehre hoffe. Ein zweite Platte enthält das Gefecht, das auch Käufer finden wird. – Auf dem ersten Blatt, wo ich das Tal leer lasse, bringe ich neben dem Baume, wo Rinaldini fiel, einen Galgen an, und die Sache wird emblematisch.”\(^\text{14}\) Although Rinaldo “ärgerte…sich


\(^{14}\) Id., p. 136.
doch ein wenig über den Galgen,” he comments, “Das gibt eine gute Spekulation!” and wishes the “spekulative Künstler” “guten Absatz seines Kunswerks.”

Although Goethe may have been surprised by the multi-media commercial reaction to *Werther* in 1774, by the time Vulpius wrote *Rinaldo Rinaldini* in 1798, it seemed common knowledge that an especially popular figure would launch a mercantile reaction, resulting in art, kitsch, songs, and texts, as Vulpius stages within the world of his novel.

The texts that inspired fan fiction in the eighteenth century were eagerly taken up by the public and quickly became the subject of widespread cultural attention and creative production. When it was published in 1776, for instance, Miller’s *Siegwart* became an instant bestseller, inciting a *Siegwartfieber* arguably more virulent than the *Wertherfieber* that preceded it two years earlier. Miller’s novel inspired fervent readers and spawned a series of its own literary imitators and commercial spinoffs, launching an equivalent “Siegwartiaden.”

A testament to their popularity, nearly all of the source works in this study underwent multiple printings – sometimes at the breakneck pace of one new printing each year. Unger’s *Julchen Grünthal*, for example, was printed anew for five consecutive years. Most of the texts were also subject to piracy. Less than one year after the publication of *Siegwart*, for instance, Miller noted in a letter to Johann Heinrich Voß that “Ein Nachdrucker hatte den Einfall, auch gegen 1000 Exempl. von Siegw. nach Amerika zu schiken.”

Most of the source works were additionally published in special illustrated editions with engravings by

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15 Id.


famous artists, like Daniel Chodowiecki, who illustrated scenes for editions of *Siegwart*, *Sophiens Reise*, and *Julchen Grünthal*. Each work also inspired countless illustrations, often depicting significant scenes and popular protagonists, that were sold as individual artworks, as the ubiquity of Lotte and Werther portraits attest.

Many of the novels that inspired fan fiction were also set to music. A collection of “Arie aus dem Siegwart,” for instance, was published in the *Deutsche Museum* in 1779 and one year later the popular composer Daniel Gottlob Türk set additional passages of Miller’s novel to music (and sold the scores for 1 Thaler and 4 Groschen). The composer of Goethe’s favorite opera, Johann Adam Hiller, similarly composed melodies for the “Lieder und Arien aus Sophiens Reise.” And in 1802, in an instance of life imitating art, Heinrich Gräff published, “Canzonetten und Romanzen aus dem Romane Rinaldo Rinaldini mit Begleitung des Gitarre und des Pianofort’s.” As late as 1820, more than two decades after the first publication of *Rinaldo Rinaldini*, a poem from Vulpius’ novel was set to music and became a popular Volkslied: “In des Waldes finstern Gründen.”

Stage adaptations of popular novels were also common in the second half of the eighteenth century. Already in 1784, the same year as its first publication, Unger’s *Julchen Grünthal* was adapted into a stage version by Karl Christoph Nencke, titled *Julchen Grünthal oder die Folgen der Pensionsanstalten und die Gefahr der großen Stadt*. Even side characters, where especially beloved, became the subject of stage adaptations. Herr Puff, the popular suitor from *Sophiens Reise*, was the subject of several works of fan fiction, including a 1780 five-act comedy titled *Puf van Vlieten*. In the forward, the playwright introduced Puff as “[e]in alter Bekannter des Publikums,” whom “viele längst auf der Bühne zu sehen gewünscht haben.”

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Notably, the response to popular works was not limited to songs, drawings, and print. Nor were the enthusiastic reactions confined to Germany. In the eighteenth century, popular works were rapidly translated into a variety of European languages. In addition to English, French, and Dutch translations common to most commercially successful works, many of the novels in this study were also translated into more far-flung languages, notably within just a few years of their initial publication. Sebaldus Nothafranken, for example, was published in Swedish; Sophiens Reise was translated into Danish; and Rinaldo Rinaldini was published in Russian, Polish, and Hungarian editions. The multimedia response to these works also continued overseas. Werther inspired a Parisian perfume, “Eau de Werther,” and an English wallpaper among other fanciful products. And Vulpius’ Rinaldo Rinaldini was adapted into an English ballet titled The Secret Avengers just two years after its initial publication.

Although authors sometimes collaborated on songbooks and stage adaptations, most did not exercise meaningful control over these derivative works. And publishers were similarly removed from the products in these quasi-franchises. But some authors did try to exert control over works of fan fiction, despite the lack of formal legal tools.

**Literary Property and the Legal Landscape**

The eighteenth-century German book trade operated within the legal framework of the Holy Roman Empire, which provided only one formal legal mechanism for protecting literary property: the printing privilege, or privilegium impressorium. In his 1772 treatise, Von den Kayserlichen Regierungs-Rechten und Pflichten, the celebrated jurist Johann Jacob Moser defined the function of the privilege “zu verbieten, daß gewisse Bücher, innerhalb gewisser Zeit, nicht ohne des Priviligirten Willen und dessen Schaden, sollen

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nachgedruckt, oder die anderwärts nachgedruckte Exemplarien innerhalb des teutschen Reiches verkauft werden.”

Printing privileges thus conferred an exclusive right, usually on publishers, to print a specific manuscript for a specific period of time in a delimited geographic area. But in the second half of the eighteenth century, the political fragmentation of the Empire rendered central control of the book trade almost impossible. Instead, control over literary texts was governed by a tangle of laws, edicts, and decrees issued by the more than 300 individual German territories.

To acquire an imperial privilege, publishers or their representatives (often lawyers) submitted an official request to the emperor in Vienna asking that a certain title be privileged to protect against unauthorized reproductions. In addition, the petitioner sent five copies of the work, one for each member of the Reichshofrat. Beginning in the 1760s, a censor’s report approving the work was also required. If the privilege was granted, the title was registered by the Imperial Book Commission in Frankfurt am Main and a formal certificate was issued, enumerating the conditions of the protection and the penalties for violations.

The privilege granted for the third edition of Sophiens Reise is representative. After defining the territory of the Holy Roman Empire, defining the term, and the harm of unauthorized reprinting, the privilege states:

“auch ihme solches niemand ohne seinen [Junius, the publisher] Consens, Wissen und Willen, innerhalb denen nächsten Zehen Jahren, von dato dieses Briefs anzurechnen, im heiligen Römischen Reich nachdrucken und verkaufen, vielweniger etwas daraus nehmen und zusammen tragen solle, weder in kleiner noch grösserer Form, unter was gesuchten Schein das immer geschehen möchte.” The privilege makes clear

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25 Or 18 if the work in question was a periodical.

26 Notably, the report did not have to come from the home territory of the petitioner. As a result, many authors included reports from the more-linient Leipzig censors. These reports stated that a work contained nothing contrary to the laws of the empire, to religion, or good morals. Censorship decisions were influenced by political and personal factors. And even after a privilege was granted, it could be revoked if the censor’s report were contested and a complaint reached the Reichshofrat. As a result of censorship decision, works could be available only by ticket (“auf Zettel”) to buyers with proper authorization. Such titles were accepted as toleratur rather than admitittur; that is, they were tolerated instead of fully permitted, and thus could only be sold to readers thought respectable enough to withstand the “the temptations of heterodox literature,” as Selwyn describes, p. 216.
that it applies to “allen Buchführeren, Buchdruckeren, Buchbinderen, und Buchhändleren.” Like most imperial privileges, it was renewable, and lasted for a period of ten years form the date of issue.\(^27\) The privilege concludes by enumerated the fine for violations – typically “fünf Mark löthigen Goldes” – half of which was awarded to the lawful publisher while the rest was deposited into the imperial treasury.

Throughout the century, publishers acquired privileges to protect their works and investments. Authors could also apply for privileges themselves, which they often did to convince reluctant publishers to acquire a work or to justify a higher price for the manuscript.\(^28\) In some cases, publishers required authors to secure privileges at their own expense, but the decision to pursue a privilege (and who should pay for it) was typically part of the negotiating process between an author and publisher.\(^29\) Most frequently, publishers applied for and held privileges – often without the author’s involvement. Although the lawful acquisition of the manuscript was a precondition, an author’s permission who not a formal requirement for the attainment of a printing privilege.\(^30\)

Privileges were enforced by the *Reichshofrat*, which theoretically punished piracies anywhere in the Empire. Due to the geographically remote and beaucratically “unwieldy machinery of imperial justice,” however, enforcement was cumbersome and slow, rendering imperial privileges practically useless.\(^31\) Eighteenth century authors and publishers consequently dismissed imperial privileges as ineffective guards against piracy. A despondent Hermes remarked in 1780 that “Eben so bekannt ist es, daß selbst kaiserliche Privilegia wenig mehr gegen den Nachdruck schüzen.”\(^32\) The Mannheim bookseller Christian Friedrich

\(^{27}\) Each new volume of a multi-volume work required a subsequent application and another quintuplicate submission of the work.


\(^{30}\) However, it was found out that a manuscript was not lawfully obtained, a privilege could be revoked. Steiner, p. 44.

\(^{31}\) Selwyn, p. 221.

Schwan was more cynical. In a 1777 letter to Nicolai, Schwan observed that, “probably no printer has ever benefited more from the imperial privileges than the pirates of Karlsruhe and Reutlingen.”

Although the right to issue privileges originally belonged exclusively to the emperor, individual territories began issuing printing privileges in the fifteenth century. These privileges functioned much the same way, but because of the limits of territorial jurisdiction they offered a geographically smaller scope of protection. Owing to the importance of Leipzig and Berlin to the book trade, the most important territorial privileges in the second half of the eighteenth century were those issued by Saxony and Prussia. But even in Prussia there was no centralized institution to oversee the book trade; instead, various regulations, some applying only to specific cities and districts, governed the production and dissemination of texts.

Compared to the application for an imperial privilege acquiring a territorial privilege was less formal but more expensive. To acquire a Saxon privilege, for instance, a publisher submitted a request to the book inspector in Leipzig, who registered the title in the Book Commission’s protocol book. Twenty copies of each volume then had to be sent to the Supreme Consistorial Council of Electoral Saxony. The resulting privilege letter was then signed by several officials, including the booksellers at the Leipzig fair, who agreed to abide by its terms. Like imperial privileges, Saxon privileges were granted for a period of ten years and were renewable. But unlike ownership disputes arising under imperial privileges, disputes involving Saxon privileges were were adjudicated before the Leipzig Book Commission and settled quickly. Eventually, as Harald Steiner notes, Prussian and Saxon privileges became more meaningful than the imperial privilege, especially after the Prussian and Saxon governments formally agreed in 1776 to recognize privileges issues by the other, thus expanding the geographic scope of each privilege.

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33 Quoted and translated in: Selwyn, p. 220.
34 Or fifteen for especially long works.
35 Steiner, p. 42. Selwyn notes, however, Prussian publishers continued to apply for Saxon privileges because disputes were settled quickly before the Leipzig Book Commission, and thought to be a more effective protection because it was easier to prove ownership of a title, because the Commission registered titles. But for the most part, violations of privileges and disagreements about ownership remained the subject of foreign policy and diplomacy. Selwyn, p. 214.
In this patchwork of laws and policies, however, it remained difficult to punish violations of territorial privileges. Especially because states – above all Austria and the South German states – actually encouraged piracy as an official state policy to bolster their own book trades to compete with the dominant North.\(^{36}\) As late as 1792 a Würzburg decree explicitly sanctioned piracy, but only under three conditions: if the authorized edition was too expensive and the pirated edition would be cheaper; as an act of repatriation; and if the pirated work was “gemeinnützig und wenigstens für die niedere Volksklasse besonders nützlich.”\(^{37}\) Moreover, until the nineteenth century, many bookstores and bookdealers remained unsympathetic to complaints about piracy and willingly sold both authorized and pirated editions of texts.\(^{38}\)

When imperial and territorial mechanisms proved ineffectual, publishers sometimes tried to enforce privileges through extra-legal means. Informal appeals and petitions to local governments to stop the activity of pirating publishers in their jurisdiction were not uncommon. And such measures were often more effective and quicker than a formal complaint and trial before the Reichshofrat.\(^{39}\) Publishers also made personal visits to pirating publishers, issued threats, and placed advertisements in newspapers attacking unscrupulous publishers and warning the public against purchasing pirated texts with varying degrees of success.

By the mid-eighteenth century, the archaic privilege system was nearly obsolete. The time and financial burden of acquiring an imperial privilege was prohibitive for most authors and publishers.\(^{40}\) Moreover, the

\(^{36}\) For more, see: Woodmansee, Martha. “Publishers, Privateers, Pirates,” p. 186.


\(^{39}\) Especially because many states were sympathetic to publishers – even pirating publishers – within their borders.

\(^{40}\) The process was similar to that outlined above: booksellers or publishers would apply for a privilege from the emporer in Vienna, requesting for protection against piracy and sending a pre-specified number of copies along with a censors report. If granted, a formal certificate was issued enumerating its conditions and penalties for its violation. This usually prohibited the reprinting and sale of the work anywhere in the Holy Roman Empire without the holder’s knowledge and consent for ten years from the date of issue as well as a fine. The privileged work was also required reprint the privilege or a summary of the grant in the book. Finally, the Imperial Book Commission in Frankfurt am Main would be informed that the privilege had been granted, and it would registered the work. See: Wittmann, Reinhard. *Geschichte Des Deutschen Buchhandels*. München: Beck, 1999.
slowness and difficulty of enforcement rendered most privileges practically useless, further disincentivizing potential applicants. Additionally, creating an ersatz privilegium impresorium by collecting privileges from the more than 300 individual German states proved an insurmountable obstacle for all but the most tenacious and affluent authors. In fact, only one author accomplished the feat: Goethe, for his Ausgabe letzter Hand. More commonly, authors and publishers applied for select privileges only for works they thought would be especially successful and thus more likely the targets of piracy. Nevertheless, such limited protection was hardly effective.

Even where privileges were enforced, the scope of their protection was uncertain. By the mid-eighteenth century, certain conflicts had been resolved. For instance, the question of whether reprinting a work in a different format, for example in quarto instead of octavo, constituted an unauthorized reprinting in violation of a privilege. The privilege for Sophiens Reise makes clear that such a transformation was insufficient to render the final product exempt from the protection afforded by the privilege. But the definition of “reprinting” was generally dependent on the political atmosphere and the individual parties interpreting the privilege, which only purported to protect against wholesale copying. Notably, privileges did not protect the intellectual work. Nor did they protect against plagiarism, use of a title or an author’s name, or against fan fiction. Privileges only prohibited the unauthorized reprinting and sale of texts.

Although the privilege system was all but defunct by 1750, it was not replaced by another legal protection until the North German Confederation implemented a comprehensive protection for authors and publishers in 1870 (followed by the German Reich’s adoption of a similar act in 1871). As a result, eighteenth-

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41 Also there was no guarantee that a privilege would be effective for the period initially granted. Once granted, a privilege could be rescinded if serious complaints reached the Reichshofrat contesting the original censor’s opinion. See: Eisenhardt, Ulrich. Die Kaiserliche Aufsicht Über Buchdruck, Buchhandel Und Presse Im Heiligen Römischen Reich Deutscher Nation, 1496-1806: Ein Beitrag Zur Geschichte Der Bücher Und Pressezensur. Karlsruhe: Müller, 1970, p. 61.
42 The process was made easier to an extent, though, because some German states recognized privileges issued by other German states, as the Prussian and Saxon government agreed in 1776.
43 There were earlier attempts to regulate the trade. The kursächsische Mandat of 18 December 1773 “reinigte” the Leipzig book fair of unlawful piracies. And beginning in late eighteenth-century, there were attempts to codify laws governing the book trade that would cover all of Germany; for example: Dyck, J.G. “Ueber Bücher-Privilegium und Bücher Nachdruck,” in: Litteratur und
century German authors and publishers were situated in an interstitial period characterized by a lack of effective formal legal mechanisms to protect their literary works. The legal system thus granted authors and publishers little right to their works and far less ownership over derivative works based on their texts.

**Author-Publisher Relations**

As the changing book trade put new commercial pressures on publishers and authors, they were compelled for the first time to develop meaningful relationships with each other. In particular, because the privilege system offered little guidance about the ownership rights, authors and publishers worked tirelessly, if not always harmoniously, throughout the eighteenth century to define their respective entitlements with regard to literary texts.

Although ownership interests were often ambiguous, there is little doubt that publishers exercised considerable control over the appearance and content of texts. In the preface to his 1790 novel *Meines Vaters Hauschronika*, Ernst August Anton von Göchhausen recounts his publisher’s demand that he change the title of the novel, “weil sie [booksellers] die Waare nicht nach dem inner Werthe, sondern nach dem Zeichen auf dem Umschlag kauffen.” Göchhausen analogizes the relationship between authors and publishers to that between composers and conductors. The composer may create the work, but the conductor is responsible for its interpretation and transmission to the public. “Im Grunde dirigiren doch sie [die Verleger] das Orchester, und der Verfasser, der z.B. ein schweres Capricioso auflegt, muß sich gefallen

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*Völkerkunde*, Oktober 1784, p. 284, offering a “Vorschlag zu einem allgemeinen Gesetz für ganz Deutschland, das Bücherwesen betreffend.” The 1809 *Badische Landrecht* included the a piracy protection. And Prussia the first comprehensive law against reprinting with its 1837 “Gesetz zum Schutze des Eigenthums an Werken der Wissenschaft und Kunst in Nachdruck und Nachbildung.”

44 As Göpfert argues, *Vom Autor Zum Leser*, p. 23.

45 Bosse claims that the conflict between authors and publishers inspired by Klopstock in the 1770s quickly disappeared behind the larger conflict between publishers and reprinting pirates. Bosse, *Autorschaft*, p. 49.

lassen, daß der Director die Mensur eines – Hopheysa, oder jede andere, nur die rechte nicht, angiebt, sobald er die Ohren der ansehnlichen Zuhörer merkantilisch berechnet, und sein Auditorium besser zu kennen glaubt, als der Komponist.”

On account of their active participation in the book trade, publishers were able to exert great influence on the literature they published. But the formal legal control publishers could exercise was less clear.

In the eighteenth century, intellectual property ("geistiges Eigentum") was not yet a codified term or concept. Consequently, authors’ and publishers’ rights were in a state of flux and confusion often reigned over what interests each party maintained after the transmission of a manuscript. According to Zedler’s 1740 Universal-Lexicon, “das Recht, welches ein Buchhändler an dem Drucke und Verlage einer Sache hat, gründet sich auf Pacte und Verträge.”

75 years later, the popular dramatist August von Kotzebue declared that the author’s right to make a contract with a publisher “wird wohl niemand bezweifeln.” But Zedler’s definition and Kotzebue’s assertion may have been idealized accounts. In practice, very few authors and publishers – despite their extensive interaction and the potentially high financial stakes – formalized agreements. Instead, most decisions and details were settled informally via private correspondence, resulting in tacit understandings and informal contracts.

In his study of the German book trade, Reinhard Wittmann characterizes the relationship between authors and publishers as sometimes warlike. There were, after all, countless opportunities for disagreement. And the uneasiness of the situation was further exacerbated by the general discomfort publishers and authors felt when discussing fiscal matters, let alone asserting their financial interests. This did not prevent authors,

\[\text{Ibid., p. xxiv-xxv.}\]


\[\text{There is evidence, however, that publishing contracts were first formalized in the early seventeenth century. See: Goldfriedrich, Geschichte, vol. 2, p. 484.}\]

\[\text{Wittmann, Geschichte, p. 152.}\]
though, from casting themselves as the pecuniary victims of their publishers. Vulpius, for one, regularly blamed his financial difficulties on the bad business practices of his publishers. In multiple letters to his wine dealer, for instance, Vulpius explained that he could not pay because of delinquent payments owed him from his publishers.52

Nevertheless, relationships between publishers and authors were not always fraught. Some publishers proved savvy business partners and magnanimous patrons. Junius, for example, offered Hermes a limitless line of credit.53 And Johann Friedrich Cotta has been celebrated as the “Rentmeister” of German literature.54 Over the course of his lifetime he ultimately paid Schiller 32,000 and Goethe 27,000 Gulden to help support their literary activities. In fact, many authors and publishers enjoyed lifelong friendships that transcended business relationships. Hermes and Vulpius both named their publishers – Junius and Gräff, respectively – godfather to their children.55

Yet, in many cases, authors tried to emancipate themselves from publishers altogether. Klopstock’s self-publishing and serialization plan, the Gelehrtenrepublik, was just one of many such attempts. In the second half of the eighteenth century, the number of self-publishers grew so rapidly that one commentator observed in a 1784 edition of the Deutsches Museum that such Selbstverleger were “alltäglich.”56

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54 Wittmann, Geschichte, p. 138.

55 The publisher Heinrich Gräff and his wife Louise were the godparents to Vulpius’ first-born child, Rinaldo; See: Meier, Korrespondenz, Vol. 2, p. 172.

56 Schlosser, J.G. “An den Verfasser des Aufsazes über den Büchernachdruck,” in: Deutsches Museum. Stück 2 (1784), p. 125-64, p. 128. Of course, many publishers were authors in their own right, including: Nicolai; Johann Gottlob Immanuel Breitkopf (1719-1794); Johann Christian Gädicke, Johann Gottfried Dyck (1750-1815); Georg Jakob Decker (1732-1799); Georg Joachim Göschens (1752-1828); Friedrich Justin Bertuch (1747-1822); in other cases, there were writers who undertook publishing activities: Johann Heinrich Campe (1746-1818); Rudolf Zacharias Becker (1752-1822); Christian Friedrich Schwan (1733-1815).
But recognizing that authors and publishers would more commonly continue to work together, eighteenth-century jurists, authors, philosophers, and publishers sought to delineate who owned what with respect to a literary text, especially as disputes about ownership became more common and newly significant sums of money could be gained and lost in the book trade. As the century progressed, customary law and informal business practices gave way to written contracts (*Verlagsvertrag*) and the relationship between authors and publishers was increasingly formalized in positive law.  

To publish a text, authors and publishers had to agree on a number of terms, working in tandem to make myriad logistical and substantive decisions. Frequently, they jointly edited a text for grammar, style, structure, and form. Authors and publishers also had to secure a censor’s report for the manuscript, which could be a collaborative or delegated task. Depending on the author’s interest and involvement, the physical appearance of the book was also subject to negotiations. Final agreements needed to be reached on the format, typeface, paper quality, size of font, engraver and illustrations (if any), and number of copies printed. The format and size of the typeface were especially important negotiation points because they affected the number of printed sheets and thus the final fee. Authors were also commonly involved in decisions about edition size and retail price. Especially if a work was to appear by subscription, publishers worked with authors to establish the length and number of future volumes to set a price. Authors and publishers additionally needed to decide if the author would be named on the title page, which impacted

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57 The most important function of the *Verlagsvertrag*, according to Steiner, was the proof of transfer of the ownership of the manuscript from the author to the publisher. Steiner, p. 63. In fact, under the *kursächsischen Dezembermandat* of 1773, the *Verlagsvertrag*, in addition to entry in the Leipzig *Bücherrolle*, was proof of lawful acquisition of a manuscript. The items typically covered in a contract agreements concerning: acquisition of the manuscript, compensation, compensation for new editions, agreements about appearance and layout, timing of delivery of manuscript, and of printing and release. Steiner, p. 62-76.

58 Authors and publishers came into contact in three ways. An author could contact the publisher with a proposal, précis, chapter, or completed manuscript, as Vulpius wrote to the Berlin publisher J.D. Sandner pitching *Rinaldo Rinaldini* before ultimately going with Gräff. Alternately, a publisher might commission a work from an author, like the publishers Hermsdorf & Anton hired a writer to complete the fan fiction continuation of *Die Verirrungen des menschlichen Herzens*. Other times, publishers solicited works and authors responded, like Goethe responded to a letter from Weygand, resulting in the publication of *Werther*.

59 Despite the number of issues discussed, questions about book-binding were not typically discussed between authors and publishers because individual buyers made separate arrangements to have printed sheets bound with the publisher or a bookbinder to meet their wishes and budget. For a look at how this relates to luxury editions, see Erlin, Matt. “How to Think about Luxury Editions in Late Eighteenth and Early Nineteenth-Century German,” in: *Publishing Culture and the “Reading Nation”: German Book History in the Long Nineteenth Century*. Ed. Lynne Tatlock. Rochester, N.Y: Camden House, 2010, p. 35-36.
the party legally responsible for the text. The parties also had to agree on a title, as Göchhausen demonstrated, so the publisher could place an announcement in the “forthcoming titles” section in the Leipzig fair catalog. Authors were also commonly asked by publishers to write prenumeration brochures, announcements for journals, and newspaper advertisements to advertise their texts, as well as circulate flyers and place advertisements in local papers. Finally, in addition to establishing deadlines for the delivery of the manuscript, authors and publishers had to agree on a printer, which often required reviewing various printing samples to compare price and quality. They would then have to agree on who would read and edit the prints and establish a timeframe for the final review.

Among the various terms and agreements, two of the most important elements with respect to ownership interests were the consideration an author received for transferring his or her manuscript to the publisher and, correspondingly, the rights the publisher gained by purchasing the manuscript.

Compensating Authors

As part of their negotiations, authors and publisher had to come to an initial agreement about compensation. Depending on the publisher, the work, the author, and his or her reputation, the price of a manuscript varied widely. The number of free copies the author would receive and the possibility of advance payment options also had to be settled.

Throughout the eighteenth century, authors were paid an honorarium in exchange for a manuscript. Honorarium, defined in Zedler’s *Universal-Lexicon* (1735) “heisset Erkenntlichkeit, oder Vergeltung, Verehrung, Discretion, Besoldung, besteht in einer freyen Willkühr und hat keine Proportion oder
Gleichheit gegen die geleisteten Dienste, differiret von Mercede oder Lohne…”

Over the course century, however, there was a general shift in the way people thought about compensating authors. At the start of the century, it was thought vulgar and even offensive to compensate an author for his or her labor; instead, token payments were offered as a sign of respect and honor. By the end of the century, however, authors were paid as compensation for the time and intellectual effort they invested in their works. In fact, the Lohnschriftsteller – an oxymoron under Zedler’s definition – had become a regular part of the writing landscape.

In addition to evolving attitudes about author compensation, the honorarium itself underwent a transformation in the eighteenth century, transitioning from a one-time upfront financial recognition to a success-based continuing return pegged to the commercial market. For authors, one of the most important changes was the development of the Neuauflagehonorar, which also functioned as a Neuauflagbehonorar, such that a new honoraris was paid for both new printings and new editions of texts. The “üblicher Maaßstab,” as it was commonly described in eighteenth-century publishing contracts, was about half of the original fee. But if the new Ausgabe required extensive revisions, the author could receive the full

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61 There is some scholarly dispute about this point. Whereas Göpfert claims that the honorarium was paid for the time and energy spent, Steiner argues that it was often paid for “das Ergebnis der giestigen Leistung.” See: Steiner, p. 157-61.
62 For more on the shift in the so-called Honorarfrage, see: Göpfert, Vom Autor Zum Leser, 161-63.
63 Although there is scholarly debate about the exact nature of the various forms, most agree about the broad transition discussed above. Complicating matters still further, there were several forms of honoraria by the century’s end. For example, the payment of a Staffelhonorar was based on the anticipated print run, but if the publisher raised or lowered the number of texts printed, the honorarium was raised or lowered to match it. Other forms of honoraria, like the Stufenhonorar, were paid in stages, with the second and third payments dependent on the sale of an agreed-upon number of copies. And the Absatzhonorar was based entirely on the success of a work, with no money paid upfront. As Steiner notes in his comprehensive history of honoraria, the type given depended on a number of factors, including the nature of the work, the author’s reputation, and market conditions. For a classification of the various types of honoraria and their development, see: Steiner.
64 For the first time in German legal history, the Allgemeines Landrecht für die Preussische Staaten, defined and differentiated the terms “Aufgabe” and “Auflage.” Paragraph 1011 defined a Neuauflage as: “Wenn ein neuer unveränderter Abdruck einer Schrift in eben demselben Format veranlaßt wird, so heißt solches eine neue Auflage.” Section 1012 defined Neuausgabe as: “Wenn aber eine Schrift in verändertem Format, od. mit Veränderungen im Inhalt [sic.] von neuem gedruckt wird, so wird solches eine neue Ausgabe genannt.” Even though the ALR was influential throughout Germany, the difference between the terms was not widely recognized. In practice, a new honoraria was paid for both new printings and new editions. Accordingly, as Steiner notes, the Neuauflagehonorar is better understood as a Neuausgabe/Neuauflagehonorar. Steiner, p. 203.
65 In the mid-eighteenth century, the Neuauflagehonorar was still the exception, used mostly by publishers as a form of preferential treatment to retain and attract especially successful authors to their businesses. By the end of the century, however, the Neuauflagehonorar had become the norm and the new subject of negotiations was not whether there should be a second payment,
honoraria again – or more.66 These new forms of honoraria allowed authors to directly participate in the success of their works, incentivizing authors to become newly invested in the commercial success and sales of their works, especially as they became free writers dependent on the market.67

As authors grew more comfortable receiving compensation for their writing, they also began bargaining for higher payments and shopping for publishers who would compensate them most handsomely. Vulpius, for example, wrote to Schiller in 1799 to ask his advice about bargaining for an honoraria. Discussing his play *Carl XII. bey Bender*, Vulpius wrote “Ich bitte nochmals darum, mir gütigst Ihre Meinung darüber zu sagen; ich möchte nicht eher an Hern. Cotta des Verlags wegen schreiben. Ich glaube nicht zu viel zu fordern, wenn ich, nebst den Freiexemplaren, 40 rthlr. Honorar für’s Ganze verlange?”68 Johann Martin Miller similarly relied on friends to gauge the market and collect inside information about publishers. The poet and *Iliad*-translator Johann Heinrich Voß had much to say in a 1777 letter to Miller, particularly about Weygand, who had published *Siegwart* one year earlier. Voß straightforwardly asked his friend, “Wie viel hat W. für den Bogen gegeben?” before launching into a diatribe against Weygand’s unsavory business tactics. “Er hat mit Jeßen [another publisher] auf der Meße gezankt, daß dieser den Autoren zu viel Honorar gäbe,” Voß reported. But after scolding competing publishers for offering too high a payment, Voß explained, Weygand proceeded to go behind their backs and outbid them for the contested manuscripts. The whole practice, in Voß’s candid estimation was “Lauter Hundsföttereyen,” prompting him to declare “Ich haße den Kerl auf den Tod.” Voß’s anger stems, in part, from the fact that Weygand’s tactics ultimately resulted in lower payments to authors. “Bey deinem Siegw. Hat er was ansehnliches gewonnen; er geht but rather how high it should be. Typically, the *Neuausflagehonorar* was less than the honorarium paid for the first printing. Steiner, p. 195.

66 Selwyn, p. 353.

67 Authors, however, were not always paid in cash. Payment in books, rebates, even in paper was not uncommon. Previously, if an author were an upfront lump sum for a manuscript (*Pauschalhonorar*), he or she was not entitled to additionally payments, no matter how popular a text became. The publisher legally owned the text and could print as many new copies as he or she saw fit without further compensating the author. Under this model, authors had little lasting financial interest in their texts after delivering their manuscripts. The emergence of the *Neuausflagehonorar* accordingly transformed authors’ material interests dramatically. Steiner, p. 183.

68 30 July 1799, quoted in: Meier, *Korrespondenz*, vol. 1, p. 48. This play was ultimately published by Langbein & Klüger, not by Cotta.

By the end of the century, it had become standard for authors to receive a regular share of the profits from their texts. As a result, authors were no longer passive participants in the market disinterestedly observing the commercial success of their works. Instead, authors like Vulpius and Miller, were unambiguously interested not just in making money from their writing, but also in maximizing profits from their work. They had new economic incentive to nurture the commercial worth of their products and become actively involved in protecting this interest.

Publishing Rights

Publishers’ proprietary interest in in texts was best expressed in the *eigenthümliches Verlagsrecht*, which was developed by German publishers and jurists over the course of the eighteenth century. The *Verlagsrecht*, based on the agreement between the publisher and author, was originally intended to prove a publisher’s ownership of a text in the absence of a printing privilege.71 But as disputes about piracy erupted


71 Authors, under this model, were thought to have an exclusive right to publish their manuscripts, which they could transfer to a publisher, who offered an honorarium as consideration for the transfer for the *Verlagsrecht*. Although scholars have competing portrayals of the *Verlagseigentumslehre*, throughout the century it is clear that the honoraria became the consideration for the transfer of the *Verlagsrechts* from the author to the publisher, the exchange of which was money for the manuscript. Bappert and Giesecke portray the development of the *Verlagseigentumslehre* as a kontinuierliches Ganzes; Vogel, however, distinguishes between an *ältere* and *jüngere Verlagseigentumlehre*. 

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in the second half of the century, conceptions of ownership were vigorously debated, including the meaning of the *Verlagsrecht*.

In the eighteenth century it was unclear what the *Verlagsrecht* entailed, leaving it undecided what, exactly, a publisher acquired. As late as 1795, in a treaty tellingly titled *Versuch einer einleuchtenden Darstellung des Eigenthums und der Eigenthumsrechte des Schriftstellers und Verlegers und ihrer gegenseitigen Recht*, Gräff could still claim that the main question was: “Geht durch den Verlagscontract das volle Eigenthum schriftstellerischer Arbeiten von dem Schriftsteller auf den Verleger über, so das erstrer alle aus dem Eigenthum entspringenden Recht an seinem Product verliert, letztrer sie alle überkömmt?”

Indeed, the main questions centered on what rights an author maintained after delivering his or her manuscript, and what rights a publisher secured by buying it – namely, whether the published gained an exclusive right to publication, and whether it was a perpetual or a limited right more akin to a license. In the case of the latter, the debate then became about the scope and duration of the publisher’s *Verlagsrecht*.

Many publishers, including Nicolai, considered the acquired texts to be their perpetual *Verlagseigentum* secured by the payment of the honorarium. This position was adopted by more than just business-savvy publishers. The influential jurist Johann Stephan Pütter also endorsed the notion that publishers acquired perpetual printing rights. In fact, when the *ALR* was finally published in 1791 after several rounds of public commentary, it also conceptualized the *Verlagsrecht* as lasting in perpetuity. On this basis,

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73 Göpfert, *Vom Autor Zum Leser*, p. 59.


75 Among its innovations, the 1791 ALR was the first German law book to codify the *Verlagsrecht*. Under the ALR, the *Verlagsrecht* could only be acquired through a written contract, putting an end to the informal basis on which many publishers and authors messily operated. Further, the ALR clarified that the *Verlagsrecht* did not amount to ownership of the work itself as intellectual property, but rather constituted a license to reproduce the work via printing and distribution. For a fascinating discussion of Nicolai’s edits to the ALR, see: Kawohl, Friedrich. “The Berlin Publisher Friedrich Nicolai and the Reprinting Sections of the Prussian Statute Book of 1794,” in: *Privilege and Property: Essays on the History of Copyright*. Ed. Deazley, Ronan, Martin Kretschmer, and Lionel Bently. Cambridge, U.K: OpenBook, 2010, p. 207-240, esp. p. 220-28.
Weygand and his legal successors were able to assert an exclusive right to publish “Einzelausgaben” of Goethe’s Werther until 1862. Nevertheless, many argued that publishers’ rights were more limited. Beyond Prussia, many agreed that publishers’ rights were limited. Johann Georg Heinzmann, for instance, claimed in his Appell an meine Nation that “Das Eigenthum des edlen Schriftstellers bleibt also sein und ist unveräusserlich; was er an Honorar vom Buchhändler erhält, ist nur ein Unterpfand, und ein Kennzeichen, dass er ihm auf eine limitierte Weise die Edierung Davon überlassen habe. Ein Werk, das ein Mann aus seiner Geisteskraft entwickelt, kann ihn kein Verleger abkaufen, er belibt nur Depositär, und in dieser Form, wie er es ihm – und ihm allein überlassen hat. Darum hat der Buchhändler auch Pflichten auf sich, die er ungeahndet nicht übertreten darf.” Consequently, at the end of the century, most of the issues surrounding the Verlagsrecht were still unresolved.

Indeed, most of the issues surrounding control and ownership of literary texts remained unsettled in the second half of the eighteenth century, despite the lawsuits, codification attempts, and philosophical debates. As a result, defining the scope and content or proprietary rights in literary texts was most often left to private contracting. In 1802, following an infamous legal battle over the publishing rights for Wieland’s Gesamtausgabe, the prominent publisher Georg Joachim Göschen made clear the importance of contracting precisely because nothing was legally determined.

Because rights were an open question, both authors and publishers had incentive to protect themselves against infringements of their perceived rights. And with the law largely silent on the matter, it was up to authors and publishers themselves to police their interests, including preventing other authors from using the popular characters they invented.

Attitudes toward Fan Fiction

The propriety of fan fiction was vigorously debated throughout the second half of the eighteenth century. Among the advertisements and notices in a 1794 issue of the *Reichs-Anzeiger*, a reader submitted an inquiry encapsulating the debate:

> Um einen kleinen Streit zwischen zweyen litterarischen Freunden zu beenden, ersuchen wir gütigst einen dritten, uns seine Meynung durch den Reichs-Anzeiger über folgenden Satz . . . bekannt zu machen: Ob die Nachträge, die zu dem Werke eines noch lebenden Schriftstellers bey seinen Lebzeiten von einem zweyten durch den Druck öffentlich bekannt gemacht werden, als recht und billig anzusehen, oder nicht?⁷⁹

The given origin of the proposed question – a dispute between literary friends – indicates that there was open disagreement about fan fiction even among readers of the same circle. And the public nature of the


advertisement suggests that the question was on the mind of the reading public more broadly. The *Reichs-Anzeiger* was widely circulated throughout Germany and enjoyed a sizeable readership. And readers of the paper, it was assumed, would be interested in the question and have an opinion on the matter. Finally, the request for an answer that addressed whether fan fiction was right ("recht") and fair ("billig") gives a sense of the multiple and amorphous interests at stake: a literary question with personal, artistic, and ethical, if not legal, dimensions.

In the eighteenth century, fan fiction was not a topic reserved for philosophical discussion between literary critics alone. Rather it was an issue widely contemplated by all walks of authors and readers. Discussions correspondingly occurred in a variety of fora. Private correspondence, like that between Nicolai and his circle, frequently deliberated fan fiction. Book reviews also regularly analyzed the propriety of such work. Aesthetic essays, like *Briefe, die neueste Litteratur betreffend* and *Die Kunst, Bücher zu Lesen*, similarly investigated the propriety of fan fiction, as did legal treatises and legal handbooks, like Carl Gottlob Rössig’s 1804 *Handbuch des Buchhandelsrechts systematisch dargestellt für Rechtsgelehrte, Buchhändler und Schriftsteller*. In many cases, works of fan fiction themselves discussed their status as such. And many authors whose works inspired fan fiction addressed the phenomenon in private correspondence, public notices, and in literary works. Lasting from the 1760s until the early nineteenth century, the debate about fan fiction was quieter than the concurrent debate about piracy, but raised similarly challenging questions that provoked equally strong and conflicting sentiments.

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Contemporary attitudes toward fan fiction fell on a spectrum from outrage to delight. Although some seemed undecided about the propriety of such works, others adopted strong and clear positions, both in favor of and against fan fiction.

Many people treated fan fiction with impartiality, evidencing either general indecision or true ambivalence. In his 1792 text, *Über Schriftsteller Und Schriftstellerey*, Knigge does not condemns fan fiction in his list of literary bad practices, as he does title speculation. Nor does he characterize fan fiction as a practice common to “mittelmäßiger Schriftsteller.” But Knigge also does not explicitly condone the practice. Similarly, in a review of the *Anhang zur Sophiens Reise*, Musäus dispassionately asks, “ob es gleich an diesem [the *Anhang*] sehr zu tadeln ist…” But the reviewer does not provide an answer himself. Instead, he asks of the anonymous author, “Konnte er nicht etwas eigenes zu liefern suchen?” Musäus’s inquiry is not a sardonically rhetorical question meant to define the normative bounds of proper behavior, but is rather a genuine query posed for his readers.

Many critics engaged with fan fiction without referencing its potentially remarkable status, employing relatively impartial terms. Authors were given monikers like “Herr Ausspinner” and works of fan fiction were commonly described as written by a “fremde Hand” or “fremde Feder” without positively or negatively appraising the formulation. In many cases the writing process itself was explained in neutral terms; for example, one critic straightforwardly stated: “So schloß Herr Nicolai sich mit seinem Leben Nothankers an Thümmels Wilhelmine an…” And countless reviews described works of fan fiction as

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“Fortsetzungen” and “Bearbeitung” without mentioning permission and authorization or genuineness and fakeness.

Although some reviewers may have remained outwardly neutral because they could not confirm or did not realize that a novel was actually fan fiction, many knew that a second author had taken over a story but nonetheless did not remark on the authorship one way or another. Even after it was revealed that the 1788 *Julchen Grünthal. Eine Pen-sionsgeschichte. Zweiter Theil* was written by Stutz and not Unger, one reviewer’s retrospective descriptions of the fan fiction remained nonjudgmental. Instead of naming Stutz’s work the “unechte” continuation (as fan fiction sequels were sometimes described), the reviewer referred to Stutz’s sequel simply as the “ältern Fortsetzung,” implicitly naming Unger’s own sequel the “new continuation” and thus forgoing anything but a chronological judgment about the status of the fan fiction.85 In a 1781 review of *Einer jüngern Sophien Reise, aber nicht von Memel nach Sachsen*, a reviewer in the *Allgemeine deutsche Bibliothek* similarly named Hermes’ novel the “ältere Sophie Reise.”86 By describing the fan fiction and its source in chronological terms, however, the reviewer does more than neutrally appraise the relationship between the works. Instead, he actively adopts the taxonomy of the fan fiction thereby endowing the work with authority. The fan fiction caused a re-interpretation of Hermes’ novel as an *older* account of Sophie’s adventures.

Others treated fan fiction apathetically, dismissing it as a trifle. After Nicolai learned of a fan fiction sequel to his *Sebaldus Nothanker* and identified the Hamburg bookseller, Eckermann, responsible for its publication, the Berlin publisher wrote an indignant letter demanding the cessation of the work’s sale. Although Nicolai apparently treated the matter with the utmost seriousness, Eckermann’s response was familiar and casual, referring to the ordeal as a “Kleinigkeit.”87 Later in his reply, Eckermann even describes

87 Eckermann, D.C. to Nicolai, 22 February 1775, NN 17.
the fan fiction as “das lustige Einfall.”88 His insouciant outlook underscores the insignificance of the fan fiction. Or Eckermann’s casually jocose attitude may actually confirm the opposite: by attempting to minimize the situation, Eckermann seemingly confirms that Nicolai may have had something to be upset about.

Indeed, the most common attitude toward fan fiction was negative, at least among source authors. Many authors considered fan fiction a personal insult. Lichtwer, for instance, named fan fiction a “muthwillige Beleidigung.”89 And a majority of third-party reviewers and critics also responded to many works of fan fiction as offensive. In his discussion of Störchel’s expansion of Lafontaine’s Familie Neubeck, Merkel names the work a mistake, suggesting that the author should have applied his talents differently, “Es ist um so mehr Schade, daß er sich diesen Fehlgriff erlaubte, da er offenbar selbst einige Talente besitzt.” Merkel’s assessment is comparatively mild. Unzer, in a discussion of the unauthorized sequel to Sebaldis Nothanker, names all potential fan fiction authors “Lumpenkerl[e]” – a seemingly playful but plainly less-neutral description than “Herr Ausspinner.”90 And Lichtwer expressed himself more strongly still, calling Ramler, a “vermaledeite[r] Verse-Henker,” further suggesting that “der muß von Gott und aller Vernunft entfernt gewesen seyn.”91

The act of writing fan fiction was frequently described as a transgression of sorts. The word “wagen” (to dare) is used repeatedly in the context of fan fiction, implying that authors were approaching a normative line—and possibly crossing it—by writing fan fiction. In addition to countless reviewers who described authors, like Ramler and Nicolai, as having “dared” to write fan fiction, many fan fiction authors themselves

88 Id.
90 Unzer an Nicolai, 5 Juli 1775, NN 76.
freely admitted the same.  

Störchel, for example, acknowledged the quasi-forbidden nature of his Familie Neubeck novel, explaining of his decision to write it: “so wagte ich’s.”

Others used more negative, and decidedly more legalistic, language to describe the act. In his letter to Nicolai, Eckermann describes the fan fiction author as having poached Nicolai’s work (“Ihr Handwerk zu pfuschen”). Merkel uses the verb “perpetrate” to describe the fan fiction author’s act, “was hätte der Verfasser da begangen.” Although Merkel does not name the particular offense committed, his word choice unambiguously evokes a misdeed. In the eighteenth-century, fan fiction was commonly linked to crime. In a discussion of Ramler’s fan fiction, a reviewer in the Bibliothek der schönen Wissenschaften discusses the best way to punish the fan fiction, using the juridically-intoned word “bestrafen.” Lichtwer similarly interpreted the fan fiction as a crime, describing it as “jederzeit niederträchtig und strafbar.”

On the other end of the spectrum, some eighteenth century commentators and authors responded to fan fiction positively. Reviewers also implicitly endorsed fan fiction by wishing for more of it. The reviewer of the misleadingly titled Spitzbart der Zweyte condemned the novel for not being fan fiction. Likewise, a reviewer in the Nürnbergische gelehrte Zeitung criticized the author of Einer jüngern Sophie Reise, aber nicht von Memel nach Sachsen for not telling enough of Sophie’s story without questioning his appropriation of a character invented by Hermes.


94 Eckermann, D.C. to Nicolai, 22 February 1775, NN 17.


Some critics also argued that authors should understand fan fiction as a flattering event. One named Ramler’s fan fiction, “eine von den größten Lobsprüchen für den Herrn Lichtwehr” despite Lichtwer’s notoriously negative reaction.⁹⁸ And in many cases, authors did interpret fan fiction as sort of panegyr. Reporting on Thümmel’s reaction to Sebaldus Nothanker, Johann Ernst von Gruner reports, “Die Fortsetzung der Wilhelmine, die Nicolai in seinem Sebaldus Nothanker zu geben versuchte, schmeichelte indessen doch Thümmel ungemein.”⁹⁹ Gülcher confirms the reaction. In a letter to Nicolai, the Amsterdam merchant quotes Thümmel as naming Nicolai’s novel the greatest “Lobspruch.”¹⁰⁰ Thümmel, however, was not always pleased with the situation. After Catherine the Great honored Nicolai for Sebaldus Nothanker, awarding him a “große goldene Denkmünze, 36 Dukaten schwer,” the author of Wilhelmine was upset that he had been overlooked by the Russian Empress, despite having provided the source for Nicolai’s novel.¹⁰¹ But Thümmel never directed his anger toward Nicolai; contemporaries reported that Thümmel nevertheless “blieb aber bei seinem günstigen Urtheil über den Sebaldus.”¹⁰²

But even when a source author responded positively to fan fiction, others reacted negatively. Thümmel’s friends, for instance, promised their “Feindschaft” toward Nicolai even though Thümmel himself only saw cause for celebration. Like the “literarische Freunde” cited in the Reichz-Anzeiger, members of the same circles failed to adopt harmonious attitudes toward fan fiction, resulting in a polyvocal debate about the literary phenomenon.

¹⁰⁰ Gülcher to Nicolai, citing a letter from Thümmel, 30 January 1776. NN28, Mappe 6.
¹⁰² Id., p. 75.
Competing Interests in Fan Fiction

The ongoing debate about fan fiction was stoked by the widespread perception that fan fiction caused harm. Eckermann’s 1775 response to Nicolai about Olearius’ *Sebaldus Nothanker* underscores the stakes involved and the passions they aroused, repeatedly assuring Nicolai “Weder der Autor noch ich thun Ihnen Schaden,” at one point urging Nicolai, “Beruhigen Sie sich, mein Herr!”\(^{103}\) Eckermann’s avowal appears intentionally equivocal. “Schaden,” after all, can denote more than just economic harm. And throughout the letter Eckermann exploits the term’s semantic openness by alluding to both commercial and personal injuries. Consequently, when Eckermann assures Nicolai that the “unechte” *Sebaldus Nothanker* did not cause any injuries, he protects himselfs from the various complaints Nicolai might raise.

Because fan fiction implicated diverse interests, arguments for and against such works came from a wide range of people, including readers, authors, critics, literary theorists, and jurists. Often, as contemporaries noted, the various interests were in conflict. Discussing the propriety of fan fiction in the *Bibliothek der schönen Wissenschaften*, an anonymous reviewer observed “Das Publikum hat vielleicht ein anderes Interesse in dieser Sache, als der Herr Verfasser.”\(^{104}\) As a result, each justification for fan fiction was met with a countervailing claim against fan fiction, resulting in an often heated debate that endured throughout the second half of the eighteenth century. Examining the rationales used to justify and condemn fan fiction reveals the competing interests at stake, which fall into three broad categories: commercial, personal, and public interest.

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\(^{103}\) Eckermann, D.C. to Nicolai, 22 February 1775, NN 17.  
Commercial Interests

As the book market expanded and the appetite for fictional texts grew, the stakes of literary borrowing increased. The same commercial conditions that encouraged the production of fan fiction also gave authors and publishers new impetus to notice who was using their characters and how, especially as structural changes in the book trade and new compensation measures created new profit incentives and risk-mitigating anxieties. Eighteenth-century thinkers were convinced that fan fiction affected their commercial interests in texts, but they were split on whether it was economically helpful or harmful.

Demand for Characters

The works that inspired fan fiction were often greeted by demand for further installments. Reviewers consistently described the works as highly anticipated. When the fourth part of Sophiens Reise came out in 1772, a reviewer in Schirach’s Magazine der deutschen Critik described the installment as “von den Lesern der vorhergehenden Theile recht begierig erwartet worden.”105 Similarly, a reviewer of the first two parts of Jünger’s Fritz novel in the Neue allgemeine deutsche Bibliothek noted that the novel’s continuation and resolution “sieht gewiß jeder Leser mit gespannter Erwartung entgegen.”106 Schiller’s Geisterseher likewise created an unremitting demand for further installments. Following the publication of the first part in 1787, a review in the Gothischen gelehrten Zeitung expressed interest in the work’s conclusion: “Die Erzählung bricht da ab, wo man der Auflösung nahe zu seyn glaubt. Wir sehen der Fortsetzung mit Verlangen entgegen. Gewiß wird sich der Herausgeber seinen Lesern sehr verbinden, wenn er ihre gespannte Neugier so bald als möglich befriedigt.”107 But Schiller did not rush to complete the novel. In fact, he worked on

Der Geisterseher erratically, resulting in an irregular publication schedule. Despite the disruptions in the supply chain, however, demand for Graf von O***’s story continued undiminished. Some zealous readers even wrote to Schiller hoping to see the manuscript in advance. As Schiller reported to Goschen, “Der Prinz von Coburg bittet mich angelegentlich, ihm das Mscrpt. des Geistersehers noch vor dem Drucke zu schicken. Ich musste lachen…”108 Whenever the next installment happened to appear, however, the public reacted with enthusiasm and excitedly called for the next part.

Even when a text was not serialized, there was often demand for its continuation. In a review of Stutz’s Julchen Grünthal. Eine Pensionsgeschichte. Zweiter Theil, a critic for the Allgemeine deutsche Bibliothek noted that “Julchen Grünthal war ganz gewiß nicht auf zwei Theile zugeschnitten” because “[d]ie Pensionsgeschichte schloß sich ganz natürlich…”109 Nevertheless, there was demand for more of Julchen’s story, prompting Stutz to write a sequel. “Der Beyfall, den dieser Roman gefunden hat,” remarked one reviewer, “hat . . . diese Fortsetzung veranlasst.”110 When Unger finally wrote her own sequel ten years later, she announced that it was the last installment. But a reviewer in the Neue allgemeine deutsche Bibliothek made clear that there was continuing demand, or at least an ongoing opportunity for Unger to capitalize on the work’s popularity: “Wir würden aber auch diesen Theil nicht für den letzten halten . . . wenn nicht die Verf. diesen Theil ausdrücklich auch den letzten genannt hätte. Jedoch Schriftsteller, und besonders Romanschreiber, sind ja nicht so genau an ihr Wort gebunden: und wir zweifeln nicht daran, daß der Beyfall, der die Entwicklung, die sie den Schicksalen der Grünthalschen Familie gegeben hat, ganz gewiß finden wird, sie veranlassen werden, ferner angenehme Nachrichten von Julchens Bestimmung einzuziehen und sie ihren Lesern mitzuteilen . . .”111 In the reviewer’s assessment, the story could be

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110 Id.
perpetually spun out and, apparently, would continue to find an audience large enough to justify Unger’s decision to publish further parts.

In many cases, the demand for characters seemed insatiable. Following each installment of *Sebaldus Nothanker*, readers reported wanting more. In a 1773 letter to Nicolai, Johann Georg Zimmermann compared the anticipation for the next installment of *Sebaldus Nothanker* to the coming of the Messiah, “den gewiss erwartet kein Jude den Messias mit grösserm Verlangen als jeder Vernünftige Leser von Nothankers erstem Theil den zweiten…”112 Two years later, Höpfner reported similar anticipation for the next volume. “Wo bleibt Ihr Nothanker. Meine Frau . . . sieht in jedem Messcatalog sogleich nach dem L. *[Leben und Meinungen]* mit grosser Sehnsucht, und das thun noch mehr ehrliche Leute.”113 The desire for Sebaldus Nothanker created a large market with seemingly inexhaustible demand.

After thanking Nicolai for the third volume of *Sebaldus Nothanker* in a 1776 letter, the literary critic and historian Johann Joachim Eschenburg asked Nicolai if he would continue writing installments. Eschenburg identified significant potential: “Nach meiner Vorstellung . . . wurden Sie sich noch manche andere Bänden u Verhältnisse des Lebens . . . sehr verdient machen können.”114 Eschenburg’s appraisal seems to have been correct. The public could not get enough of Sebaldus. The lawyer-turned-dramatist Tobias Philipp von Gebler wrote in 1775 to express his disappointment that Nicolai planned to end his novel with the third volume. “Auf viere hatte ich mir wenigstens Hofnung gemacht. Wie werden Dieselben des ehrlichen Mannes, und besonders seiner Kinder, die mich alle interessiren, Schicksal in einem so engen Raume zu unserer Befriedigung entwickeln?” Gebler, like the good reader, appears highly invested in the characters populating *Sebaldus Nothanker*, his attachment, translated into an insatiable demand. Gebler later claimed that “wir möchten gern von Nothanker soviel Theile lesen” as Nicolai would deliver, before ending with a

112 Johann Georg Zimmermann to Nicolai, 31 October 1773; NN 86, Mappe 26.
113 Höpfner to Nicolai, 6 January 1775, cited in Schwinger, p. 182.
114 Eschenburg to Nicolai, 17 June 1776 NN 19.
wish, “Vielleicht ändern Euer Hochedelgebohr. noch Ihren Entschluß.” The public, it seemed, would read as many pages of *Sebaldus Nothanker* as Nicolai would write.

Given the demand for popular characters, contemporaries were well-aware that building on their stories in the form of sequels, prequels, backstories, side-stories, and re-tellings was good business sense. In a review of Hermes’ *Manch Hermäon* – a partial sequel to *Sophiens Reise* narrating the further adventures of the beloved Herr Puff – a critic in the *Allgemeine Literatur-Zeitung* discusses the potential for sequels by comparing an author to a carpenter. In the reviewer’s estimation, a builder with extra material “nimmt dieses übrige [Materialien] entweder zur Zubusse bey Einrichtung eines andern Gebäudes, oder er sucht es, so gut er kann, wieder zu verkaufen.” A good builder, according to the reviewer, never lets the material go to waste (“Umkommen lässt er es . . . auf keinen Fall.”). The reviewer then explicitly turns to the construction of literary texts. “Fast so der Mann, der ein Buch schreibt.”

Er geräth nicht nur bey dem Nachdenken über seinen Hauptgegenstand auf manchen angränzenden, sondern er fährt auch nach Vollendung des Werks noch fort, über die Gegenstände, die den Inhalt desselben ausmachen, nachzudenken, und legt, was er dabey gefunden, zu künftigem Gebrauche bey.

The author of a book should not just tell his story to the end, but he should tell the side-stories and fill in the missing scenes without being constrained by the main story of his protagonist. According to the reviewer, this is just a matter of sound literary business. “Versteht er nun die Kunst der literarischen guten Wirtschaft, so lässt er diese Nebengewinne und Nachlesen keineswegs ungebraucht liegen….” Instead, the reviewer explains, the business-minded author publishes updated editions of his texts with these new additions or assembles new stories into a collection and publishes it under a new title, as Hermes did with *Manch Hermäon*. “Dies alles hat nun der Hr. Vf. des vor uns liegenden Buchs auch gethan. Er hat nicht nur

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115 Gebler to Nicolai, 7 November 1775, NN 24, Mappe 17.
Sophiens Reise verschiedenemale vermehrt und verändert wieder herausgegeben, sondern auch seit der ersten Erscheinung dieses Werks wieder einige andere geschrieben, denen es der Mann vom Handwerke wenigstens ansieht, dass dabey nicht sowohl die Materialien nach dem Plane gesammelt und geformt, als vielmehr der Plan den vorrätigen Materialien angepasst ist.” For the reviewer, literary ideas, like characters and their adventures, amount to a kind of inventory, every last bit of which an author should use. “Und nun, nachdem er einen grossen Theil seiner Vorräthe auf diese Art untergebracht hatte, räumt er sein Pult auf, und giebt das Eingeweide desselben unter dem obenstehenden allumfassenden Titel heraus…” By naming the remaining conceptual scraps “Eingeweide” (entrails), the critic implies that he is unconcerned with the attractiveness or literary merit of the resulting product. His main concern is what makes good literary business sense. And “die Kunst der literarischen guten Wirtschaft” apparently involved exploiting a text for everything it was worth by writing as many derivative works as possible to capitalize on the commercial demand.

*Fan fiction as commercial competition*

The good business practice advocated in the *Allgemeine Literatur-Zeitung* applied not just to source authors like Hermes, but also to writers of fan fiction, many of whom ostensibly wrote only for financial gain. Fan fiction accordingly posed a potential threat to authors’ and publishers’ commercial interests by supplanting titles, creating direct competition, oversaturating the market, and lowering honoraria payments.

*Supplanting titles*

A work of fan fiction posed a commercial threat simply by existing as another title on the market. The widespread belief that reading was a zero-sum game meant that one book read resulted in another going unread and unsold, translating into lost profits for authors and publishers. As Schmid zu Gießen explained
in 1790, “wirklich, je mehr Bücher geschrieben, desto weniger gekauft werden….”

Regardless of the accuracy of the assessment, this attitude incentivized many authors and publishers to worry about how another author’s output, especially fan fiction, impacted the sale of their own works.

In some cases, fan fiction even risked supplanting a source author’s original work. This was undoubtedly the case with Nicolai’s *Sebaldus Nothanker*, which was read far more widely than Thümmel’s *Wilhelmine*. The author of *Einer jüngern Sophie Reise* also recognized this possibility. Throughout his text, the anonymous author makes countless allusions to Hermes’ text, assuming that his reader is already familiar with the story. Discussing a fictional text described at length in Herme’s original, the fan fiction author claims, “[w]eil Sie selbst Sophiens Reise besitzen, so will ich zwar den Kreuzischen Text nicht abschreiben…” But the author later admits in a footnote that he considers it a “Pflicht, den Kreuzischen Text beyzuschreiben…” because “ich aber nicht wissen kann, ob meine Leser auch alle Sophiens Reise besitzen…” Moritz Richter likewise assumed the readers of his fan fiction, *Nikanor, der Alte von Fronteja: Fortsetzung der Geschichte des Rinaldo Rinaldini* could be unfamiliar with Vulpius’ novel. Because the fan fiction narrates the adventures of Rinaldo’s son and father, Richter includes a special foreword “für Diejenigen, welche entweder mit der Geschichte Rinaldo Rinaldini’s gar nicht bekannt sind, oder denen gerade die Hauptsachen, welche unsere vorliegende Erzählung betreffen, wieder entfallen sind.” After summarizing *Rinaldo Rinaldini*, Richter then employs the prevalent metaphor of spinning thread common to descriptions of fan fiction, concluding “Diese wenigen Worte werden hinreichen, dem geehrten Leser als Faden unserer Erzählung zu dienen . . .”

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117 Schmid zu Gießen, p. 538.
119 Ibid., p. 120.
121 Ibid., p. viii.
In such instances, authors of fan fiction considers it possible that their readers might not own the source text or could even be unfamiliar with its details. If this were the case, and readers purchased fan fiction without purchasing the source text, authors and publishers may have had good reason to deem fan fiction a challenge to their commercial interests.

Direct competition

By continuing a character’s narrative, all forms of fan fiction competed with a source author’s own sequels, prequels, and side-stories. But the competition was most direct when fan fiction authors wrote straightforward continuations, like Stutz’s Jülchen Grünthal. Eine Pensionsgeschichte. Zweiter Theil and Olearius’ Sebaldus Nothanker, Zweyter Theil. Such works posed a particular commercial threat because they often appeared before the source author could publish his or her own sequel and because the public often mistook them for works by the original author. Consequently, when a source author’s official continuation appeared, it would have to compete for the exact same market position as the fan fiction, leading many contemporaries to see fan fiction as a real threat.

David Christoph Seybold’s Predigten des Herrn Magister Sebaldus Nothanker, aus seinen Papieren gezogen, Erster Theil appeared just one year after publication of the first part of Sebaldus Nothanker (and one year before the release of the second part of Nicolai’s novel). Nicolai, at first, was unconcerned. In a letter to Gebler, he explained “Ich habe auch keine Ursach, mich zu übereilen. Destomehr aber hat ein Ungenannter geeilt, der deise Messe, die Predigten des Hen. Mag. Seb. Nothanker herausgegeben hat.”

When Olearius’ continuation came out, however, Nicolai changed his attitude. In the preface to the fourth edition of Sebaldus Nothanker, Nicolai recalled: “Weil ich nämlich den zweiten Band nicht geschwind

122 Nicolai an Gebler, 29 April 1774; NN24, Mappe 17.
After that, Nicolai made sure to work faster. And his friends advised him to do so. In 1775, Unzer wrote Nicolai, suggesting that the Berlin publisher hurry up, “damit Ihnen nicht wieder ein Lumpenkerl einen unterschiebt.” Nicolai and his circle thought it best to beat fan fiction to the market to avoid competing with it.

Merkel expressed a similar sentiment with regard to the effect of Störchel’s fan fiction on Lafontaine. In 1800, Lafontaine published a short story in the Berliner Monatschrift, “Die Familie Neubeck,” which Störchel expanded into a full-length novel two years later. Although there is no evidence that Lafontaine desired to write a sequel or expand the story himself, Merkel censured the fan fiction for encroaching on Lafontaine’s future opportunities. “Wie, wenn Herr Lafontaine nun die Idee gehabt hätte, selbst einen größeren Roman aus diesem Stoffe zu bilden? – Jetzt müßte er sie aufgeben....” Merkel does not specify why, exactly, Lafontaine would have to forgo similar work. Artistically, the novelists would have produced distinct texts, so Lafontaine’s artistic interest was not necessarily inhibited by Störchel’s novel. Likely, Merkel considered the situation from a commercial perspective. It would not be worth it for Lafontaine to expand his own short story because someone else has already done it. Lafontaine’s work would have to compete with the existing version.

Even if a work of fan fiction were not exactly the same as a source author’s sequel, the perceived similarity of the texts may have been enough to engender powerful competition. In a public lecture “Vom

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124 Unzer an Nicolai, 5 Juli 1775; NN 76.
125 Note, Merkel and Lafontaine were acquainted, and Merkel held Lafontaine in high regard. In his autobiography, Merkel describes their first meeting with euphoria: “Der erste Blick auf ihn nahm mich ein. Es ist nicht leicht, offene, empfängliche Gutmütigkeit unverkennbar darzustellen, als sein Blick und sein ganzes Wesen sie ausdrücken; seine ungeheure Corpulenz widersprach ihnen eben nicht. [...] Ich machte ihm mein Compliment über die Zartheit und Tiefe des Gefühls in vielen seiner Schriften; seine Frau versicherte mich lächelnd, er weine selbst oft herzlich beim Schreiben.” Merkel, Garlieb H. Darstellungen und Charakteristiken aus meinem Leben. 2 Bde. Vol. 2. Leipzig: Köhler; Riga/Mitau: Götschel, 1839-40, p. 212-13.
Schriftsteller,” Fichte highlighted the impact of trends on the consumption of literature. Comparing reading to any other luxury, Fichte observed that reading “fordert von Zeit zu Zeit neue Modewaren; denn es ist ja unmöglich, daß einer wiederum lese, was er schon einmal gelesen hat, oder auch dasjenige, was unsere Vorgänger vor uns gelesen haben…” Fichte claimed that good taste discouraged re-reading, “so wie es unanständig ist, in demselben Kleide zu wiederholten Malen in großen Gesellschaft zu kommen oder sich nach der Sitte der Großeltern zu kleiden.” According to this logic, authors may have rightfully been concerned that fan fiction sequels would render their own later-released sequels passé, as Merkel feared would happen to Lafontaine. Although the official sequel by Nicolai was undoubtedly a different text than Olearius’ Sebaldis Nothander, and Stutz’s continuation to Julchen Grünthal was certainly different from Unger’s own sequel, the public may not have cared. If readers had already read a sequel, whether it was “echt” or “unecht,” they may have been disinclined to read another sequel purporting to be another second part, preferring instead a new book, like a new piece of clothing. This may explain why Hermes abandoned his own spin-off to Sophiens Reise, despite his commitment to fully exploit the commercial value of the popular narrative.128

Oversaturation

In Peter Philipp Wolf’s comic novel Magister Skriblerus (1803), the protagonist decides to write a book and asks himself, “Was soll ich schreiben?” The result is a short list of genres and why they would not make good products (“Einen Ritterroman? – Damit ist wenig zu verdienen…”). Finally, the Magister considers writing a “Familiengeschichte in Lafontaines Manier.” But then he questions how long such works will remain in vogue, before fretting, “[d]ie Welt ist vielleicht ihrer schon übersatt!” Magister Skriblerus’ anxiety demonstrates that certain genres could become oversaturated on the overcrowded book

128 Hermes was working on other sequels to Sophiens Reise, for example the story of the Pastor Gros.
market. The writer Ludwig Franz Bilderbeck confirms this possibility while expressing his anxiety that his 1802 novel *Der Todtengräber* would be received as an imitation of *Rinaldo Rinaldni*, published four years earlier. Bilderbeck reports feeling compelled to distinguish his text from Vulpius’s novel “zumal da von einem Räuber die Rede ist…” According to Bilderbeck, the number of robber stories “in unserer Lesewelt sich so schrecklich vermehrt, daß nicht mehr mit ihnen zu spaßen ist.” Bilderbeck’s assessment makes clear that once there was too much of something, readers’ interest waned.

If the market were flooded with Vulpius-imitators and the public grew sick of Rinaldo-lookalikes, readers could grow tired of the real Rinaldo, too, thus hurting the source author’s chance to sell multiple sequels and negotiate for new printings and new editions that would bring additional honoraria.

Despite Gebler’s assertion that he could read as much *Sebaldus Nothanker* as Nicolai would write, not all of the reading public shared the sentiment. Following the publication of Oleanius’ sequel to *Sebaldus Nothanker*, Nicolai wrote to the Leipzig Book Commissioner Carl Andreas Bel complaining of the fan fiction. In a short reply, Bel assured Nicolai three times that the fan fiction would receive no acclaim (“Beyfall”). First, Bel explains that he had not seen any editions of the fan fiction, alleging that “folglich den Buchs einigen Beyfall unmöglich gönnen können…” Then, apparently responding to a concern expressed by Nicolai, Bel guarantees that his investigative efforts would not attract attention to the book “und diesen Beyfall geben würde.” Bel concludes the letter with final assurance “daß ich die unöchten 2ten Theil des Nothanker einigen Beyfall nicht gebe.” Nicolai’s ambition, reflected in Bel’s answer, was apparently to curb the fan fiction before it generated too much interest. Nicolai’s concern highlights his belief that any attention given to the fan fiction meant less afforded his own work, as if there were a finite supply of popular acclaim. And Bel, notably, does not challenge Nicolai’s thinking; he instead implicitly

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131 Carl Andreas Bel to Nicolai, 18 February 1775, NN3.
confirms it, telling the author that he would prevent any of Nicolai’s “Beyfall” from going to the fan fiction continuation.

Remarkably, Nicolai’s concern may have been well-founded. In a 1776 review of the third volume of Sebaldus Nothanker, a critic in the Revision der Teutschen Litteratur summarized the publication history of Nicolai’s novel. After noting the ecstatic reception of the first volume, the critic explained that a torrent of fan fiction and Sebaldus-related products followed. “Viele konnten nicht einmal so lange warten, bis diese [the Fortsetzung] erschienen war, sondern schnitten im voraus ihre Federn…” The critic reports that people wrote their own Sebaldus Nothanker texts, “oder Lieder und Predigten von Sebaldus Nothanker machten,” further observing that these works “reissend verkauft wurden.” According to the reviewer, “Unter diesen Umständen hätte man nun schwören sollen, daß die wirkliche Erscheinung der Fortsetzung einein fürchterlichen Lärm erregen würde….” But, despite the apparent excitement and enthusiasm for Sebaldus Nothanker, “gerade das Gegentheil erfolgte.” The reviewer reports that “Man sprach sehr gelassen von dem Buche…. jeder gieng wieder an seine Geschäfte, und vergaß den armen Mann.” Following the flood of Sebaldus-themed works, the public seems to have stopped caring, even though the second volume ended with a cliffhanger: Sebaldus unexpectedly sailing to the New World. As the reviewer explained, the public “ließ den Hrn. Pastor nach Amerika sich einschiffen, und wünschte ihm eine glückliche Reise” without apparently wanting to know what happened next. As a result, the reviewer summarizes that “nun erschien endlich der dritte Theil, und man schwieg gar still.” The critic devotes the remainder of his review to an analysis of Sebaldus Nothanker to determine “Diese so unerwartete Veränderung der Gesinnungen unseres Publici” and the “Gleichgültigkeit der Leser.” Although the reviewer does not state a definitive cause, he attributes it, in part, to the die “veränderliche Laune seiner Leser” who had apparently had their

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133 Ibid., p. 231.
fill of Sebaldus Nothanker. As Nicolai and Bel feared, it seemed there could be an oversaturation of a character, nor matter how popular.

Decreased and Disappearing Honoraria

By undercutting sales and potentially supplanting an author’s original work while creating direct competition for the market’s attention with a rival sequel, fan fiction also interfered with authors’ financial interests by decreasing the chance for a new printing or new edition, thus shrinking the likelihood that the author would receive a Neuauflagehonorar. Fan fiction also potentially impacted authors’ upfront payments, success-based dividends, and future bargaining power with regard to compensation for sequels and other derivative works.

Although Kotzebue claimed, “Mögen hundert Dichter, jeder eine Maria Stuart schreiben, das bringt dem Absatze von Schillers Werken keinen Nachtheil,” most authors were not as well-respected as Schiller. In fact, most authors in the eighteenth century evidently believed that fan fiction cut into their commercial interests. In a 1787 essay “Gedanken über Buchhandlung und Nachdruck,” an anonymous commentator summarized the effect of piracy on the supply chain of literature, highlighting the commercial harm to authors. “Je weniger der Nachdruck gekauft wird, je öfter wird die Originalausgabe verkauft; je stärkerer Absatz, je mehr Auflagen der Originalausgabe, desto grösßerer und öfterer Gewinn für den Autor. Wäre kein Nachdruck zu befürchten, so könnte die Auflage der Originalausgabe größer gemacht, ein höheres Honorarium gegeben….” The reverse happened as well: publishers, when negotiating with

134 Ibid., p. 231-32. Schwinger makes a similar claim and further attributes the diminished interest, in part, to the delay. Schwinger, p. 153.
authors, often cited the losses they would incur due to piracy as an excuse to lower honoraria.\footnote{Steiner, p. 344.} In the minds of many eighteenth century authors and publishers, fan fiction had the same deleterious ripple effects.\footnote{This argument about piracy, of course, was debated in the eighteenth century and is still debated today. Sangmeister estimates that piracy had immensely negative economic impacts on Lafontaine and argues that Lafontaine would have needed to work less but for the piracies. Sangmeister, p. 311-313. Steiner, conversely, claims that piracy actually helped spur the creation of new editions, even though in their official arguments, publishers insisted that Nachdruck hurt them financially by reducing the market for additional printings. Steiner, p. 349.}

Vulpius, for one, believed that reworkings of his novels undercut the possibility of more printings of his works. In a letter to his friend and frequent correspondent Karl Gottlieb Theodor Winkler, Vulpius complained about his publisher Gräff. According to Vulpius, Gräff had been “nachlässig” with respect to Vulpius’ novels, allowing not just pirated editions to circulate, but also what Vulpius’ names “Bearbeitungen.”\footnote{Vulpius to K. G. Th. Winkler, 6 December 1823; cited in: Meier, vol. 1, p. 362.} But for the existence of these other works, Vulpius asserts, there could have been more printings of his texts and therefore greater potential profits.

If fan fiction contributed to the oversaturation of a character and diminished sales of a work – like it may have with the final volumes of \textit{Sebaldus Nothanker} – fan fiction could have similarly reduced an author’s takeaway from success-based honoraria. Moreover, fan fiction potentially weakened an author’s negotiating position. Ordinarily, if a text performed well, authors could retroactively demand additional payments as a kind of bonus. Schiller, for instance, wrote to his publisher Crusius in 1803 to discuss the expectation-following sales of the first volume of his \textit{Gedichte}. “[W]egen des guten Absatzes der ersten,” Schiller felt justified “einen Erhöhung des Honorars für die erste Auflage mit Billigkeit fordern zu können…”\footnote{Schiller to Crusius, 10 March 1803. Schiller, Friedrich. \textit{Schillers Werke. Nationalausgabe. Bd. 32. Briefwechsel, 1.1.1803-9.5.1805.} Axel Gellhaus, ed. Weimar: Böhlaus, 1984, p. 21.} Furthermore, authors regularly leveraged past commercial performance to support increases in future honoraria. And publishers, too, pegged compensation rates to past market success. In the same letter to Crusius, Schiller argued that he should be paid more for future volumes based on his present
success. Accordingly, if fan fiction hindered sales, it threatened lowered honoraria payments and undermined future bargaining.

Commercial benefits of fan fiction

Many critics conversely argued that fan fiction could actually be commercially advantageous for a source author, mostly by generating new excitement for the source work. Blanckenburg addressed the economic argument for fan fiction in a discussion of Thümmel’s *Wilhelmine*. Specifically, he dismissed the judgment of other “Kunstrichter” that Nicolai’s novel could be good for Thümmel’s text, declaring “als ob Nothanker derselben neue Käufer verschaffte, weil sie sicherlich solcher Anlockungen nicht bedürfe.”

Although Blanckenburg rejects the contention in deference to the independent worth of Thümmel’s work, his rebuff helpfully highlights the fact that others were making this argument.

In a discussion of *Sebaldus Nothanker*, a critic in the *Revision der Teutschen Litteratur* similarly speculated that fan fiction (and an author’s reaction to it) could increase demand for the source author’s own works. According to the critic, two circumstances in particular made *Sebaldus Nothanker* fan fiction commercially beneficial to Nicolai. First, “die voreilige Fortsetzung eines andern,” the critic noted, would “ohne Zweifel dem künftigen Biographen des Hrn. Nicolai Gelegenheit zu einer Vergleichung zwischen ihm und dem Verfasser des Don Quixots geben.” Plus, Nicolai’s effort to stop the publication of Olearius’ sequel resulted in “verbotenen Ausgabe des zweyten [Theils].” According to the critic, the excitement around

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143 Ibid.
the forbidden editions and the favorable comparison to Cervantes, “vereinigte sich, die Erwartung der lesenden Welt aufs höchste zu treiben” for Nicolai’s own sequel.144

Fan fiction could also create new readers for a source text by relying on the reader’s knowledge of the underlying work. In an essay titled “Gedanken über das Leben und die Meinungen des Herrn Magister Sebaldus Nothanker,” written before he penned his own fan fiction to Nicolai’s work, Seybold argued that there were “viele Stellen in seinem Sebaldus Nothanker nicht verstanden werden können, wenn man die Wilhelmine nicht gelesen hat….“145 To make sense of fan fiction, readers might therefore have felt compelled to consume the source work, as well – even if they originally had no intention of reading it.

In some cases, fan fiction could generate new readers for a source text by being physically bundled with it. Depending on the publisher, such bundling could take two forms. Both, however, could improve sales of the first work and extend its market viability, leading to new printings and the payment of additional honoraria. Following the publication of *Sebaldus Nothanker* and its quick capture of the market, the publishing firm Weidman, Erben & Reicht decided to print *Wilhelmine* for a fourth time. Anticipating additional sales based on the popularity of Nicolai’s novel, Thümmel’s publisher released an edition “Ohne Kupfer auf Druckpapier in Form des Sebaldus Nothankers.” Because texts were most often sold as unbound sheets, eighteenth-century readers regularly employed bookbinders after purchasing new books. By deliberately printing *Wilhelmine* in the same format as *Sebaldus Nothanker*, the publisher calculatedly allowed readers to bind the texts together as one. Several reviewers, including Blanckenburg, observed that there were readers, “die das Gedicht des Hrn. v. Thümmel und das Leben und die Meinungen des Hrn. Sebaldus Nothanker zusammen wollten gebunden haben.”146 So many, in fact, that there were at least three

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144 Ibid. The critic goes on to detail the surprising oversaturation of *Sebaldus Nothanker* products. But his discussion suggests that there is an ideal amount of attention generated by fan fiction that could help boost sales as long as it did not cross the threshold into oversaturation.


different printings of the bundle-ready edition of Wilhelmine. And pirating publishers even began printing Wilhelmine together with Sebaldus.147

Other texts were similarly bundled with their more popular fan fiction counterparts. Lafontaine’s second novel Die Verirrungen des menschlichen Herzens initially received poor reviews and faced lackluster sales. But years later, when a fan fiction sequel was written, Lafontaine’s first part was recovered and bundled with the new text. In a note at the start of Die Verirrungen sequel, the publisher Hermsdorf & Anton described the creation of the continuation and their decision to publish the text “mit dem ersten verbunden.”148 The publisher explained that it had purchased Francke’s publishing firm. The acquisition included both the physical copies still in stock and the Verlagsrecht to continue to publish them. “Durch den Ankauf des Franckeschen Verlags in Halle haben wir Bücher bekommen, denen man das öffentliche Lob nicht versagen können, und wovon demohngeachtet fast die ganze Auflage noch vorräftig ist.”149 Among the titles was Lafontaine’s second novel. Hermsdorf & Anton then asserted that it was fairly entitled to repackgage the old works. “Kein billig dekender Mann wird es uns daher verargen, daß wir diesen Weg einschlagen, die besten unserer ältern Verlags-Artikel, durch neue Titel, wieder etwas bekannt zu machen.”150 The commissioned fan fiction continuation of Lafontaine’s Die Verirrungen was thus part of a larger business strategy to unload older titles. Here, bundling revitalized an earlier, forgotten work. Although the source author did not benefit from the fan fiction, it proved to be in the best commercial interests of the holder of the Verlagsrecht.

Despite the apparent commercial advantages and disadvantages of fan fiction, many authors were ostensibly un concerned with the practice – even when writing was their primary source of income. In 33 years of

147 Heldmann, p. 367.
150 Id., p. iii-iv.
literary activity, Lafontaine wrote more than one hundred novellas and novels, averaging over 1,500 pages a year.\textsuperscript{151} Sangmeister attributes the rate of his literary production with his financial situation.\textsuperscript{152} Indeed, in one year alone, when he was in particular need of money due to the French occupation of Prussia, Lafontaine wrote ten volumes of five different novels, totaling nearly 3,500 pages.\textsuperscript{153} Lafontaine originally began writing to supplement his modest income as a military chaplain. In a 1793 letter to Christian Friedrich Voß, Lafontaine reports having written up to “17 Studen täglich” in addition to his official duties.\textsuperscript{154} Eventually, he realized that his earnings as a writer could far exceed his income as a chaplain, so he dedicated himself to his writing as a “freier Schriftsteller.” His friend and publisher, Johann Daniel Sander, reported of Lafontaine, “An ihm habe ich vielleicht den lucrativsten Schriftsteller in ganz Deutschland.”\textsuperscript{155} Sangmeister estimates that Lafontaine earned an enormous sum from his literary activities, averaging 1,798 Taler each year, or three times the income of an established professor.\textsuperscript{156} Under these circumstances, one might fairly expect Lafontaine to have been fiercely protective of his his literary products, especially because writing derivative works, as the reviewer in the \textit{Allgemeine Literatur-Zeitung} declared, entailed “die Kunst der literarischen guten Wirtschaft.”\textsuperscript{157} If fan fiction impeded authors’ profits and future opportunities, as Merkel suggested, authors like Lafontaine had good reason to criticize fan fiction. Despite his circumstances, however, there is no indication that Lafontaine was upset about the fan fiction from a commercial perspective.\textsuperscript{158}

Like Lafontaine, Hermes wrote to supplement his income as a pastor and professor of theology in Breslau. In a letter to his publisher Junius, a convalescing Hermes claimed that earning money – to leave

\textsuperscript{151} Sangmeister calculates that in Lafontaine’s 33 years of literary activity, he wrote an average of 1531 pages a year, or slightly more than an average-length two-volume work. Sangmeister, p. 261.
\textsuperscript{152} Ibid., p. 213.
\textsuperscript{153} Ibid., p. 261.
\textsuperscript{154} Lafontaine to Christian Friedrich Voß, 5.6.1793. Historical Society of Pennsylvania, Philadelphia, Ferdinand J. Dreer Autograph Collection (Collection 175), German Prose Writers Section, Box 220.
\textsuperscript{155} For more on the relationship between Lafontaine and Sander, see: Sangmeister, p. 215-216, 254.
\textsuperscript{156} Sangmeister makes the comparison, p. 222-23.
\textsuperscript{158} Even if Lafontaine early abandoned any literary ambition and demonstrated marked indifference to his own products, as Sangmeister claims, he would still have incentive to prevent others from capitalizing on his works. Sangmeister, p. 245-51.
his wife debt-free in the event of his death—was “mein Einziges Verlangen, die Springfeder aller meiner Schriftstellerischen Thätigkeit.” Writing, however, did not always prove sufficient. At times, Hermes found himself in dire financial straits. In 1773, the same time that he published the second edition of *Sophiens Reise*, Hermes was in such need of money, he asked Junius for financial support. The author even offered Junius a 35-volume work and a 20-volume work from his library, which Hermes suggested the publisher could resell, thereby saving his friend from financial ruin in the process. Hermes, accordingly, had a strong commercial interest in protecting the value of his novels and evidenced a shrewd business sense when it came to his works. He endeavored to exploit *Sophiens Reise* for everything it was worth, despite his modest assertion that he never expected an honoraria for *Sophiens Reise*. For instance, Hermes penned a sequel-like work to *Sophiens Reise* and promised, “Ich werde die *Hermaea* fortsetzen, so lange die Leser von der . . . etwas haben wollen.” Despite his penury and clear economic motivation for writing, however, Hermes never assailed fan fiction on commercial grounds.

Many authors had similar motive to protest fan fiction, but failed to vocally oppose such works. Schiller’s work on the *Geisterseher* was undoubtedly motivated by his financial interests. Following the public’s enthusiastic reception of the second part of the *Geisterseher*, Schiller recognized the economic value of his work and determined to extract every Thaler he could from the loathed project, including releasing a book edition of the story. In a 1788 letter to Körner about the *Geisterseher*, Schiller reported “Soviel ist indessen gewiß, daß ich mir diesen Geschmack des Publicums zu Nutzen machen und soviel Geld davon ziehen werde, als nur immer möglich ist.” That same year, in a letter to Goschen, Schiller described his commercial relation to his writing more generally, claiming “daß ich durch Schriftstellerey allein

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159 Hermes to Junius, 9 June 1778: SUB Hamburg. As Bonter explains, Junius in return offered to forgive Hermes all his debts upon publication of his next book, the *Kurze Predigten für die Bedürfnisse unsrer Zeit*. Bonter, p. 209.

160 For more on this incident, see: Bonter, p. 206.

161 Bonter makes this point as well, arguing that Hermes, as “ein unsichtiger Kenner des Marktes,” followed “aufmerksam die Entwicklung des literarischen Marktes und baute bewusst auf die Neugier und die Sensationslust seiner Leser.” Bonter, p. 181, 175.


existieren, und auf jeden Profit sehen muß.״

Despite his protective posture with respect to his profits and his plans to fully exploit the public’s interest in the Geisterseher, however, there is no evidence that Schiller objected to Geisterseher fan fiction on commercial grounds.

Johann Martin Miller was similarly interested in maximizing profits from Siegwart and ensuring that he was fairly compensated, as indicated by his discussion with Johann Heinrich Voß. Miller reveals in confidence how much he was paid for Siegwart, before asking: “Nicht wahr, ich sollte doch mehr kriegen?״

But Miller’s private correspondence documents his largely nonchalant attitude toward piracy and fan fiction – at least with respect to money – suggesting the author believed that fan fiction posed no commercial threat, or that a struggle against it was futile. And Unger seemed similarly unconcerned with the financial dimensions of fan fiction. Unlike Nicolai, who decided he needed to work faster to compete with the fan fiction his novel inspired, Unger waited ten years before releasing her sequel to Julchen Grünthal and did not make commercial-based arguments against fan fiction at all. Instead, like many authors and publishers, she made arguments about reputational interests, artistic rights, and what was best for the public.

**Reputational Interests**

In a gripping scene from Rinaldo Rinaldini, members of the robber band attack a penurious old hermit without their leader’s knowledge. At the last moment, Rinaldo unexpectedly intervenes, challenging “Sind das eure Heldentaten?” Rinaldo continues, “Schändet ihr meinen Namen um elenden Plünderer

164 Schiller to Goschen, 19 April 1788. Ibid., p. 44.
Handlungen? Seid ihr Rinaldinis Leute? – Habt ihr etwa so großen Mangel, um sogar der Armut ihren letzten Pfennig abzupressen? Ist das eure Tapferkeit, einen wehrlosen Mann zu knebeln?” The leader concludes his vituperation, demanding: “Wer war der Schurke, der die erste Hand an diesen kraftlosen Greis legte?” Eventually, the miscreant is named and, “Ohne ein Wort zu sprechen, schoß Rinaldo nach dem genannten Unglücklichen.” Rinaldo, though, did not kill the offender; instead, “Der Schuß zerschmetterte ihm den Arm.” As the outlaw is carried away, Rinaldo next turns to the hermit, identifying himself as the notorious Rinaldini and explaining, “Dir will ich meine Geschichte erzählen.” By abruptly transitioning in this manner, Rinaldo explicitly links the unsanctioned attack and his desire to tell his story, accentuating the duality of the crime. Rinaldo is concerned both that an unarmed man has been assaulted and that Rinaldo’s name has been defiled in the process. The resulting punishment must therefore fit the crime twice over. The shattered arm accordingly assumes double meaning. Physically, the offender can no longer raise his hand to strike, nor lift a pen to write. While this limitation prevents his future ability to attack, it also symbolically limits the offending bandit’s ability to use Rinaldo’s name – at least in the medium in which Vulpius’ reader encounters it. He can no longer write the story of Rinaldo Rinaldini. By destroying the bandit’s arm, Rinaldo thus protects the meaning of his name and regains control of his story, which he recounts to the hermit.

By the time Vulpius’ seventh novel, Rinaldo Rinaldini, was published, the Weimar author was well acquainted with the vagaries of the reading public and the need to capitalize on its fickle goodwill. This was often accomplished by exploiting a work’s reputation and cultivating a name as an indicator of literary, educational, or entertainment value. But in the second half of the eighteenth century, most novels were published anonymously. Consequently, authors’ names were rarely used to indicate a work’s origin. Instead, a text’s provenance was communicated by linking it to another title by the same author. Titles

167 Ibid.
therefore functioned as a kind of trademark: they identified the commercial source of a product as a badge of origin, conveying a certain quality (and demanding a certain price).

The most common formulation was the inclusion of a subtitle on a work’s title page: “Vom Verfasser des . . .” Although some authors published works under their names, most relied on this device, like Hermes with his 1799 novel, Manch Hermäon im eigentlichen Sinn des Worts. Eine Geschichte vom Verfasser von Sophiens Reise, and Miller with Geschichte Karls von Burgheim und Emiliens von Rosenau. In Briefen. Von dem Verfasser des Siegwarts (1781).

In many cases, especially following a great commercial success, every subsequent title was branded with this trademark-like identifier. Following the publication of Rinaldo Rinaldini, for instance, each of Vulpius’ novels bore the mark. For example: Der Zwerg. Ein Roman. Vom Verfasser des Rinaldo Rinaldini (1803); Leontino. Eine romantische Geschichte. Vom Verfasser des Rinaldini (1804); Der Maltheser. Ein Roman von dem Verfasser des Rinaldo Rinaldini (1804). Vulpius even relied on this tactic as late as 1827 – nearly thirty years after the first publication of Rinaldo Rinaldini – for his novel Erlinde die Ilm-Nixe. Reprintings of old novels were also updated to indicate the connection to Rinaldo Rinaldini. For instance, in 1800, the third edition of Vulpius’ 1794-95 Auora, was retitled Aurora. Ein romantisches Gemälde der Vorzeit. Von dem Verfasser des Rinaldini, even though it had been originally published four years before Rinaldo Rinaldini.

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This practice was common from the 1750s until well into the nineteenth century and was utilized by a broad cross-section of authors, including those with only middling commercial success. Johann Jakob Dusch’s 1777 novel, *Geschichte Carl Ferdiners*, for example, appeared with the subtitle *Von dem Verfasser der moralischen Briefe zur Bildung des Herzens*. The practice also extended beyond novels. Countless plays were published with the subtitle, for instance, Friedrich Christian Schlenkert’s 1790 *Graf Wiprecht von Grozisch. Nationalschauspiel in drey Aufzügen. Vom Verfasser Friedricks mit der gebissenen Wange.* And nonfictional texts, covering broad range of subjects from military history to religion, all used such subtitles. For example: *Versuch über die Gesetzgebung, von dem Verfasser der Philosophischen Träume* (1760); *Praktisches Kranken- und Sterbebuch für Katholiken. Von dem Verfasser der neubearbeiteten Predigtentwürfe* (1805); *Feldzug von 1805 militärisch-politisich betrachtet, von dem Verfasser des Geistes des neuern Kriegssystems und des Feldzugs von 1800* (1806).

Advertisements in book fair catalogues and in newspapers also identified the source of a work in this manner. Under the announcement, “Zur Ostermesse 1804 waren neu,” the *Zeitung für die elegante Welt*, for example, listed two of Freiderike Helene Unger’s novels by title, *Albert und Albertine* and *Melanie das Findelkind*, without mentioning Unger’s name, but parenthetically noting after each “Von der Verfasserin von Julchen Grünthal.”

Because titles were often coterminous with characters’ names – as *Werther, Rinaldo, Sebaldus, Siegwart, Fritz, Julchen* and *Sophie* attest – the appropriation of a character by another author threatened the

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reputational interests of the source author in his or her work. An inferior work could dilute the value of the mark. And a substantially different account or treatment of a character could transform what he or she stood for. In either case, fan fiction potentially altered the meaning of the trademark-like subtitle “Von dem Verfasser....” possibly discouraging consumers from reading other novels advertised in this manner.

This may explain why Nicolai argued that Seybold’s 1774 Predigten des Herrn Magister Sebaldis Nothanker should have used a different title. In the second volume of the first edition of Sebaldis Nothanker (1775), Nicolai even suggests a title for Seybold: Aus dem Makulatur eines dessauischen Juden abgedruckt.175 Because the lost Nothanker sermons, as introduced by the fictional editor of Seybold’s work, were found among the wastepaper of a travelling salesman from Dessau, Nicolai argued that this was a more fitting title – notably, one that bore no outward relation to any character in his novel. Nicolai similarly negotiated with Eckermann, the publisher of the specious Sebaldis Nothanker, Zweyter Theil, to retitle the fan fiction. Although Seybold refused to rename his Predigten and published three separate volumes under the disputed title, Eckermann agreed in a 1775 letter to Nicolai “Die noch vorrathigen sollen, Ihren zu Gefallen, unter den Titel, das Leben und die Meinungen des Buchhändlers, Hieronymus, ausgegeben werden.”176

Fan fiction additionally risked undermining the esteem and honor an author acquired through a work, implicating an author’s non-commercial reputational interests as well. In a review of the Anhang zur Sophiens Reise, Musäus lauds the fan fiction, confirming that the work “macht... einen guten Eindruck.” As a result, Musäus explained that, “Herr Hermes nicht eben Ursache hat, sich...zu schämen....”177 Although the review indicates that there is nothing to be ashamed of in this case, its declaration makes clear that fan fiction might otherwise be something to be ashamed of – notably, for the source author. Musäus’

175 The title refers to the fictional origins of Seybold’s story, based on an event from Sebaldis Nothanker. For more, see chapter five, Nicolai, Friedrich. Das Leben und die Meinungen des Herrn Sebaldis Nothanker, Zweyter Band. Berlin and Stettin: Nicolai, 1775, p. 267.
176 Eckermann, D.C. to Nicolai, 22 February 1775, NN 17.

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discussion of shame indicates that inferior fan fiction was not just commercially threatening but also dishonoring and embarrassing.

Unger’s response to the *Julchen Grünthal* fan fiction conspicuously highlights the non-commercial reputational interests at stake. A reviewer in the *Allgemeine deutsche Bibliothek* reviewed Stutz’s anonymously-published novel without realizing that Unger was not the author. After noting that Unger’s original novel had concluded satisfactorily, the reviewer harshly judged the sequel as superfluous and a poor work of literature, concluding “Wenn es dem Verfasser blos um Ehre zu thun gewesen wäre, so hätte er mit dem ersten Theile schließen sollen.” 178 Here, because the fan fiction was confused for Unger’s own work, it explicitly damaged her literary reputation.

Aware of the potential harm, Unger hurriedly placed a clarifying advertisement through her publisher in the very next volume of the *Allgemeine deutsche Bibliothek*: “Die Verfasserin der Pensionsgeschichte *Julchen Grünthal* fand im 89ten Bde 2tem St. S. 452 der Allg. D. Bibl. daß die … Fortsetzung dieser Geschichte von dem Hrn. Recensenten auch für ihre Arbeit gehalten wird. Sie wünschte also, daß ich es bekannt machen möchte, daß sie auch nicht den fernsten Antheil an diesem zweyten Theil hat.” 179 Unger’s swift and decisive response indicates the urgency with which she felt compelled to distance herself from the inferior fan fiction and the gravity with which she treated her reputational interests.

In other cases, critics and authors argued that fan fiction actually bolstered a writer’s reputation and viewed it as a badge of honor. The reviewer of Ramler’s reworking of Lichtwer’s text, for instance, remarked that the fan fiction would help raise the public’s estimation of Lichtwer, determining that the source author

should be grateful to Ramler. And a critic in the *Revision der Teutschen Litteratur* similarly considered the *Sebaldus Nothanker* fan fiction a cachet-enhancing boon thanks to the implicit comparison to Cervantes.180

**Personal and Artistic Interests**

Some works of fan fiction were widely considered an affront to authors’ personal and artistic interests, particularly as a violation of the author’s creative intent or artistic vision. Among his complaints about Ramler’s use of his text, Lichtwer stresses that Ramler “mir ganz falsche Gedanken angedichtet, den Sinn meiner Fabeln gar nicht eingesehen, sondern denselben eine ganz unrichtige Deutung gegeben…”181 Lichtwer’s outrage stems, in part, from the fan fiction’s wrongful attribution of ideas to Lichtwer and its alteration of the source work’s original meaning, suggesting that Lichtwer was protective of a right to the integrity to his text. Elsewhere Lichtwer describes his original work as falling “unter der Hand dieses vermaledeiten Verse-Henkers,” highlighting his belief that the fan fiction author had killed Lichtwer’s artistic intent or vision by using Lichtwer’s work.182 Mendelssohn agreed in the *Briefe, die neuste Literatur betreffend*. Discussing the Lichtwer incident, Mendelssohn argued that the “Charakter des Künstlers” is changed or even destroyed when a “fremde Hande […] dem Werke zu nahe [kommt]…”183 Mendelssohn thus condemns some works of fan fiction for violating an author’s artistic interest in his or her work.

Unger’s antipathy for fan fiction was similarly motivated. While distancing herself from Stutz’s sequel and thus protecting her reputation, Unger’s advertisement in the *Allgemeine deutsche Bibliothek* also protests

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that the fan fiction author portrayed “die Karaktere der Personen in ein ganz ander Licht...” Unger opposed Stutz’s use and representation of her characters, indicating that she was upset as a matter of artistic integrity. When Unger finally wrote a sequel, she explained that her decision to write a second part was partly motivated by “der Umstand, daß es einer fremden, ihr ganz unbekannten Hand gefallen hatte, einen zweiten Theil zu schreiben und drucken zu lassen...”\textsuperscript{184} Her decision was not economic, but an artistic attempt to regain control over her characters and reendow them with her artistic vision.

Beyond an interest in preserving the integrity of existing texts, many commentators further insisted that writers had an artistic interest in reworking and expanding their texts that fan fiction infringed. After Störchel expanded Lafontaine’s short story, \emph{Die Familie Neubeck}, into a full-length novel, Merkel, for example, took great ideological offense, summarizing the situation: “Lafontaine hatte einen Apfel erzogen: der Verfasser überholt ihn und schwellt ihn zum Kürbiß an...”\textsuperscript{185} The problem, according to Merkel, was the resulting limitation placed on Lafontaine, who invented the original \textit{Neubeck} family, but now had to give up any future plans involving the characters.\textsuperscript{186} Although Merkel’s complaint may have been animated by commercial interests, but it is clear that his concern also lies on a more conceptual level. Astoundingly, the critic admits to not having read the story, “Ich kenne jene Erzählung nicht, weiß also nicht, wie viel Lafontainen gehört.”\textsuperscript{187} Merkel, accordingly, considered the text an infringement on the apparent right of the source author to be the first to explore the further dimensions of his or her work.

Not every author, however, argued against fan fiction on the basis of artistic interests. Despite Merkel’s arguments, Lafontaine did not appear invested in the artistic dimensions of his works. According to Lafontaine’s friend and publisher Sander, “Nach seiner gewöhnlichen Bescheidenheit setzt er Alles, was er geschrieben hat, sehr tief herunter, u. meint, nichts daran werde auf die Nachwelt kommen.”\textsuperscript{188} Sangmeister

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{184}] Unger, Frederike Helene. \emph{Julchen Grünthal, Zweiter Theil}. Berlin: Unger, 1798 (unpaginated “Vorbericht”).
\item[\textsuperscript{185}] Merkel, \emph{Briefer}, p. 678.
\item[\textsuperscript{186}] Ibid., p. 677.
\item[\textsuperscript{187}] Ibid.
\item[\textsuperscript{188}] Letter from 23. August 1796; quoted in: Sangmeister, p. 244.
\end{itemize}
\end{footnotesize}
asserts that Lafontaine gave up his artistic ambitions early in his career, leading to a general apathy toward his works exemplified by his own forgetfulness about what he had written. For instance, for a 1810 story written for Cotta’s *Taschenbuch für Damen*, Lafontaine chose the title *Liebe um Liebe*, apparently without remembering that he had selected the exact same title for a story included in his 1793 collection *Die Gewalt der Liebe*.189 Contemporaries regularly criticized Lafontaine’s tendency to repeat his own ideas, characters, and plotlines. In his treatise *Die Kunst Bücher zu Lesen*, Bergk praised Lafontaine, but noted that “Er wiederholt sich daher oft in seinen neueren Schriften: seine Charaktere und seine Personen haben fast stets einerlei Gestalt und einerlei Gesicht.”190 Schlegel, in the *Athenaeum* was harsher still, remarking that Lafontaine so often repeated himself, “daß er dem geübten Leser die Hälfte der Zeit erspart, obwohl dem Verleger nichts an der Bogenzahl.”191

But if fan fiction was considered an infringement on a source author’s artistic interests, a limitation on fan fiction was correspondingly considered an unfair limit on a second author’s artistic freedom. Many authors and critics justified fan fiction along these lines. In the *Briefe, die neuste Litteratur betreffend*, Mendelssohn describes fan fiction as a matter of freedom.192 But in a private letter to Lessing, Mendelssohn questions the price of taking this freedom: “Man vermutet, daß sich Herr Ramler diese Freiheit genommen, und ist sehr begierig zu sehen, wie Lichtwehr diese Freiheit aufnehmen wird.”193 And Merkel similarly described Stöchel as stretching this freedom too far, arguing that in the case of his fan fiction based on Lafontaine’s novel, it was “eine so weitgetriebene Freiheit, daß sie wohl einen härtern Namen verdiente.”194

189 As Sangmeister notes, p. 248
Nevertheless, many saw this freedom as unlimited. Krause, for instance, claimed in 1783 that he could do whatever he liked with a book: “ich kann den geistigen Stof des Buchs lesen, lernen, abkürzen, erweitern, lehren, überzehen, darüber schreiben, lachen, ihn tadeln, verspotten, gut und bös anwenden, kurz, damit machen, was ich nur immer will.” In response to Nicolai’s letter protesting the *Sebaldus Nothanker* sequel, the Hamburg bookseller Eckermann also discusses fan fiction in the context of freedom. Specifically, Eckermann disputed the notion that Nicolai had an exclusive interest in telling the story of his characters. “Nun möchte ich wißen, ob Sie auch ein Privilegium hätten, Nothankers Leben ganz allein zu beschreiben.” Eckermann additionally observed that Nicolai himself had written fan fiction, arguing that Thümmel “besang Wilhelmine oder der vermählten Pendanten, und Sie durch wässerten dieses schöne Gedicht durch ein Supplement.” After emphasizing Nicolai’s hypocrisy, Eckermann then made an argument for artistic freedom. “Wollen Sie wohl anderen Schriftstellern die Freyheit rauben weiter zu erzählen…?” For Eckermann, fan fiction was unambiguously a matter of artistic freedom. Limitations on fan fiction would implicate the interests of those who wanted to keep telling the story of their favorite characters.

Johann Friedrich Eusebius Lotz, a Hofadvokat in Hildburghausen, presented a similar argument in a lengthy response to the question posed in the *Reichs-Anzeiger* cited earlier in this chapter. Lotz’s 1794 essay “Beantwortung der Frage” outlines several arguments in support of fan fiction, highlighting above all, the artistic interests at stake. Employing another food metaphor, Lotz argued that “der lesenden und denkenden Welt ein Gericht, das ein anderer schon angesticht hat, so schmackhaft und so genießbar als

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Eckermann, D.C. to Nicolai, 22 February 1775. NN 17

Ibid.

möglicher zu machen, muß jedem erlaubt seyn.” Lotz makes clear that this includes not just editing and reworking the texts of earlier authors, but also writing continuations, back-stories, and filling in narrative holes. According to the court advocate, it would be “wahre Geistesdespotie” to prohibit a second authors from working on the same subject as an earlier author. And Lotz explicitly subordinates economic interests to this artistic interest, dismissing the notion that artistic freedom can be limited, even if, in its exercise, “der Absatz des Werks eines andern Schaden leiden” or another author suffers a loss (“einigen Nachtheil leidet”) in the process.

Public Interests

Fan fiction implicated interests beyond those of authors and publishers. To justify and condemn fan fiction, eighteenth-century commentators also regularly presented arguments about society more broadly, making clear that the public had a stake in the debate about fan fiction as well.

Opponents of fan fiction argued that such works harmed the public by misleading individual readers. In a special section added to Sebaldus Nothanker, Nicolai explained that the public should be warned about fan fiction. “Daher will man das Publikum warnen, sich durch diese und andere dergleichen verfängliche Titel nicht hintergehen zu lassen.” According to Nicolai, the fan fiction reader, when unaware that he or she was reading fan fiction, had been deceived into consuming an inferior product. “Der geneigte Leser kann freilich in dem unechten zweiten Bande den wahren fernen Verlauf der Geschichte des Herrn Magisters Sebaldus Nothanker nicht finden.” Fan fiction cheated the public from learning the true story, the argument went, and should be stopped as a matter of consumer protection.

199 Lotz, col. 716.
200 Ibid., col. 717.
201 Ibid., col. 716.
202 Ibid.
203 Ibid.
Other critics were concerned about the effect of fan fiction on the book market, arguing that such works added nothing of value but still contributed to the trade’s detrimental oversaturation. The anonymous author of the sequels to Jünger’s Fritz novels even unaffectedly apologized for the insufficiency of his works, which he was commissioned to write on behalf of the publisher. But, he noted, the public would still purchase them because “der geduldige deutsche Leser läßt sich alle Geschenke der Geistesarmuth gefallen, sobald sie nur auf Schreibpapier und mit verzierten Figuren ihm eingegangen werden.”

More commonly, eighteenth-century thinkers argued that fan fiction benefited German literature, offering both practical and aesthetic arguments. Discussing imitations generally, Krause argued that “Der Nachahmer macht sein Werk entweder sichtbar schlechter, als der Erfinder; dies hebt leztern mehr, als es ihm schadet; - oder besser; so gewinnt das Publikum doppelt: bessere Waare, und bessern Preis; - oder ungefähr eben so, wie er, aber wohlfeiler; so darf der Erfinder nur seine Waare herabsezen, um schadlos zu sein.” Viewed from this perspective, fan fiction benefitted the public more generally by begetting cheaper and better works.

Still more common were arguments about giving the public what they wanted. Eckermann, in his reponse to Nicolai, purposefully connected contentions about artistic freedom with the public interest, “Wollen Sie wohl anderen Schriftstellern die Freyheit rauben weiter zu erzählen, damit den Leute nicht einschlafen?” Fan fiction, under this logic, kept the public amused. Limiting fan fiction would thus deprive the public of entertainment, often the entertainment they specifically demanded. Goethe likewise justified his sequel to the Zauberflöte by arguing that “Die Personen dieser märchenhaften Oper sind jedermann bekannt, und ich sollte glauben, dass sich das Publikum auch für die ferneren Schicksale seiner bisherigen Lieblinge

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206 Eckermann, D.C. to Nicolai, 22 February 1775, NN 17.
Just as Nicolai rationalized his decision to further narrate the lives of Thümmel’s Wilhelmine and Sebaldus, Goethe defended his fan fiction by contending that he was merely giving the public what it wanted – nevermind that he well knew that Schikaneder, the librettist for the *Zauberflöte*, was busy working on a sequel of his own.

Fan fiction was also justified as a public service on the basis of its educational value. In a letter to Nicolai extolling Seybold’s *Sebaldus Nothanker*, Gebler asked “wer dieß in der That niedliche Geschenck dem Publikum gemacht hat.” Although Gebler makes a special point of noting that it is important for the public not to confuse Seybold’s work as Nicolai’s own, he is unequivocal about his enthusiasm for the fan fiction. Beyond construing it as a public gift (much to Nicolai’s frustration), Gebler considered the fan fiction an indispensable resource, declaring that all preachers should read Seybold’s text. The forthright enthusiasm, communicated in the face of Nicolai’s patent displeasure, demonstrates Gebler’s position that the appropriation of Nicolai’s characters was not a breach of literary ethics, but rather an act in the public interest.

Seybold begins his *Predigten des Herrn Magister Sebaldus Nothanker* with a “Vorrede des Herausgebers” that includes a long exposition on how to improve the human condition. Exploring themes from foreign relations to women’s dress, Seybold concludes by outlining a typical Enlightenment program of fighting “Vorurtheile, Ignoranz, Abergläuben und Schwärmerey,” arguing that the arts, and literature in particular, are a central part of his plan. In particular, Seybold advocates using popular texts to educate the public. “Der Mann, der sich durch sein Buch von der Erziehung des Bürgers um die Menschen verdienter gemacht

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209 Nicolai to Gebler, Leipzig, 8 October 1774; cited in: Gebler, p. 62.

hat, als wenn er die gelehrten Kommentarien über das Hohelied Salomons, über das Buch Esther, x. geschrieben hätte, hat den Plan gemacht.” Naturally, Seybold considers his own work an invaluable part of the plan. In author’s estimation, however, several obstacles stand in the way, including monopolists who control resources at the exclusion of others, thus staunching the spread of the Enlightenment. Although Seybold does not name opponents of fan fiction literary monopolists, he makes clear his belief that an effort to stop fan fiction would be tantamount to stopping the spread of the Enlightenment. Works of fiction, at least those akin to his Predigten, thus served the public interest by educating the masses.

Nicolai relied on a similar rationale himself. In a self-effacing letter from 1773, Nicolai informed Thümmel that he had written Sebaldus Nothanker using characters from Wilhelmine. After casting his own novel as a risk (using the common language of “wagen”), Nicolai employed a strange metaphor to describe the act of writing the fan fiction. According to Nicolai, he had transformed “eine saubere Taschenuhr, die Sie [Thümmel] gemacht haben, in einen unförmlichen Bratenwender…” Nicolai’s purpose was to compliment Thümmel while modestly presenting his own work, which he had sent along with the letter. But Nicolai also sought to justify his decision to write fan fiction. Although the metaphor initially seems strange, the pocketwatch and spatula reveal the stakes of the project as Nicolai conceived them. In the second half of the eighteenth century, a pocket watch was an exclusive tool used by only a select few to measure something abstract. It was, in short, a rarefied instrument. A spatula, conversely, was simple to operate, used by everyone, and had an immediate practical application, namely, feeding people. Nicolai, in other words, transforms Thümmel’s comparatively sophisticated work into a novel that the masses could enjoy and from which they could more easily benefit. Indeed, Thümmel’s Wilhelmine, a rococo mock epic in the style of Pope’s Rape of the Lock, is filled with classical allusions and elevated language. Nicolai’s Sebaldus Nothanker, with its prosaic language and far less refined tone, is considerably easier to digest.

211 Ibid., p. xxii.
212 Ibid., p. viii-ix.
214 ”Wer Ihre liebste Buhlschaft ohne Ihr Vorwissen mit 3 Kindern segnet ja sogar derselben frühzeitigen Tod verursacht, den Man derselben, der allemahl des Liebhabers guter Freund ist, in die weite Welt jagt….” cited in Heldmann, p. 365.
And spreading Enlightenment ideals and educating the public had long been goals of the Berlin publisher. It seems that fan fiction, in Nicolai’s estimation, was justified where it benefited the public interest, as he thought his Sebaldus Nothanker and his Freuden des jungen Werthers accomplished.

In his essay in the Reichs-Anzeiger, Lotz makes an even more grandiose public-interest argument to legitimize a second author’s ability to reread and build upon the existing works of contemporary authors. Lotz claims that limiting second authors would have “den nachtheiligsten Folgen für die gesammte Litteratur….” He makes the point repeatedly, ultimately predicting that “Unsere litterarische Cultur würde noch auf einer niedern Stufe stehen” if such a restriction were imposed. Lotz then concludes by reversing the argument. Allowing authors to use other’s works, to fill in holes, and to write continuations, he argues, “erscheint demnach eben so erlaubt auf der rechtlichen Seite, als es in patriotischer Hinsicht, wegen des großen Einflusses auf die Vervollkommnung unserer Litteratur den Beyfall jedes auftichtigen Freundens der Wissenschaften verdient.” According to this model, allowing a practice like fan fiction was a patriotic act, beneficial to literature, learning, and society in general.

Despite Lotz’s bold assertions, many authors did not address fan fiction on public, personal, or economic grounds. In 1800, for instance, Vulpius did not repudiate works of fan fiction based on his Rinaldo Rinaldini even though he had clear personal and commercial motives to do so. Vulpius was in constant need of money. And his literary output was largely motivated by financial concerns – a fact contemporaries readily surmised. Merkel, for instance, assessed that Vulpius’ “Werk hat schlechterdings keine andre

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215 Lotz, col. 716.
216 Ibid., col. 717.
217 Ibid.
Bestimmung, als – da zu seyn, und bezahlt zu werden.”

Further, Vulpius met his wife, in part, thanks to Rinaldo Rinaldini and the couple even named their first child, a son born in 1802, Rinaldo Vulpius. Given the important role Rinaldo Rinaldini played in Vulpius’ personal life, the Weimar author likely harbored a strong personal and artistic interest in his beloved protagonist. Yet there is no evidence that Vulpius made an economic or a personal argument against fan fiction, or that he held a grudge against the publishers of Rinaldo Rinaldini fan fiction. Instead, in 1800, Vulpius actually began working with Langbein & Klüger, who had published the Erfurt lawyer Ignaz Ferdinand Arnold’s Rinaldo Fortsetzung earlier that year.

Vulpius, it seems, did not believe that fan fiction unjustly infringed on his personal or commercial interests.

Nevertheless, as Eckermann observed in his letter to Nicolai, the production of fan fiction pitted the interests of authors in fictional characters against the rights of enthusiastic and enterprising readers who wanted to use those same characters in works of fan fiction. Both parties, supported by critics and friends, wielded arguments about the public interest, artistic freedoms, and economic rights to support their positions. But because their various interests were often in fundamental conflict, the debate about the proprietary of fan fiction was not easily solved – especially because the privilege system and the Verlagsrecht did little to regulate the conflict. Instead of relying on positive laws, a system of customary norms developed in the second half of the eighteenth century to regulate the production and consumption of fan fiction. And adherence to these rules may explain why some authors, like Vulpius and Schiller, did not complain that fan fiction violated their interests.

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219 Merkel, Briefe, p. 421.
220 Arnold, Ignaz Ferdinand. “Der Graf Rinaldo zur Fortsetzung (Aus seinen Papieren),” in: Prinzessin Paulina oder Gattin. Mutter und Ursulinerin zugleich. Aus den Memoiren des Grafen R*** mit der aschgrauen Maske. Rudolstadt: Langbein und Klüger; Schleusingen: Hoffmann, 1800. Langbein and Klüger published a number of Vulpius’ works, including: Carl der Zwölfe bey Bender, ein Schauspiel in fünf Aufzügen (1800); Glorioso der große Teufel, eine Geschichte des achtzehnten Jahrhunderts (1800); Rinaldo Rinaldini, Schauspiel in fünf Aufzügen (1800); Oralndo Orlandini (1801); Theodor der Korsen (1801); Der Sicilianer (1803); Der Zwerg (1803); Armidoro, eine Wundergeschichte (1803); Leotino, eine romantische Geschichte (1804); Frau Holda Waldina die wilde Jägerin (1805).
CHAPTER III: CUSTOMARY NORMS AND RULES

In the second half of the eighteenth century, fan fiction evolved from an unheard-of phenomenon to an expected response from enthusiastic readers of popular texts. Writing sequels, spin-offs, and prequels also became an advocated business strategy for enterprising authors. Consequently, as readers became increasingly invested in beloved characters and authors became more protective of the commercial value of their literary output, fan fiction brought their various interests into direct conflict.

Contemporaries were aware that the positive law did little to regulate the situation. In his reply letter to Nicolai, Eckermann noted the limitation, arguing that printing privileges were inapplicable to the circumstances of fan fiction:

Indessen haben Sie, wie Sie mir melden, in Preußischen und Chursächlich. Landen, wo Sie auf das Leben S.N. priviligiert sind, das Recht, alle unächte Exemplare dieser Fortsetzung anzuhalten, und Papillottan daraus zu machen. Nun möchte ich wissen, ob Sie auch ein Privilegium hätten, Nothankers Leben ganz allein zu beschreiben.¹

Eckermann acknowledged that Nicolai’s privilege protected against unauthorized reprintings of Sebaldus Nothanker. But the Hamburg publisher openly questioned Nicolai’s attempt to extend the privilege beyond piracy, ultimately claiming that the legal protection did not prohibit a second author from exercising his or her freedom to use a pre-existing character in a new story.

Other legal instruments were similarly unfit to afford authors and publishers exclusive control over literary characters. The under-developed concept of the Verlagsrecht did little to regulate the conflict and the under-utilized Verlagsverträge typically failed to dictate terms of ownership concerning the content of texts. Furthermore, aesthetic norms were in a period of transition in the second half of the eighteenth century.

¹ Eckermann, D.C. to Nicolai, 22 February 1775, NN 17.
Emancipated from the rules of classical rhetoric and court traditions, writers gained new aesthetic autonomy – a shift clearly marked by Goethe’s Werther. This new freedom, however, left many authors (many of whom were new participants in the book trade) without aesthetic guidance. Fan fiction thus blossomed in a legal and aesthetic vacuum characterized by the free circulation of ideas and texts.

The lack of a positive law, however, does not indicate a total absence of rules governing the production of fan fiction. Indeed, contemporaries regularly discussed fan fiction in quasi-juridical terms, suggesting the existence of a system of regulations. In response to the question posed in the Reichs-Anzeiger, Lotz referred to “[d]ie nämlichen Grundsätze” governing the use of another author’s work. Others described “Schriftstellerrechte” in the context of fan fiction and “erlaubte Handlung” or as a matter of “Billigkeit” more generally. The constant appeals to laws, rules, and rights, however, did not concern the positive law. Instead, the references alluded to customary norms – those that “gesitteten Völkern,” in Lichtwer’s words, followed when producing such literary works.

Many eighteenth-century authors referred to such rules. In a preface outlining a theory of the novel, the anonymous author of Einer jüngern Sophie Reise aber nicht von Memel nach Sachsen analogizes the novel to a person who “lebe in der Gesellschaft.” Enumerating the various “Eigenschaften” of the personified novel, the author includes several attributes common to eighteenth-century theories of the novel, like

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2 Indeed, conventional thinking about intellectual property suggests that there must have been some form of regulation. As Oliar ad Springman argue, “absent formal legal protection, there will be an inadequate provision of creative works, as authors and inventors would be unlikely to recoup the cost of creation.” Oliar, Dotan and Christopher Sprigman. “There’s No Free Laugh (Anymore): The Emergence of Intellectual Property Norms and the Transformation of Stand-Up Comedy,” in: Virginia Law Review, vol. 94, number 8 (2008), p. 1789-1876, p. 1790.


respecting religion and working to better humankind. In addition, the author asserts, the novel must “beobachte[n] das Dekorum,” or the norms of society.6

The poet and pedagogue Johann Jacob Dusch endeavored to explain these rules, which he names “[d]ie allgemeinen Begriffe, Eintheilungen und Grundregeln” of writing, in his 1773 multi-volume Briefe zur Bildung des Geschmacks an einen jungen Herrn von Stande.7 The sixteenth letter outlines the relationship between an author and fictional characters. Dusch first identifies two types of characters: “der Dichter [kommt] auf die Charaktere, die von zweyerley Art sind, alte, die man wieder erwecket, neue, die man selbst erfindet.”8 Then he differentiates their potential uses. Whereas an author could use the latter type of character however he or she wished, the former type could only be used “wenn sie gehörig bearbeitet wird.”9 According to Dusch, there was no general prohibition against the use of pre-existing characters, but they were to be handled properly.

Although the positive law did not define the bounds of propriety with regard to borrowing characters, such use was regulated by a robust system of societal norms. This chapter identifies those norms and argues that they amounted to a customary intellectual property regime comprising rights, trespass norms, exceptions, and enforcement mechanisms. Relying on Luhmann’s system theory, Siegfried Schmidt has observed an Ausdifferenzierung and Autonomisierung of the literary system in eighteenth-century Germany that functioned on the basis of various agents (authors, publishers, consumers) who performed specific roles and adhered to specific conventions. The rules of fan fiction might be understood as part of the underlying mechanics of this new system.10 This chapter, however, is not concerned with how such a system

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8 Ibid., p. 325.
9 Ibid., p. 326.
10 Schmidt, Siegfried J. Die Selbstorganisation des Sozialsystems Literatur im 18. Jahrhundert. Frankfurt am Main: Suhrkamp, 1989. Based on Luhmann’s system theory, Schmidt argues that the period is marked the emergence of new economic and educational systems, as well as by a historical transition from pre-modern to modern literature. According to Schmidt, this system
functioned, how it emerged, or with the power-relations within it. Instead, this chapter uncovers the overlooked norms themselves to better understand how their content shaped literature and concepts of literary property in the eighteenth century. After defining customary norms as an alternative to the positive law and briefly accounting for their potential origin, this chapter analyzes the five primary rules governing the production of fan fiction in the eighteenth century.

**Customary Norms**

Subscribing to a Hobbesian view that the law derives from the command of the sovereign alone, legal centrists long ignored the fundamental role of informal societal norms in coordinating human affairs. More recent scholarship, however, has recognized that public order can be achieved without the top-down mechanism of formal laws articulated by a coercive central authority. Governments, in other words, are no longer considered the sole, or even primary, source of social rules.

Historically, many rights and rules evolved outside the context of government-created laws. In *Kritik und Krise*, Reinhart Koselleck interprets the rise of bourgeois norms as distinct from a command from the sovereign: “Aber nicht mehr der Souverän entscheidet, sondern die Bürger konstituieren durch ihren Urteilsspruch – wie die Kaufleute den Handelswert ermitteln – die moralischen Gesetze.” In place of the positive law, then, customary norms regulate large segments of social life, as Robert Ellickson observes in

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his influential study, Order Without Law.\textsuperscript{13} Some norms, in fact, actually depend on the absence of the formal law to effectively thrive.\textsuperscript{14}

These informal customary rules are ubiquitous.\textsuperscript{15} Foucault conceives this extra-legal social authority as a distinct category of modern society, which discursively produces its own sovereign norms.\textsuperscript{16} Although they lack the formal authority of the positive law, such norms accomplish a great deal of social ordering. In addition to demarcating behavior as acceptable and unacceptable, the norms created by informal social networks can also define substantive entitlements and create operative rules that establish property rights.\textsuperscript{17}

In the past two decades, considerable work has been done to understand how societal norms shape individual behavior across a range of disciplines, including: dueling practices in the antebellum American South as a means to resolve injuries and demarcate the social elite;\textsuperscript{18} dispute resolution among ranchers in Shasta County, California;\textsuperscript{19} informal regulations of the diamond industry;\textsuperscript{20} industry rules governing Atlantic whaling in the eighteenth and nineteenth centuries;\textsuperscript{21} and joke-stealing norms governing contemporary American comedians.\textsuperscript{22} Despite the recent growth of scholarship, however, little work has been done to understand how customary norms have historically shaped literary production.

\begin{thebibliography}{99}
\bibitem{13} Ellickson, Robert C. Order Without Law: How Neighbors Settle Disputes. Cambridge, Mass: Harvard University Press, 1994. This study differs from Ellickson’s in several key respects: first, it is not a study of a tight-knight group. Accordingly, the question is not about whether norms are welfare maximizing. Second, there is no law. So I cannot look whether conflicts are resolved in the shadow of the law or beyond the shadow of the law, as Ellickson argues about Shasta county ranchers.
\bibitem{14} As Oliar and Sprigman argue, p. 1835.
\bibitem{17} For instance, Ellickson shows that social networks are capable of establishing property right and defining entitlements. Ellickson, p. 203.
\end{thebibliography}
Fan fiction was not the only aspect of the book trade that was regulated by customary norms in the eighteenth century. Publishing practices seem to have operated according to a similar system. Nicolai characterized the book trade, when functioning at its best, as an enterprise of gentleman who adhered to shared extra-legal principles, resulting in a well-ordered trade. Publishers, for instance, regularly asked for permission to print excerpts from works published by other firms, although no formal law prohibited such excerpting. Similarly, it was considered proper for booksellers – at least within the same city – to check with other booksellers to ensure they were not treading on claimed territory before undertaking a new project. And respectable publishers, as Selwyn notes in her study of the book trade, joined together to fight “members . . . who overstepped legal or customary boundaries” and undertook “other measures to ensure a certain degree of peace within the trade.” But whereas norms regulating publishing practices were supplemented by the positive law, there were no formal legal rules governing the production of fan fiction in the eighteenth century. Customary norms were not an alternative to the law, but represented the only regulatory system available.

Defining Norms

Norms resemble laws insofar as both are rules designed to order society. And in many respects, customary norms are indistinguishable in effect from the law. Max Weber, for instance, famously defined law as those rules enforced by a specialized “staff of people” dedicated to social-control activity. As Ellickson observes, however, this definition is problematically insensitive “to the identity of the controller who has

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23 See: Selwyn, p. 116, discussing an 1808 letter from Nicolai to Friedrich Perthes.
24 Selwyn offers several examples of such behavior, including from Nicolai. Selwyn, p. 117-18.
25 Ibid., p. 117.
26 Ibid., p. 116.
made, or is enforcing, the rules.”

Rules, after all, can be created and enforced by a variety of actors, including the state, private organizations and industry groups (like the eighteenth-century publishers Nicolai described), and by individuals, including strangers, neighbors, and oneself.

To distinguish laws from norms, the term “law” will be used here, as in Donald Black’s foundational study *The Behavior of Law*, to refer strictly to government social control. “Norms,” in contrast, will refer to rules emanating from non-governmental social forces, following the widely-accepted definition employed by Ellickson and Posner. Norms thus comprise social rules created by non-hierarchal social forces that delineate appropriate human behavior. Importantly, although these informal rules do not depend on the state for promulgation or enforcement, they are still enforced via extra-legal sanctions. As Posner observes, to be a norm rather than merely a “behavioral regularity” the rule must be enforced and violations must be punished (even if imperfectly).

*The Origin of Norms*

Order, it is argued, often arises spontaneously, aided by societal norms that evolve over time. Theories explaining spontaneous order abound, including genetic hypotheses (that certain norms are hard-wired into

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28 Ellickson, p. 127.
29 Following the lead of renowned sociologist Donald Black in his seminal study *The Behavior of Law*, the term “law” will be used here to refer strictly to government social control. Black, Donald J. *The Behavior of Law*. New York: Academic Press, 1976.
30 Additionally, this work will adopt the broader nomenclature proposed by Ellickson to distinguish norms from related rules. As Ellickson explains: “The rules that emanate from first-party controllers will be referred to as personal ethics; those from second-party controllers, as contracts; those from social forces, as norms; those from organizations, as organization rules; and those from governments, as laws.” Ellickson, p. 127. The term “norm,” however, does not have a standardized definition, as McAdams notes, because it has been used differently by lawyers and sociologists and has been used to describe a wide range of behaviors and rules. McAdams, p. 341. See also: Sunstein, Cass. “Social Norms and Social Roles,” in: *Columbia Law Review*, vol. 96, no. 4 (1996), p. 903-68, p. 945.
31 Ellickson, 184. Ellickson defines a system of social control as “consisting of rules of normatively appropriate human behaviors.” Ellickson, p. 124. Additionally, there can be group or societal norms: the former applying to only a small subset of society; this dissertation is interested in societal norms. McAdams also employs the term “societal norm” because the term “social norm” is already widely used to indicate any kind of informal norm, including group norms. McAdams therefore divides “social norms” into two kinds: group norms and societal norms. McAdams, p. 386.
humans), interest-group theories (that dominant groups manipulate the content of norms to benefit their interests), and functionalist explanations (that norms arise to promote a group’s survival and prosperity).\(^{33}\)

Functionalist theories are among the most-widely accepted. The Austrian economist and philosopher Friedrich Hayek, for instance, posited a theory of spontaneous order based on the competitive selection of rules and practices, arguing that prevailing norms are naturally selected due to their relative efficiency.\(^{34}\)

Although most scholarship has argued that norms are likely to develop in close-knit communities where small, homogenous groups interact repeatedly (like ranchers in Shasta County), recent studies have recognized that norms can also evolve in intermediate-knit groups. In such communities, like that comprising the late-eighteenth-century German book trade, strangers interact while surrounded by non-strangers.\(^{35}\)

Like any other customary norm, property rights can also arise spontaneously without the involvement of a sovereign dictating laws.\(^{36}\) Harold Demsetz’s foundational account of the emergence of property rights hypothesizes that society creates property rights in previously unknown resources when the concomitant costs of doing so are outweighed by the benefits.\(^{37}\) Demsetz identifies two causes: the benefits rise because

\(^{33}\) See, Ellickson, p. 149-155.


\(^{35}\) For more on “intermediate-knit” groups, see: Oliar and Sprigman, p. 1794; Strahilevitz, Lior Jacob. “Social Norms From Close-Knit Groups to Loose-Knit Groups,” in: *University of Chicago Law Review* Vol. 70, No. 1 (2003), p. 359-372 (defining intermediate groups as one in which “strangers will be interacting with other strangers, but they will do so while surrounded by non-strangers”).


the value of the resource increases or because the costs of establishing and enforcing a property system decrease.\textsuperscript{38}

At first blush, Demsetz’s theory offers a compelling explanation for the rise of property-like rules governing the production of fan fiction in eighteenth-century Germany. As novels became an increasingly profitable commodity, literary characters were endowed with new market value as the century progressed. Popular characters meant more sales, potential for new editions, and the possibility for a nearly insatiable demand for continuations. Moreover, as new aesthetic motivations compelled authors to write quite apart from court commissions, literary characters may have assumed new artistic and personal value as well. Rights regulating the use of characters may therefore have emerged to protect the new value of this resource. This view adheres to the optimistic version of the Demsetzian model, which assumes that efficiency alone drives changes in ownership structures: because authors had new value for texts, they were willing to police their interests and punish infringements in a manner that required new time and effort.\textsuperscript{39} In contrast, the pessimistic view of the Demsetzian thesis posits that property rights arise not because they are socially efficient, but because entrepreneurs bring about a self-serving property rights regime.\textsuperscript{40} Scholars, like Martha Woodmansee, have interpreted the rise of intellectual property rights in eighteenth-century German in light of this explanation, asserting that property rights in literary texts were the invention of greedy publishers and authors.\textsuperscript{41} Regardless of the underlying motivation, it is clear that a system of norms developed in the second half of the eighteenth century to regulate fan fiction.

\textsuperscript{38} However, the Demsetzian model, as Elickson criticizes, does not indicate what form the emergent property rights are likely to take. In chapter six, this dissertation offers an explanation for the content of the norms developed around fan fiction in the eighteenth century.


\textsuperscript{41} This dissertation argues, however, that viewing this history through the prism of fan fiction suggests a different motivation: balancing the various competing interests in literary works. After all, room was left for second authors to appropriate fictional characters for use in works of their own. See chapter six. Woodmansee, Martha. “The Genius and the Copyright: Economic and Legal Conditions of the Emergence of the ‘Author’.” Eighteenth Century Studies. 17.4 (1984), p. 425-448.
Methodology

Identifying the norms of a non-hierarchical system of social control presents several challenges. Whereas legal rules leave behind traceable evidence (court dockets, police reports revealing enforcement efforts, and often a library of statements delineating the rules), norms – as the product of informal groups – lack official sets of records.\textsuperscript{42} Norms have no identifiable author and no date of origin.\textsuperscript{43} Moreover, because their enforcement is decentralized and no individual actor or institution has the singular authority to proclaim their existence, norms are more difficult to verify.\textsuperscript{44}

To uncover the operation of a system of customary norms thus requires examining a broad range of evidence and adopting an ethnographic approach designed to produce a “thick” anecdotal account like that advocated by Clifford Geertz in his seminal work \textit{The Interpretation of Culture}.\textsuperscript{45} Relying on this method, Ellickson states that norms are “evidenced by patterns of sanctions, patterns of primary behavior, and aspirational statements.”\textsuperscript{46}

To evaluate patterns of primary behavior, this study analyzes over twenty works of fan fiction based on twelve different source texts and examines the public and private responses they inspired. In addition, this study investigates dozens of aspirational statements made in the eighteenth century with respect to fan fiction. According to Ellickson, “[p]eople often make aspirational statements about appropriate human conduct. These statements appear in statutes, in books of etiquette, in religious texts, in the adages of

\textsuperscript{42} As Ellickson observes, p. 130.
\textsuperscript{43} Ellickson, p. 184.
\textsuperscript{44} Id., p. 130.
\textsuperscript{45} For a more in-depth discussion of the methodology of anthropology at the micro-level, see Geertz, Clifford. \textit{The Interpretation of Cultures: Selected Essays}. New York: Basic Books, 1973, esp. 3-30. This approach has been used by countless legal scholars, including Ellickson.
\textsuperscript{46} Ellickson, p. 183; see chapter 7 generally.
everyday speech, and so on.” The aspirational statements analyzed here therefore cover a wide range, from epistolary confessions to technical treatises. Ellickson warns, though, that aspirational statements offer only weak support that a rule is operative. “The best, and always sufficient, evidence that a rule is operative,” Ellickson claims, “is the routine (though not necessarily inevitable) administration of sanctions – whether rewards or punishments – upon people detected breaking the rule.” Accordingly, the norms enumerated in this chapter are derived largely from the pattern of sanctions accompanying certain (transgressing) works of fan fiction.

Although Ellickson defines five types of rules: substantive, remedial, procedural, constitutive, and controller-selecting, this study is principally concerned with substantive rules. In contrast to second-order rules related to the making and enforcement of rules, substantive rules define what primary conduct “is to be punished, rewarded, or left alone.” As such, the substantive rules had the biggest impact on the production of literature.

In late-eighteenth-century Germany, there was not a strict injunction against using the texts and characters invented by other authors. But there were clear rules about how to borrow them. Three of the rules governed the relationship between the source authors and the fan fiction author, regulating how authors should go about borrowing a character. And two related to the content of the fan fiction itself, dictating how to appropriately use the borrowed character. After detailing the primary norms governing the production of fan fiction, this chapter contemplates one notable exception before analyzing how these rules help to explain

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47 Ellickson, p. 129.
48 Id. Ellickson goes further still: “That aspirational statements support a rule is weak evidence that the rule is operative; this inference should be rejected, however, when evidence about patterns of primary or secondary behavior shows that people regularly flout the aspirational statement.” Id.
49 Id., p. 128. According to Ellickson, “The best evidence that this norm existed was that Shasta Country residents regularly punished, with gossip and ultimately with violent self-help, ranchers who failed to control their cattle.” Id., p. 130.
50 Id., 132.
51 Id.
apparent oddities in the book trade, including authors’ surprising indifference to fan fiction and certain authors’ apparent hypocrisy as both the producers and critics of fan fiction.

**Rule 1: Dead, Alive, or Foreign?**

In the second half of the eighteenth century, Joachim Heinrich Campe’s *Robinson der Jüngere* became one of the most popular works in Germany. Reminiscent of fan fiction, Campe’s text reimagines several scenes from Defoe’s famous novel and adds a considerable amount of new material. Campe’s 1779 novel, however, prompted little criticism for its appropriation of Defoe’s beloved protagonist, likely because it was based on a foreign text written by an author who had been dead for nearly 50 years.

In the second half of the eighteenth century, different rules applied to literary borrowings depending on the status of the source author, namely: whether he or she was dead, alive, or foreign. In his discussion of Störchel’s use of Lafontaine’s characters, Garlieb Merkel straightforwardly explained, “daß es eine sehr verschiedene Sache ist, ob man sich die Idee eines Verstorbenen, vielleicht eines ausländischen Schriftstellers, oder die eines noch lebenden Inländers aneigne.”

The same distinction was made in other areas of the book trade as well. In the debate about piracy, even its staunchest opponents agreed that foreign works could be freely reprinted. Philipp Erasmus Reich, the great reformer of the German book trade, claimed: “Wir üben das Vergeltungsrecht aus und bereichern dadurch gewissermaßen unser Vaterland durch inländische Auflagen fremder Bücher; aber Deutsche gegen Deutsche, ein Bruder gegen den andern? dies streitet ebensoweit gegen die gesunde Vernunft und gegen

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The works of deceased authors were also used without hesitation, as documented by the proliferation of Aeneases in the eighteenth century. Just as Virgil freely lifted Aeneas from the Homeric epics, eighteenth-century authors readily borrowed the Trojan hero from Virgil’s *Aeneid*. Comparing pre-existing literary characters to flowers, Merkel confidently asserted: “Von einem freistehenden Grabe . . . sich einen Strauß zu pflücken, kann wohl niemand gewehrt werden…” The public’s overwhelming silence in the face of such works corroborates Merkel’s claim. In practice, novels that plucked pre-existing characters from deceased authors’ texts inspired little critical commentary from reviewers who might otherwise have noted the literary borrowing. For example, Moritz Richter’s *Nikanor, der Alte von Fronteja. Fortsetzung der Geschichte des Rinaldo Rinaldini* was published under Richter’s name just one year after Vulpius’ death and raised no special attention. One reviewer in the *Literatur-Blatt* simply described Richter’s novel as telling the “fernere Geschichte” of Vulpius’ hero, marveling at the continued popularity of Rinaldo without mentioning the fact that Richter had borrowed the character from Vulpius. “Wie viele Herzen haben sich nun wohl an dem groben Feuer dieses Romans erwärmt?” asked the reviewer, observing, “Daß er noch jetzt sein Publikum hat, beweist unter andern dieser neue Roman, der sich gleich dem Ferrandino und vielen andern an ihn anschließt. Nikanor ist Rinaldinis Vater. Hier wird dessen fernere Geschichte, so wie die seines Enkels, des Sohnes Rinaldinis erzählt.” The reviewer did, however, scrutinize Richter’s text on its aesthetic merits, remarking: “Von der Nachahmung eines schlechten Romans kann man noch weniger erwarten, als von diesem selbst. Nikanor ist gerade so abgeschmackt, als Rinaldini; da er aber nicht schulpfrig ist, wie dieser, so fehlt ihm gerade das, wodurch dieser sein zweideutiges Glück gemacht hat.”

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Despite the careful attention to the details of the text and the longevity of the character’s popularity, the reviewer accepted the new authorship without comment.

In contrast, appropriating a character invented by a “noch atmende” author, as Mendelssohn put it, was a highly contested practice. The question posed in the *Reichs-Anzeiger* makes this clear. The notice explicitly asks: “Ob die Nachträge, die zu dem Werke eines noch lebenden Schriftstellers bey seinen Lebzeiten von einem zweyten durch den Druck öffentlich bekannt gemacht werden, als recht und billig anzusehen sind, oder nicht?” [emphasis added]. The question implies that different rules may have applied to works written by living and dead authors. Lotz confidently replied that “Der Umstand, ob der Verfasser lebe oder todt sey, ändert in der Haupt-Sache nichts.” But his position was adopted by a distinct minority. Most distinguished appropriations from living and deceased authors, but they did not advocate a complete ban against the practice.

The propriety of fan fiction was instead based on its adherence to certain norms – a middle way between unrestricted use and total prohibition recognized by most eighteenth-century thinkers, including Goethe. Employing the common flower metaphor, Goethe describes literary production as a matter of rights. “Gehört nicht alles, was die Vor- und Mitwelt geleistet, dem Dichter von Rechts wegen an? Warum soll er sich scheuen, Blumen zu nehmen, wo er sie findet?” Although Goethe seems to equate the “Vorwelt” and “Mitwelt,” he could have simply referred to the “Welt” as a general concept. Instead, Goethe presents them as two distinct units. The poet, Goethe claims, can appropriate the products of each as an operation of law (“von Rechts wegen”). But most rights, as the trained jurist would have known, are conditional. Depending on the circumstances in which they are exercised, rights entitle the rights-holder to different entitlements.

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59 Lotz, col. 718.
and freedoms. By distinguishing antiquity and contemporaneity, then, Goethe stages two distinct contexts in which appropriations occur. Accordingly, even if the poet has a right to use what has been created by both the ancients and contemporaries, the exercise of that right could be different in each circumstance. Moreover, by referring to “Rechte” where no laws existed, Goethe seems to recall the extra-legal norms regularly cited by contemporaries. Goethe, in other words, appears to champion the common position that second authors could borrow from still-living authors, acknowledging that they might be subject to certain rules and limitations based on the source author’s status. Indeed, in the second half of the eighteenth century, as fan fiction became more common, there was no prohibition against borrowing from living authors. But authors who used characters invented by a living author were expected to adhere to the rules that governed such borrowing.

**Rule 2: Wissen & Willen**

Customary norms required fan fiction authors to give notice to source authors of their use of the source text and, ideally, secure permission from the source author. The twinned expression “Wissen und Willen” and its variant “Vorwissen und Einwilligung” were remarkably common in discussions of fan fiction, as well in other areas of literary production.

In his 1804 *Handbuch des Buchhandelsrechts*, the professor of jurisprudence Carl Gottlob Rössig sought to distinguish various forms of literary appropriation, including “Nachdruck” and “Scheinbare Nachdrücke.”61 Such appropriations could be legitimate, Rössig argued, if permission was procured. In other cases, however, approval was not strictly required. Describing excerpts, for example, Rössig argued: “Ein Auszug aus einem Werke ist kein Nachdruck, wenn er gleich vom Verfasser ohne Vorwissen des

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Verlegers oder von einem andern Gelehrten ohne Vorwissen des Verfassers und Verlegers gemacht ist.”

“Obgleich,” he continued, “die Einwilligung von denselben der Billigkeit und Klugheit gemäß ist.”

Although securing permission was not required as a matter of law, it was surely a part of the normative system guiding the production of literary works.

Franz Xaver von Krüll, another professor of law, also discussed knowledge and permission in his analysis of the relationship between authors and publishers. In his 1805 *Teutsches Privatrecht*, Krüll argued that, when an author failed to expressly stipulate the number of printings allowed in the *Verlagsvertrag*, the publisher was authorized to print a second run “wenn die erste vergriffen ist, auch ohne Wissen und Willen des Autors zu veranstalten.” Knowledge and permission were not required in this particular context. But Krüll’s special inclusion of the terms – notably, in a clarifying subordinate clause introduced by an emphatic adverb “auch” – underscores the exceptional nature of the freedom, suggesting that assuring “Wissen und Willen” may have been the standard practice before using an author’s text.

This was the case with fan fiction. One commentator even characterized knowledge and permission as a “Grenzlinie” dividing acceptable and unacceptable use of another author’s work. Responding to Ramler’s reworking of his text, Lichtwer complained several times that it was done “ohne mein Vorwissen.” According to Lichtwer, this was tantamount to a crime – not against the statutory law, but against natural law, implying that this behavior violated the governing norms of the time. “Daß derjenige, der sich an einer einem andern zugehörige Sache, wider sein Wissen und Willen, boshafter Weise, aus Gewinnsucht vergreift, einen Diebstahl begehe, solches lehret uns das natürliche Gesetz.” According to Lichtwer, “Unter gesitteten Völkern ist es seit geraumer Zeit ungewöhnlich gewesen, andrer, und zwar noch lebender

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62 Rössig, p. 228.
64 Lotz, col. 715-16.
66 Id., p. v.
Verfasser Schriften, ohne deren Einwilligung zu verändern, oder zu verstümmeln." Lichtwer’s assertion nicely crystallizes the customary norm.

Source authors were not the only commentators to suggest that writers of fan fiction should ask permission. Critics also regularly protested when works of fan fiction were written without the source author’s knowledge and permission. In his otherwise neutral review of the Anhang zur Sophiens Reise, Musäus criticized the fan fiction author on the grounds, “daß er sich der Materie seines Meisters bemächtigt, ohne denselben darum zu fragen.” An anonymous commentator in the Reichs-Anzeiger similarly noted that, where two living authors are involved, there should be a consultation (“Rücksprache”) before works like fan fiction are published. And high-ranking among Merkel’s various criticisms of Störchel’s fan fiction, was the author’s failure to secure Lafontaine’s permission:

Daß er Lafontainens Erlaubnis dazu nachgesucht und erhalten habe, sagt er nicht. Er muß sie wohl für sehr überflüssig gehalten haben, da er sich es sogar zu einer Art von Verdienst anrechnet, nur nicht den Namen jenes Lieblingsschriftstellers auf das Titelblatt gesetzt zu haben. Gerechter Himmel, wozu ist die Schöngeisterei ausgeartet!

Although Merkel’s exasperation makes clear that using Lafontaine’s name would have been a greater transgression than failing to ask permission, Merkel leaves no doubt that the latter was also a violation of the norms guiding the production of literature. In fact, Störchel’s failure to recognize this norm leads Merkel to complain about the degeneration of the whole system.

Other commentators took a less restrictive approach, arguing that fan fiction authors were required, at a minimum, to give notice of their use of a living author’s text. In the 233rd letter from the Briefe, die neuste Litteratur betreffend, Mendelssohn argued that a second author should not rework the material of another

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67 Id.
70 Merkel, Briefe, p. 675-76.
Merkel agreed. Continuing his flower-collecting metaphor, Merkel argued that a bouquet could be freely assembled from a grave, “aber aus dem Garten eines Nachbars, sich ohne sein Vorwissen Blumen zu holen, und sie in den seinigen zu verpflanzen,” was not allowed. To appropriate some story element from the text of a living German “neighbor,” and to transport it into a new story, required the source author’s previous knowledge. Unger’s publisher similarly reproved Stutz for releasing his continuation of Julchen Grünthal “ohne ihr [Unger] irgend eine Notiz davon zu geben . . .” Tellingly, the reproach was not a complete condemnation of the fan fiction as such, but rather a criticism of its production: Stutz should have at least given the source author notice.

Confirming this obligation, Nicolai wrote to Thümmel to explicitly excuse his failure to provide notice that he had used Thümmel’s characters in Sebaldus Nothanker. In his letter, Nicolai warned that Wilhelmine, the eponymous hero of Thümmel’s text, undergoes a terrible fate in Nicolai’s novel. “Wer Ihre liebste Buhlschaft ohne Ihr Vorwissen mit 3 Kindern segnet ja sogar derselben frühzeitigen Tod verursacht, den Man derselben, der allemahl des Liebhabers guter Freund ist, in die weite Welt jagt . . . darf sich nicht unterstehen, gegen Ew Hochwohlgehrnen die Augen aufzuschlagen . . .” Nicolai humbled himself not for killing off Wilhelmine, but for doing so without Thümmel’s “Vorwissen.” The offense, in Nicolai’s estimation, was not the fan fiction itself, or even its content, but rather Nicolai’s initial failure to observe the norms governing the means of its production.

Rule 3: Consistency of Character

To properly borrow a pre-existing character from a living German author according to the customary norms of fan fiction, second authors were required to portray the borrowed character consistently with its depiction.

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72 Merkel, Briefe, p. 676-677.
74 Quoted in: Heldmann, p. 365.
in the source text. Of course, adherence to this norm was a matter of subjective interpretation. As a result, it occasionally led to administrative difficulties, examined more closely in chapter six.

In the second half of the eighteenth century, novels were judged on the basis of their internal consistency – first dictated as matter of Enlightenment instruction and edification, and later as an aesthetic criterion of a pleasing style. In particular, critics paid great attention to characters, evaluating their originality, the vitality and realism of their portrayal, and above all, their consistency.

Throughout his ten-page review of *Sophiens Reise* in *Der Teutsche Merkur*, for instance, the poet Johann Georg Jacobi discussed the concept of character, using the word more than fifty times. Critics demanded an exact unity of character and a strict correspondence between a character and his or her actions. According to Blanckenburg, even “die geringste Mißhelligkeit zwischen Person und That” amounted to a failure. Of course, literary characters were not seen as immutable figures; even Blanckenburg allowed for the evolution of a protagonist’s nature, but he contended that such change must occur gradually, accompanied by intervening events that explained the transformation. Nevertheless, as Eva Becker notes of eighteenth-century critics, “Sie tadeln am häufigsten Verstöße gegen die Wahrscheinlichkeit in sachlicher, geographischer und vor allem in psychologischer Hinsicht – mangelnde Einheit des Charakters und die Darstellung allzu extremer Charaktere sind hier die Hauptsünde….”

Concerning character, leading critics and authors, including Blanckenburg, Bergk, Lessing, Johan Jacob Engel, and Johann Karl Wezel, relied on Horace’s *Ars Poetica* as the basis for their judgments. Already in

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77 Blanckenburg, *Versuch*, p. 428.
79 Becker, p. 12.
1730, Johann Christoph Gottsched had adopted Horace’s argument about the proper portrayal of characters (both historical and invented) in his *Versuch einer critischen Dichtkunst*:


This precept was repeated throughout the eighteenth century. Hermes’ sprawling *Sophiens Reise*, for example, was roundly criticized on the grounds, “daß er seinen Handlungen keine Wahrscheinlichkeckt, seinen Charakteren keine Festigkeit giebt.” In a 1771 review in the *Allgemeine deutsche Bibliothek*, one reviewer bemoaned “wie wenige Festigkeit der V. seinen Charakteren gibt, immer widersprechen sie sich selbst, Sophie ist weise, behutsam, scharfsichtig, ein anderthal ist sie eine wahre Prüde, bald hat sie einen höchstempfindlichen Charakter, bald läßt sie sich mit größer Gleichgültigkeit von der adlichen Predigerin in Haberstroh mißhandeln.” In his 1774 review of the fourth and fifth parts of *Sophiens Reise*, Musäus even quoted the same excerpt from the *Ars Poetica* to criticize the characters’ lack of consistency. The effect, according to one reviewer in the *Göttingische Anzeigen von gelehrten Sachen* was “[b]efremdlich” for “jedem Leser.” Similar complaints were levied against Nicolai’s *Sebaldus Nothanker*. One critic complained that Nicolai’s “Charaktere sind . . . sich selbst so widersprechend . . ., daß sie ganz die Wahrscheinlichkeit ihrer Existenz verleugnen.” And another reviewer in the *Revision der Teutschen Litteratur* noted feeling a “widrige[s] Gefühl” because of the inconsistency, ultimately arguing that the lack of consistency was not just unpleasant, but was annoying: “diß ist es, was uns ärgert.”

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82 Id., p. 18.
a character’s portrayal – especially in long, serialized novels – was perhaps the most crucial aesthetic principle guiding the production of texts in the second half of the eighteenth century.

The same rule applied to fan fiction. Borrowing a character in accordance with the governing norms meant not just asking for permission and giving notice, but also portraying the borrowed character consistently with its portrayal in the source text. The customary rules regulating fan fiction, in other words, applied the aesthetic demand for internal consistency laterally across texts, regardless of the author.

In the 33rd Stück of his *Hamburgische Dramaturgie*, Lessing contemplates how authors should treat characters, arguing, “daß die Charaktere dem Dichter weit heiliger sein müssen, als die Facta.”86 Like Horace, Lessing divides characters into two types: historical figures and fictional individuals invented by the author. For both, Lessing argues, the poet can change the facts of the situation because “Die Fakta betrachten wir als etwas Zufällige....” The character of the historical persona, however, was considered “etwas Wesentliches und Eigentümliches.” As a result, Lessing contends that it is wrong to impute a poetically-imagined characteristic inconsistent with what was known about the person: “Mit jenen lassen wir den Dichter umspringen, wie er will, solange er sie nur nicht mit den Charakteren in Widerspruch setzet; diese hingegen darf er wohl ins Licht stellen, aber nicht verändern. . .”87 The poet, in brief, had wide license to do whatever he or she liked short of changing the historical figure’s character, which was something hallowed.

Eight years later, Blackenburg clarified Lessing’s rule and expanded its application to fan fiction. According to Blanckenburg, the requirement not to change a literary figure’s character applied to both

87 Id.
historical characters and invented characters. Paraphrasing the *Hamburgische Dramaturgie*, Blackenburg explains:

dass der Dichter zwar die Fakta verändern dürfe, dass historische Charaktere aber – und dazu gehören nicht nur geschichtliche Persönlichkeiten im eigentlichen Sinne, sondern auch feststehende poetische Gestalten – ihm heilig sein müssen.\(^{88}\)

Historical characters, according to Blanckenburg, explicitly included real historical figures as well as literary characters invented by other authors – that is, pre-existing fictional persons. These characters, too, must be kept consistent with their initial portrayal.

Blanckenburg next explores how an author who was not the “Erfinder der Charaktere,” that is, a second author, may use the character (“weiter führet, mehr ausbildet, in andere Verbindungen setzt”). Citing Virgil as the exemplary model and using the familiar language of “Fäden,” Blanckenburg declares:

Mit diesem Leßingschen Urtheil stimmt die Behandlung der großen und guten Dichter aller Jahrhunderte, so bald sie angenommene und bekannte Charaktere aufführen, überein. Die Beweise werden jedem Belesenem der klassischen Dichter von selbst einfallen. Wir wollen unsere Leser nur an den Aeneas des Virgil, (um doch ein Beyspiel zu geben) erinnern. . . . Und die Kunst, mit welcher Virgil, unter andern, die einzelnen Fäden zum Charakter des Aeneas, aus dem großen homerischen Gewebe heraus zu nehmen, und in ein eigenes, gleichfarbiges, dichtes, ganzes Stück durch seine Zusätze zu bringen gewußt hat, verdient allerdings das größte Lob des prüfenden Kunstrichters.\(^{89}\)

Blackenburg offers the explanation in hopes that “junge Romanendichter lernen, mit wie vieler Sorgfalt die Verknüpfung des Ganzen behandelt werde müsse, wie viel Rücksicht auf Charakter und Situation zu nehmen sey…”\(^{90}\) Here, he anticipates the continued production of fan fiction, but insists that it must be

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\(^{90}\) Id., p. 278.
created properly. After all, the “genaue Verbindung” between the pre-existing characters and their appearance in the fan fiction, Blanckenburg asserts, could be damned “mit Recht.”

Fan fiction was almost always evaluated based on the consistency of characters – not just as a measure of the work’s aesthetic merit, but also as a matter of the very propriety of the text. Although based in an aesthetic rule, the consistent lateral depiction of a literary characters was elevated to the status of a customary norm, the transgression of which was sanctioned in a manner that other aesthetic blunders were not. Lateral inconsistencies across texts by different authors were punished in a manner distinct from inner inconsistencies within the same text, suggesting that more than aesthetic concerns were at stake. Source authors vociferously protested the laterally inconsistent portrayal of characters.

Third parties also regularly appraised the lateral consistency of characters. Reviewers and friends energetically commented on the lack of correspondence between the characters in Wilhelmine and their reappearance in Sebaldus Nothanker – not just as a yardstick of the aesthetic merit of Nicolai’s text, but as an indication of the text’s impropriety. In a letter to Nicolai, the publisher’s friend Heinrich Gottfried von Bretschneider analyzed one notable “Schwäche” in Nicolai’s Sebaldus: that Nicolai’s Sebaldus “nicht recht zusammenpaßt” with the Sebaldus portrayed in Thümmel’s Wilhelmine. And many others, like the anonymous author of a 1774 Broschüre, criticized “die erzwungene Anknüpfung an die ‘Wilhelmine.’” Blanckenburg devoted several pages of his review of Sebaldus Nothanker to a careful analysis of the characters, resolving that their similarity was limited to their “Namenverwandtschaft.”

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91 Id.
92 Fan fiction, of course, was also judged on aesthetic grounds. Aspects of fan fiction, like style and plot, were discussed, but in a matter distinct from character portrayal. For example, a reviewer of Nicolai’s Sebaldus Nothanker criticized the “Schreibart” as inferior of Thümmel’s Wilhelmine, remarking: “Denn, wie würde man lachen, wenn ein matter Prosaist der Aeneide nachhinken wollte.” When the style of a work of fan fiction was considered worse than its source, it was a laughing matter. Source authors rarely complained when the style of a work of fan fiction was perceived as aesthetically inferior to their own. But there is little suggestion that an inconsistently portrayed character was simply an amusing, if regrettable, misstep. It amounted to a grave offense. Seybold, D. C., Gedanken über das Leben und die Meinungen des Herrn Magister Sebaldus Nothanker. Berlin and Leipzig: n.p., 1773, p. 6.
further hypothesized that, owing to the lack of correspondence between Thümmel’s text and Nicolai’s novel, “daß mancher Leser leicht eine Art von Mißvergnügen empfinden könne, wenn er von der Lektüre der einen sogleich zur Lektüre der andern übergeht.”

Moving beyond the traditional aesthetic criticism, however, Blanckenburg concludes by quoting Horace and suggesting that Nicolai had violated a rule of literary production. Bretschneider, too, suggested that the “Schwäche” was a matter of decorum and propriety (“Anstand”).

Nicolai was also widely held to have broken the rule when he published *Die Freuden des jungen Werthers*. Addressing the fictional narrator of Nicolai’s text, Bertram and Heyman chastised: “Guter Martin! Warum setzt du nun eine so alberne Veränderung, die sich auf Werthern gar nicht paßt?”

In his *Briefe Über die Moralität der Leiden des Jungen Werthers*, Jakob Michael Reinhold Lenz also complains that the behavior of Nicolai’s Lotte and Werther is “so wenig in ihren Charakter hineingedacht.” Schubart argued that Nicolai changed the character so much, it was like making fire behave like water: “Soll Feuer Wasser seyn?” And one critic in the *Neuste Critische Nachrichten* claimed that the hero was so different, “es hört auf, Göthens Werther zu seyn.”

Like many, Bertram and Heyman do not condemn Nicolai’s motive to counteract the message he thought was communicated by Goethe’s text. But they take issue with the manner in which Nicolai communicated his message. “Konnt’ uns der Verfasser nicht euf eine andre Art belehren, daß Werther nicht ohne alle Hoffnung war, daß er wohl noch hätte glücklich seyn können, als daß er einen Fall setzt, dem die Geschichte widerspricht…. The trouble with Nicolai’s text was not its message, its alleged mocking of Goethe’s style, or even its use of Goethe’s characters per se, after all, many

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95 Ibid.
96 Bretschneider, Heinrich Gottfried von and Nicolai, 18 August 1773. NN 9.
97 Nicolai’s text was also criticized for its “Unwahrscheinlichkeit” as a general matter, but most were more willing to forgive this aspect of the work. See, Müller, *Der junge Goethe*, p. 149.
100 Cited in Müller, *Der junge Goethe*, p. 206.
101 Ibid., p. 163.
102 Ibid., p. 35.
103 Ibid., p. 31.
poets wrote Werther-inspired texts, like Karl Friedrich Ernst Reitzenstein’s popular 1775 *Lotte bey Werthers Grabe*. The offense was the imputation of behaviors to Werther difficult to reconcile with Goethe’s original.

Source authors raised the same objection. Unger, for instance, complained in her advertisement in the *Allgemeine deutsche Bibliothek* that Stutz, in his fan fiction continuation of *Julchen Grünthal*, had wrongly portrayed “die Karaktere der Personen in ein ganz ander Licht.” Unger never asserted that the fan fiction itself was not allowed. But she forcefully proclaimed that the author, by changing the nature of the characters, went about writing it in improper fashion. Unger thus appeared more upset about how her characters were used than by the circumstance that they were borrowed. Hermes assumed a similar position with regard to the *Anhang zu Sophiens Reise*. Although he was largely nonchalant with regard to the text’s existence, even naming it good-natured (“doch gutmüthig genug”), Hermes made a special point to dismiss the *Anhang’s* incongruous depiction of the especially beloved character Herr Puff. In a footnote to a footnote from the first volume of *Sophiens Reise*, Hermes explicitly addressed the fan fiction. The primary footnote claims that Herr Puff “jetzt (1774) noch lebt und glücklich ist...” And the secondary footnote, added to a later edition, confirms that Puff is still alive and well, but “folglich ganz anders, als der Mann wähnt, der [...] einen Anhang schrieb, welchen so macher Mir aufhing.”

Nicolai also censured *Sebaldus Nothanker* fan fiction on the basis that it deviated from the nature of the characters as portrayed in his novel. In a 1774 letter to the dramatist and *Staatsrat* Tobias Philipp von Gebler,
Nicolai objected: “Die Predigten des sogenannten Nothankers, haben auch in unsern Gegenden, mehr Beyfall erhalten, als sie verdienen. Im Charakter Nothankers sind sie sicherlich nicht.”109 In the preface to the fourth printing, Nicolai makes the point more plainly. “Auch kamen Predigten des Herrn Magisters Sebaldus Nothanker heraus, aber gar nicht im Sinne des Mannes, dessen Bild mir vorschwebte, als ich dies Buch schrieb,” thus labelling the text an imporer work of fan fiction.110

Fan fiction authors themselves seem to have acknowledged this norm. Anticipating criticisms of his work, the author of Puf van Vlieten, insists in a preface to his work, “Daß ich, so fest ich mich an Hermes gehalten, weit hinter seiner meisterhaften Zeichnung dieses Karakters geblieben bin…. “111 But the author admits that he has, in fact, changed Puff’s character. His Puff reflects less pedantry and less polish, because, the author explains, his work takes place in a period pre-dating the story depicted in Sophiens Reise: “bitt’ ich sie, mir nicht als Fehler anzurechnen, erstlich, daß mein Puf nicht Pendarterie, und dann, daß er weniger Politur hat, als in der Sophie: erstere fand ich, wie ich bereits anderwärts erklärt, mit seinem Humor ganz unübereinstimmend, und diese konnt’ er nicht haben, weil ich ihn in einem viel früheren Zeitpunkt angenommen, als der ist, worinn ihn Hermes auftreten läßt, noch vor seiner Bekanntschaft mit der Witwe R. in Hamburg.”112 The author frames the inconsistency as a deliberate choice and asks the reader not to confuse it as a violation of the norm, the importance of which apparently compelled him to justify his decision.

This customary norm was not only tied to an aesthetic standard, but also to the emergent theory of proper reading. The good reader was able to enter the author’s mind, follow the narrative threads, and continue the story told. Consequently, misinterpretation results from not thinking like the author. As Bergk claims, “wir

112 Ibid., p. 4-5.
mißdeuten den Verfasser, weil wir nicht die Kräfte in uns in Thätigkeit sezzen, die in ihm wirkten, als er sein Buch schrieb.”

Bergk then connects the theory to fan fiction in a discussion of Werther, arguing that the good reader would never have changed the character of Werther or his actions. “Wenn wir nun Werthers Charakter und seine Denkungsart kennen, wenn wir alle Umstände, die sich bei ihm, sein Leben zu verbittern, vereinigen, seine Beschäftigungen, seinen Umgang, seine Lektüre, seinen Hand zu heroischen Empfindungen in Betracht ziehen, so ergiebt sich der Selbstmord, als das natürlichste Resultate.”

A good reader, in Bergk’s estimation, would not have changed the dramatic conclusion of Goethe’s text. To do so exposes a failure of reading: an inability to fully sympathize with and understand the character portrayed and a failure to think like the author. The laterally inconsistent portrayal of a borrowed character thus indicated more than an aesthetically flawed text: it demonstrated poor reading and a manifest violation of the customary norms governing the production of fan fiction.

**Rule 4: Ideological Faithfulness**

A related norm required fan fiction to refrain from controverting the meaning of a source author’s text. Genette refers to this as “ideological faithfulness.” Works of fan fiction could transgress this norm in a number of ways. But in the eighteenth century, the most common abuses included changing the artistic impression and undermining the didactic goals of the source text. Problematically, adherence to this rule also relied on subjective judgments.

Through the mouthpiece of Werther, Goethe warns authors of the perils of changing texts in a manner that altered their overall impression on the reader. In a letter from August 15, Werther recounts telling stories

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114 Ibid., 217-218.
to Lotte’s siblings: “Ich schnitt ihnen das Abendbrod . . . und erzählte ihnen das Hauptstückchen von der Prinzessinn, die von Händen bedient wird.” Werther explains that he himself “lerne viel dabey,” particularly about the process of writing and the “Eindrücke” it could have on the reader:

Weil ich manchmal einen Inzidentpunkt erfinden muß, den ich beim zweitemal vergesse, sagen sie gleich, das vorigemal wär’s anders gewest, so daß ich mich jezt übe, sie unveränderlich in einem singenden Sylbenfall an einem Schnürgen weg zu rezitiren. Ich habe daraus gelernt, wie ein Autor durch eine zweyte, veränderte Ausgabe seiner Geschichte, und wenn sie poetisch noch so besser geworden wäre, nothwendig seinem Buche schaden muß.

Here, Werther slyly shifts his discussion from recitation to writing, transforming his message from a domestic lesson intended for storytellers to a lesson for authors.

Then, describing the necessity of maintaining certain narrative events and the impression they create, Werther concludes with an admonition: “wehe dem, der es wieder auskratzen und austilgen will!” Although Werther describes second editions, his counsel applies equally to second authors who re-use or re-tell material from a first author, hinting that the elision or re-imagining of key events and narrative details causes injury to the original story and displeases the reader. Indeed, one year later, when Nicolai retold Goethe’s text, Werther’s cautionary interjection “wehe dem!” proved acutely germane.

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118 Werther’s claim may seem ironic in light of Goethe’s revisions to the second edition of Werther. But as Frey and Martyn argue, the additions Goethe makes to the 1787 version render the reader more aware of the process by which she sympathizes with the protagonist “without altering the reality, thrust, or violence of that sympathy.” Frey, Christiane and David Martyn. “Doubling Werther (1774/1787),” in: The Sufferings of Young Werther, ed. Stanley Corngold. New York: W. W. Norton & Co, 2012, p. 229.

Die Freuden des jungen Werthers was not the only eighteenth-century text considered to have violated this norm. Lichtwer charged Ramler with a similar crime for reworking and adding to his Fabeln. Like many authors in the eighteenth century, Lichtwer did not object to the existence of fan fiction based on his text, but he rebuked the manner in which his work was used. In particular, Lichtwer’s most vigorous protests centered on the resulting changes to the meaning of his fables. Lichtwer’s commentary on Ramler’s text is punctuated with regular remonstrations about the changed meaning: “Die richtige Moral hat er ausgestrichen. . . ;”120 “Das ist aber gar nicht mein Gedanke…;”121 “er …[hat] mir ganz falsche Gedanken angedichtet, den Sinn meiner Fabeln gar nicht eingesehen, sondern denselben eine ganz unrichtige Deutung gegeben….“122 And this, according to Lichtwer, was “jederzeit niederträchtig und strafbar.”123

Unger likewise censured Stutz’s continuation of Julchen Grünthal for running counter to her artistic and didactic intentions. In her analysis of Unger’s novel, Birte Giesler has convincingly shown how Stutz, by reducing the message of Julchen Grünthal to the moral offered by the protagonist’s father, contradicts Unger’s designs.124 Unger herself apparently agreed. In the advertisement placed in the Allgemeine deutsche Bibliothek, Unger explicitly reprimanded Stutz’s sequel for violating “den Grundsätzen” of her original story.125 Stutz’s ideological faithlessness, as Genette would call it, is further demonstrated by Unger’s decision to write a sequel, which, she claimed, was meant to set the record straight with regard to the characters and their story.

Hermes describes this norm at the start of the third volume of Sophiens Reise. Hermes conjectures a scenario in which he ceases work on his novel. “Ich werde genau da aufhören,” he claims, “wo entweder Muse oder Laune, (oder frei heraus) mein Talent mich verläßt. Sollte ich Sophien mitten im Haufen verlassen müssen,

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121 Ibid., p. viii.
122 Ibid., p. vi.
123 Ibid., p. v.
vielleicht mit diesem dritten Bande.” And should he stop writing, Hermes imagines – and even invites – another author to pick up his story: “so wird sie vielleicht ein jüngerer Begleiter finden, der ihr, weit artiger als ich, die Hand reiche…” But, Hermes insists, the fan fiction author must satisfy a condition: “[N]ur das müsse er beobachten: Sophie mus so von ihm geführt werden, daß jedes junge Frauenzimmer eben diesen Weg getroft betreten, und da wo Scheidewege sind, einen sicheren Wegweiser antreffen könne.” The condition corresponds to Hermes’ stated Enlightenment goal underlying the novel, thus requiring the fan fiction author to write an ideologically faithful text. Moreover, by naming the fan fiction author a “Begleiter,” Hermes foregrounds Sophie’s fictional autonomy, casting the second author as a passive escort, who would not have the ability to alter Sophie’s character.

In the end, Hermes continued writing *Sophiens Reise*, ultimately adding three additional volumes. According to the author, “[e]ine doppelte Veranlassung bewegt mich zur Fortsetzung einer Schrift, die bestimmt war, entweder noch inige Jahre lang in einzelnen Bänden herausgegeben, oder mit dem dritten Bande geschlossen zu werden….” The first motive, Hermes admits, was a desire to address his critics (a feat he achieves in his copious footnotes). But the “zwote Veranlassung,” Hermes alleges, was inspired by letters he had received from concerned readers. As the author reports, these readers convinced him that if he himself “die Fortsetzung dieser Schrift nicht geben wollte: so würde es einigen Feinden gelingen.” Enemies, Hermes explains, because they would use Sophie, but “mit den Sitten nicht,” with which her story should be told. In other words, Hermes wrote the fourth volume out of concern that some second author would break the rules and write an ideologically unfaithful text.

Fan fiction authors themselves implicitly corroborated this rule. Ramler, for example, seemed aware that he had exceeded the bounds of propriety by changing the meaning of Lichtwer’s text. In a private letter to

127 Ibid., p. iv-v.
128 Ibid., p. v.
the poet Johann Wilhelm Ludwig Gleim, Ramler asked “ob er [Lichtwer] die Veränderungen billigt.” Gleim’s answer leaves little doubt: “Ob Herr Lichtwehr ihre Veränderungen billigt? – Gewiß nicht.” If Ramler were uncertain before, Gleim’s letter likely clarified for Ramler that he was breaking a norm. But Ramler’s use of Lichtwer’s text was an early incident. As the century progressed, authors increasingly recognized the rule.

In the second half of the eighteenth century, many second authors justified their works by proactively claiming that they were in-step with the source author’s purpose and therefore within the bounds of acceptable behavior. Seybold, for instance, insisted that the aim of his text was consistent with Nicolai’s purpose to educate the public. And the author of *Einer jüngern Sophie Reise, aber nicht von Memel nach Sachsen* similarly suggested that his text has adhered to social “Dekorum” because, like Hermes’s novel, “Seine Absicht sey die Menschen zu bessern…” Störchel likewise proclaimed to write his fan fiction “zu dem großen Zweck des Herrn August Lafontaine.” The various efforts of fan fiction authors to frame their texts as consistent with the source author’s original intention evidences a widespread belief that such consistency justified a work of fan fiction as within the bounds of propriety.

Although many fan fiction authors could claim a didactic purpose, offering instructive lessons and enlightening morals was not necessarily sufficient to demonstrate adherence to the norm. The second author was expected to respect the source author’s intent. The works of fan fiction inspired by Unger and Lichtwer, for instance, were didactic texts, but were censured for failing to communicate the same message. Moreover, as the novel emancipated itself from the pedagogical strictures of Enlightenment literature,
authors began writing with new aesthetic aims. This autonomy meant that works of fan fiction also had to remain artistically faithful or risk transgressing the customary norm.

Nicolai, for example, tried to validate his works of fan fiction on the basis that they imparted valuable lessons to the public. By suggesting that he had transformed Thümmel’s text from a “pocket watch” into a “spatula,” Nicolai rationalized that his work shared (and even better achieved) the source author’s intent and thus did not infringe the customary norm. When Nicolai sought to justify Die Freuden des jungen Werthers on the same grounds, however, his attempt failed. Despite Nicolai’s purportedly edifying intention, his text was considered a transgression, in large part, because it changed the artistic impact of Werther.

Indeed, most scholarship has interpreted Nicolai’s “äufklärerischer Werther” as presenting an explicit “Gegenprogramm” to Goethe’s Werther, compromising Goethe’s artistic aim, for instance, by transforming the Lotte from an unattainable to an attainable figure.133 Although the exact nature of the contradiction is a matter of interpretation and scholarly dispute, most literary scholars agree that Nicolai’s text runs distinctly counter to Goethe’s purposes. This criticism began shortly after the publication of Nicolai’s text; in 1775, the author Jakob Michael Reinhold Lenz claimed that Nicolai had destroyed the very soul of Goethe’s Werther: “die Seele der ganzen Rührung herauszieht.”134

Goethe confirmed that Nicolai failed to understand his Werther. In response to the Freuden, Goethe wrote a poem Nicolai auf Werthers Grabe, which included the splenetic verse:

Und wer mich nicht verstehen kann
Der lerne besser lesen.  

Tellingly, Goethe identifies the problem as a failure of reading. He does not concentrate on Nicolai’s *Werther* – the stated subject of the poem – but rather comments on Nicolai’s interpretation of Goethe’s *Werther*. Here, Goethe recalls the good reader, who should occupy the same mental space as the author and understand his or her intent. In Goethe’s estimation, the transgressing text is the product of improper reading. And the admonition, “der lerne besser lesen,” instructs the second author what must be done before he picks up his quill to write fan fiction.

To borrow a character in accordance with the governing customary norms thus required the second author to refrain from contradicting a source author’s artistic or didactic intent and portray the borrowed character consistently.

**Rule 5: Attribution and Presentation**

A final customary norm prohibited works of fan fiction from styling themselves “Fortsetzungen” under the same title as the source work, particularly when published anonymously.  

Responding to the question posed in the *Reichs-Anzeiger*, an anonymous commentator offered a clear statement: works could not purport to continue another author’s work (“das Werk fortsetzen zu wollen”) when that author was “noch lebenden” and the continuation was “wider seinen Willen.” This “wäre keine erlaubte Handlung,” in part, because of the public confusion that could result.  

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136 And certainly never under the source author’s name. See chapter two.

If a work of fan fiction appeared anonymously as a “Fortsetzung” under the same title as the source work, it could easily be mistaken for a sequel penned by the source author. As the critic Merkel put it: the fan fiction author “den Anschein erkünstelt” that the source author “sey der Anfertiger” of the fan fiction and this was a “kränkende Weise” in which an author’s name “gemisbraucht wird.” This may help explain why the anonymous author of the Anhang zur Sophiens Reise chose to style his work an “Anhang” and not a “Fortsetzung” and why he explicitly informed the reader that he was not hoping to be fraudulently taken for Hermes.

Consequently, works like Dr. Olearius’ Sebaldus Nothanker, Zweyter Theil and Stutz’s Julchen Grünthal, Zweiter Theil – both published anonymously, before the source authors’ own sequels, and without the source authors’ knowledge – violated the customary norms. Nicolai took special issue with Dr. Olearius’ fan fiction precisely because it claimed to be a direct continuation of Nicolai’s text. Offering unique insight into his mindset, Nicolai annotated the letter he received from the Hamburg publisher Eckermann. In the margins next to Eckermann’s challenge, “Wollen Sie wohl anderen Schriftstellern die Freyheit rauben weiter zu erzählen,” Nicolai wrote a note: “Davon ist gar die Rede nicht. Er soll nur nicht einen falschen Titel brauchen.” Nicolai, it seems, was not necessarily vexed by the existence of the fan fiction; after all, he wrote fan fiction himself, as Eckermann reminded. The problem with the text (exacerbated by its appearance before the publication of Nicolai’s own second volume), was not the appropriation of Sebaldus and other characters from Nicolai’s novel, but was evidently its title.

Eckermann, by all accounts, seems to have agreed. In his negotiations with the Hamburg publisher, Nicolai insisting that Eckermann re-title Dr. Olearius’ novel. Eckermann quickly acquiesced, writing in a 1775 letter to Nicolai, “Die noch vorrathigen sollen, Ihren zu Gefallen, unter den Titel, das Leben und die

138 Merkel, Briefe, p. 676.
139 Eckermann, D.C. to Nicolai, 22 February 1775, NN 17.
Meinungen des Buchhändlers, Hieronymus, ausgegeben werden.”¹⁴⁰ Eckermann’s prompt concession, particularly in light of his vigorous defense of the right to write fan fiction, further evidences the force of this customary rule. Although producing fan fiction was not inherently a transgression of societal norms, Eckermann seemingly agreed that this particular text overstepped the bounds of literary propriety by styling itself an anonymous “Fortsetzung” under the same title as the source work.

An Exception for Verlagsrecht-holding Publishers?

In the eighteenth century, publishers were generally considered to hold a right to first publish sequels and continuations of literary works to which they held the Verlagsrecht.¹⁴¹ According to the Allgemeines Landrecht für die Preußischen Staaten (ALR), the Verlagsrecht entitled publishers to “die erste Ausgabe des Werks, mit Inbegriff aller fernern Theile und Fortsetzungen desselben.”¹⁴² Despite the clear delineation of the publisher’s right, however, the ALR failed to define what constituted a “Fortsetzung.” The case was easily decided with regard to a multi-volume encyclopedia: the publisher of the “A” volume had a right to publish the “B” volume. Works of literary fiction, however, posed a more challenging question.

Carl Gottlob Rössig sought to clarify this right in his 1804 Handbuch des Buchhandelsrechts systematisch dargestellt für Rechtsgelehrte, Buchhändler und Schriftsteller. “Fortsetzungen, welche ein wesentliches Ganzes mit den ersten Theilen ausmachen, gehören dem ersten Verleger, mit welchem über das ganze Werk geschlossen worden ist…”¹⁴³ Different rules, though, applied to different types of continuations. According to Rössig, “[d]ieses gilt aber nicht eben so, wenn die einzelnen Theile eines Werks nicht im wesentlichen

¹⁴⁰ Ibid.
¹⁴¹ As part of the scope of the Verlagsrecht, this issue was, however, debated.
¹⁴³ Rössig, Handbuch, p. 181.
Where there was “kein wesentlicher Zusammenhang dieser Schriften… sonder bloß ein Verhältnis durch den Gegenstand,” Rössig clarifies that the rule (“Regel”) does not apply. The question – if a publisher had a right to publish a fan fiction sequel – thus became a matter of whether a work of fan fiction embodied the “wesentliche Zusammenhang” that entitled the publisher to the work.

The same rule imposed limitations on authors. In the eighteenth century, authors were not expected to work exclusively with one publisher. In fact, many authors, like Vulpius, worked with multiple publishers simultaneously. But because publishers had a claim to Fortsetzungen, authors themselves did not have unlimited freedom to shop their texts. As one commentator argued: “der Verf. […] schrieb das Buch für den ersten Verleger, und überließ es ihm als sein Eigenthum….” Consequently, the commentator argued, the author himself had to consult with the publisher before undertaking “Zusätze zu seinen eignen Werken.” An author could not offer a Fortsetzung to another publisher. This explains why Vulpius, who complained that Gräff had mismanaged Rinaldo Rinaldini, nonetheless published his Rinaldo Rinaldini sequels with Gräff, even though Vulpius had begun collaborating with other publishers on different novels. Vulpius had even published the stage adaptation of Rinaldo Rinaldini with a different publisher, but returned to Gräff for the official sequel. Publishers, in other words, likely held a right to produce a certain type of sequel. This right influenced fan fiction in two ways. First, the right may have given

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144 Ibid.
145 Ibid. 181-82.
147 Ibid., p. 1071.
148 Vulpius eventually published his Rinaldo stories with Weinbrack, who purchased Gräff’s firm. But Vulpius worked with the Rudolstädtler publishers Langbein and Klüger beginning in 1800, shortly after Rinaldo Rinaldini was published. With Langbein and Klüger, Vulpius published: Carl der Zwölfte bey Bender, ein Schauspiel in fünf Aufzügen (1800); Glorioso der große Teufel, eine Geschichte des achtezehnten Jahrhunderts (1800); Rinaldo Rinaldini, Schauspiel in fünf Aufzüge (1800); Orlando Orlandini (1801); Theodor der Korsen (1801); Der Sicilianer (1803); Der Zwerg (1803); Armidoro, eine Wundergeschichte (1803); Leotino, eine romantische Geschichte (1804); Frau Holda Waldina die wilde Jägerin (1805). For Vulpius’ account, see: Meier, Korrespondenz, Bd. 1, p. 70.
149 Gräff published each of the Rinaldo Rinaldini editions and sequels, including Fernando Ferrandino (1800/1801), until Wienbrack took over the Gräff Verlag in 1821. Vulpius published Leonardo Monte Bello, Oder, Der Carbonari-Bund: Fortsetzung Der Geschichte Der Räuber-Hauptmanns Rinaldini with Wienbrack in 1821. Interesting, Moritz Richter published his Rinaldo fan fiction with Wienbrack as well: Nikanor, Der Alte Von Fronteja: Forts. D. Geschichte D. ‘Rinaldo Rinaldini’ in 1828. Richter’s novel was published one year after Vulpius’ death. In the fifth edition of Rinaldo Rinaldini published by Wienbrack, the publisher actually included cross-referencing footnotes to other works telling Rinaldo’s story, including works by Vulpius as well as that by Richter.
publishers a claim against certain works of fan fiction for violating this right. Additionally, in certain circumstances, it meant publishers could commission works of fan fiction.

This rule also clarifies why publishers selectively objected to works of fan fiction. If the second work lacked the “wesentliche Zusammenhang,” the first publisher likely believed he or she had no right to the fan fiction, resulting in a tacit acceptance of such texts even if they undercut the source publisher’s commercial interests. Where a work of fan fiction manifested the requisite “wesentliche Zusammenhang,” however, the publisher may have felt that his or her interests had been breached. Works of fan fiction that purported to be the next installment of the same title, like Dr. Olenaius’ Sebaldus Nothanker, Zweyter Theil and Stutz’s Julchen Grünthal, Zweiter Theil were likely considered to have the “wesentliche Zusammenhang,” and were therefore infringements on the publisher’s right. Nicolai made this clear in his letter to Eckermann when he based his demand on his status as the author and publisher of Sebaldus Nothanker.

Unger’s publisher (and husband), Johann Friedrich Unger, also intervened after Stutz published his Julchen Grünthal sequel. Although the 1789 advertisement disclaiming the fan fiction was written in Unger’s voice and outlines her objections, it was placed by Johann Friedrich. Of course, Unger’s position as a female author may have limited her options to publically repudiate Stutz, thus necessitating the involvement of her publisher. But instead of minimizing his role, Johann Friedrich emphasizes it, even signing the notice in his name as if to add weight to Unger’s complaint: “Berlin, den 17ten Dec. 1789. J. F. Unger.” The signature signals Johann Friedrich’s agreement with his author and simultaneously indicates that he, too, had a stake in the matter.

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150 This may explain, for instance, why there is little record of publishers complaining about fan fiction based on texts they were responsible for publishing.
In addition to empowering a publisher to denounce certain types of fan fiction, the right to *Fortsetzungen* may also have entitled the *Verlagsrecht*-holding publisher to produce non-transgressing fan fiction without securing permission or giving notice when doing so proved impossible because the source author was missing or unreachable.

When the publisher Hermsdorf & Anton purchased the Francke Verlag in 1793 along with its inventory, the firm devised a strategy to repackage the pre-existing texts by commissioning sequels to sell with the original texts in bundled editions. Such was the case with Lafontaine’s *Verirrungen des menschlichen Herzens*. According to the publisher, “der denkende Leser” of Lafontaine’s novel, had “sein Verlangen nach der Fortsetzung desselben wiederholt äussert – und dies war fast durchgängig bei den Besizern des ersten Theils der Verirrungen der Fall.” To capitalize on the market interest, Hermsdorf & Anton naturally claimed that they wanted to publish a sequel:

> Unserer Seits, hätten wir nun längst gern diesen Wunsch erfüllt, aber vergeblich, da sich Lafontaine unter dem Heerzuge der Deutschen gegen die Franken befand, und uns alle Kanäle, mit ihm in nähere Verbindung zu kommen, abgeschnitten waren, und so würde zuletzt dennoch auch der erste Theil in unverdiente Vergessenheit gerathen seyn.

They delayed, however, because they were unable to reach Lafontaine. Francke published Lafontaine’s *Die Verirrungen des menschlichen Herzens* in 1792, just one year before Hermsdorf & Anton acquired the firm in 1793. But Hermsdorf & Anton did not publish the *Lohnschriftsteller*-commissioned sequel to *Die Verirrungen* until 1799. In this time, they claim to have tried contacting Lafontaine to either ask him for a sequel or to put him on notice that a second author would continue the story. Whether Hermsdorf &

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154 Interestingly, it may have actually been possible for Hermsdorf & Anton to have reached Lafontaine. The firm itself indicates that it knew, approximately, where Lafontaine was stationed. And there is evidence that the author received mail while on the front. In fact, Lafontaine even knew about the sale of the Francke Verlag. In 1793 Lafontaine sent a letter from the front to the Berlin publisher Christian Friedrich Voß reporting news of the firm’s sale. As a result, Lafontaine explained, he could end his
Anton attempted to contact Lafontaine and failed, or whether the firm never tried, the publisher’s public explanation is illuminating. Apparently, Hermsdorf & Anton believed that documenting an attempt to contact the source author was necessary to justify the existence of the fan fiction text. Moreover, the publisher claimed that, as a matter of justice, their behavior should be seen as acceptable. “Kein billig dekender Mann wird es uns daher verargen, daß wir diesen Weg einschlagen….”¹⁵⁵ The publisher’s behavior, and the lack of objection thereto, suggests that, under the right conditions, the owner of a Verlagsrecht could commission a fan fiction sequel without the source author’s permission.

Norms in Action

A majority of the texts in this study were produced in violation of the customary norms. Because they left behind traceable evidence of outrage and sanctions, such works are easier to identify. A handful of the works investigated, however, were produced within the bounds established by the rules. In addition to illuminating overlooked features of the German literary landscape Germany, understanding the norms also explains eighteenth-century authors’ otherwise unexpected and inexplicable behavior.

The customary norms account for Schiller’s apparently unconcerned attitude toward fan fiction based on his Geisterseher despite his clear financial motives to object to such works. In particular, Schiller had cause to protest the sequel written by the jurist Emanuel Friedrich Wilhelm Ernst Follenius, the widespread

¹⁵⁴ Lafontaine continued: “Ich bin allso jezzo frei genug eine Verbindung mit Ihnen einzugehen, die ich gern eingehe…. Ich könnte allso wahrscheinlich auf der Michael Messe dieses Jahres Ihnen einen Band Erzählungen liefern, die denen in der Gewalt der Liebe [another work by Lafontaine] nichts nachgeben werden, und zu denen ich selbst meinen Namen Lafontaine hergeben kann…”¹⁵⁴ Not only was Lafontaine receiving mail, he was actively corresponding with publishers, and even contemplated sending a manuscript back to Berlin. Lafontaine to Christian Friedrich Voß. 5.6.1793. Historical Society of Pennsylvania, Philadelphia, Ferdinand J. Dreer Autograph Collection (Collection 175), German Prose Writers Section, Box 220.

¹⁵⁵ Bahrdt, D. Carl Friedrich. Geschichte des Prinzen Yhakanpol: lustig und zugleich erbaulich geschrieben von D. Carl Friedrich Bahrdt. Görlitz: Hermsdorf & Anton, 1795, p. iii. This work was originally published in 1790. Bahrdt died in 1792 and Hermsdorf & Anton published this volume in 1795 after buying the Francke publishing firm, as they explain in the “Vorbericht” from the publishers.
popularity of which resulted in multiple printings and even inspired Follenius to write a follow-up to his sequel. Yet there is little indication that Schiller or his contemporaries objected to Follenius’ text, likely because Follenius followed the rules of fan fiction.

Follenius portrayed the characters from Schiller’s *Geisterseher* consistently with their depiction in the source novel and he endeavored to remain ideologically faithful to Schiller’s text. In a preface explaining the origins of his *Geisterseher*, Follenius introduces Schiller’s novel through the central metaphor of an unfinished painting: “Eine großer Künstler stellte einst eine merkwürdige Begebenheit [sic] durch den Pinsel dar. […] Nie hatte jemand vor ihm ein ähnliches Gemälde geliefert; er brach die Bahn.” Follenius names Schiller the master artist and, using familiar language, insists that Schiller forged a new literary path with his novel. But, Follenius declares, Schiller was only “bis zur Hälfte der Vollendung gekommen.” By proclaiming the novel halfway complete, Follenius subtly designates himself the good reader, able to enter Schiller’s mind and perceive how much of the story had been told and how much remained for Follenius to tell. Follenius then portrays himself as uniquely situated to finish the work.


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156 Emanuel Friedrich Wilhelm Ernst Follenius (1773-1809) – known as Ernst Friedrich Follenius – studied Jurisprudence at the University of Wittenberg; after working as a private secretary, he became a Referendar beim Landesjustizkollegium zu Magdeburg, eventually becoming Oberlandesgerichtsrat. He wrote several novels, the most famous of which was *Der Geisterseher*. Further editions were published in 1797, 1840, 1846, and 1922. Follenius, Emanuel Friedrich. *Friedrich Schillers Geisterseher. Aus den Memoiren des Grafen von O**. Zweyter Theil. Von X** Y*** Z*. Zweyte vom Verfasser aufs neue durchgesehene und verbesserte Auflage. Leipzig, bey Johann Ambrosius Barth. 1797. Note: The first edition of this was published by Barth in 1796, though under the place “Straßburg: bey Grünefeld.” The second (or third part) followed the next year: Follenius, Ernst. *Friedrich Schillers Geisterseher. Aus den Memoiren des Grafen von O…. Dritter Theil. Von X** Y*** Z*. Zweyte, vom Verfassers aufs neue durchgesehene und verbesserte Auflage. Leipzig: Barth, 1798.


159 Follenius, anyway, was mistaken. After all, he wrote two sequels to the *Geisterseher*, suggesting that Schiller’s work was only one-third complete.

Follenius had the right colors and proper tools, suggesting a faithfulness to the original. In a show of modesty, Follenius admits that “der erste Meister manches noch anders gemacht haben würde.” But Follenius makes a special note that he, “die Ausführung der Anlage wenigstens nicht widerspreche….”

Follenius, in other words, maintains that he has observed the norm prohibiting the second author from contradicting the source author’s text.

Follenius’ sequel, however, was published as the Geisterseher and styled itself the next installment, thus appearing to transgress the customary norm regulating presentation. But Follenius’ coverpage included several distinguishing elements. The 1796 sequel appeared as Friedrich Schillers Geisterseher. Aus den Memoires des Grafen von O**. Zweyter Theil. Von X*** Y*** Z*. By foregrounding Schiller’s authorship while clearly indicating the new authorship, Follenius’ sequel circumvents the harms stemming from wrongful attributions and false assumptions associated with works of fan fiction like Olearius’ Sebaldu s Nothanker and Stutz’ Julchen Grünthal.

Hewing closely to the norms, Follenius even purportedly consulted with Schiller before publishing his sequels. According to Schiller’s oldest son Karl, Follenius did ask for permission:


Follenius allegedly sent Schiller his Geisterseher when it was still in manuscript form, thereby providing notice and affording Schiller the opportunity to approve the text.

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161 Ibid., p. 6-7.
163 This letter is in the possession of Frau Anna Lenz in Mannheim, quoted in Baumgartner, p. 148.
Follenius hints at this consent in his preface. He frames the fictional completion of the masterpiece as a matter of permission: “wenn ich es doch vollenden dürfte.” And he informs his reader that the artist had secured the proper “Genehmigung” before undertaking the work. As Karl Schiller recounts it, Follenius also presented himself as the good reader, motivated by an inner drive to write the fan fiction. In almost every respect, Follenius appears to have followed the customary norms, leaving Schiller, the public, and critics little ground to protest the work.

An anonymous reviewer in the *Neue allgemeine deutsche Bibliothek* corroborates this assessment. According to the reviewer, continuing the work of another author was an inherently “mißliches Unternehmen.” But the reviewer states that he felt compelled to admit that Follenius’ “Fortsetzung des Geistersehers wenigstens nicht unter die ganz verunglückten Unternehmungen der Art gehört.” Notably, the reviewer divorces this judgment from his discussion of the aesthetic merits of Follenius’ text, which is framed as a separate question. Here, Follenius’ text is lauded for observing the rules. “Dem ungenannten Verfasser gehört von der billigen Kritik gewiß mit allem Rechte das Lob, daß er sich in den Plan seines Vorgängers sehr gut zu versetzen gewußt [und] die Eigenthümlichkeiten der Charaktere aufmerksam studirt…..” The lack of objection to Follenius’ popular *Geisterseher* fan fiction, therefore, appears to have been the direct result of the author’s careful adherence to the customary norms governing fan fiction and not just an aesthetic judgment.

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166 Ibid.
167 Notably, Follenius’ text is distinguished not on the basis that it tells the story well, or is aesthetically pleasing. In fact, “Ob er übrigens den Faden eben so gut abspinnen wird, als er ihn angesponnen hat, mit andern Worten, ob es ihm gelingen wird, die Geschichte auf eine natürliche und befriedigende Weise zu lösen” is a separate question for the reviewer. Id.
168 The norms may also help explain why Vulpius did not object to much of the *Rinaldo Rinaldini* fan fiction, despite having both personal and economic reasons for doing so. Vulpius continued to capitalize on the success of his novel by penning sequels and spinoffs for more than two decades after the first publication of *Rinaldo Rinaldini*. As late as 1821 Vulpius wrote *Leonardo Monte Bello, Oder, Der Carbonari-Bund: Fortsetzung Der Geschichte Der Räuber-Hauptmanns Rinaldini*, which was even published as the seventh and eighth volumes of *Rinaldo Rinaldini*. Refering to *Leonardo*, Vulpius even describes himself in an 1821 letter to the editor Johann Heinrich Hennicke as “zu einer Fortsetzung des Rinaldini genöthigt.” See: Meier, *Korrespondenz*, vol. 1, p. 310. Whether compelled by his publisher, financial concerns, personal or artistic investment, Vulpius, in other words,
was invested in continuing to tell the stories of his characters. But Vulpius nevertheless appears to have been indifferent to fan fiction appropriating the same characters, including toward Ignaz Ferdinand Arnold’s 1800 *Der Graf Rinaldo zur Fortsetzung (Aus seinen Papieren)* and *Dianora, Gräfin Martageno, Rinaldo Rinaldini Geliebte* written by the jurist Johann Jacob Brückner 1799. In both texts, the characters are portrayed consistently with their original appearance in Vulpius’ novel. Moreover, Vulpius enjoyed a professional friendship with the Arnold, making it more likely that the writers discussed the texts (though no record of correspondence with regard to *Rinaldo Rinaldini* was found), or at least that Arnold gave notice or asked permission.
The customary norms also illuminate the events surrounding the publication of Nicolai’s *Freuden des jungen Werthers*. Goethe’s novella inspired countless literary reactions, including academic treatises, essays, and polemics, but also stage adaptations, poems, drawings, songs, and operas. These works, however, were governed by different literary norms. Nicolai’s text appears to have been the only novel to directly use Goethe’s characters in prose fiction that purported to continue Goethe’s story.

Tellingly, two separate authors had formulated plans to write works similar to Nicolai’s *Freuden*, but both declined to publish them. Joachim Heinrich Campe reports that he had “eben selbst so etwas von einer Idee hatte.” Moreover, like Nicolai, Campe believed such as text was a necessary and “heilsame[s] Gegengifft[].” Unsurprisingly, when Nicolai’s text was published, Campe declared its importance and even suggested that it should have been bound with Goethe’s *Werther*: “Einige habe ich schon vermocht, den Band von ihrem Werther wieder abreissen, u. die neuen Leyden u. Freuden dahinter binden zu lassen.” But despite his belief in its public value, and his own plans for such a work, Campe never wrote the text. “*Fragmente einer Unterredung zwischen Albert u. Werther* lagen schon in meinem Kopfe fertig, und bleiben nunmehr weislich liegen.” Campe presents it as a wise decision not to have published his text.

Johann Jakob Bodmer explained why it was a prudent choice. Before Nicolai’s controversial text was published, Bodmer had devised a strikingly similar text. Bodmer outlines the plot in a letter to Schinz in 1774: “Werther sollte nicht gestorben seyn, sondern sich nur verblutet haben.” But like Campe, Bodmer opted not to write the work himself. His reception of Nicolai’s text highlights his rationale. Nicolai’s *Freuden*, Bodmer noted, amounted to “Uebelstand,” revealingly defined by the 1854 *Deutsches Wörterbuch*.

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169 In a letter to Nicolai from 4 February 1775; cited in Müller, *Der junge Goethe*, p. 153-154.
170 Ibid.

Although Bodmer and Campe manifest an implicit, if unconscious, understanding of the customary norms, Nicolai did not. Nicolai could not comprehend his transgression. In a 1775 letter to Höpfner, Nicolai earnestly asked how Goethe: “*die Freuden* so übel nehmen können?” Nicolai then inquired: “Darf ich meine Meinung nicht über eine wichtige moralische Frage sagen?”\footnote{Quoted in Müller, *Der junge Goethe*, p. 146.} In another private letter, Nicolai insisted: “Zwar ist, wie Jedermann sagt, Herr Goethe sehr ungehalten. Aber er ist es wirklich ohne Ursach. Ich griff Ihn nicht an….,” Finally, Nicolai reaffirms that he had written his text to remind the reader “daß Selbstmord aus Uebereilung und Trugschlüssen entsehe, und nicht Edelthat sey. So viel ich absehen kann, habe ich dadurch Herrn Goethe Nichts zu nahe gethan.”\footnote{Ibid.}

But the problem was not Nicolai’s stance on the moral question. No contemporary suggested that Nicolai was not entitled to share his opinion. Many took issue, however, with how he went about presenting it: namely, using Goethe’s own characters in a sequel to Goethe’s own text. In defense of his Werther, Nicolai insisted that he did not intend any offense, but that he simply “wollte die Sache von einer andern Seite darstellen.”\footnote{Quoted in: Nicolai, Friedrich, and Wilhelm Grosse. *Freuden Des Jungen Werthers, Leiden Und Freuden Werthers Des Mannes: Voran Und Zulezt Ein Gespräch: Mit Materialien*. Stuttgart: Klett, 1980, p. 38.} But Nicolai did more than portray the same story from a new point of view: he rewrote key events, changed Werther’s character, and compromised the whole impression of Goethe’s text.

Nicolai did not appreciate the importance of ideological faithfulness when writing works of fan fiction. For Nicolai, the propriety of literature was based on its didactic potential: a novel was proper if it served a moral and useful purpose. And such was the aim of Nicolai’s *Freuden*. Nicolai operated, in other words, on an
older Enlightenment notion of literature. But the customary norms governing the production of fan fiction embraced a wider notion of what literature could be.

As Nicolai’s confusion demonstrates, one shortcoming of the rules was the potential for conflicting interpretation: writers of fan fiction could believe that they had followed the customary norms, but source authors could disagree. Chapter six more closely examines the limitations of this system while arguing that these norms add up to a proto-intellectual property regime that sought to balance the various interests outlined in chapter two. First, however, chapter four examines the enforcement mechanisms used to punish and deter transgressions of these customary norms.

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176 This conforms to Ellickson’s expectation that, where a standard is general, it is “vulnerable to conflicting interpretations.” Ellickson, p. 185.
**CHAPTER IV: SANCTIONS AND STRATEGIES OF CONTROL**

The rules governing the production of fan fiction in the second half of the eighteenth century were not formal laws. Nevertheless, contemporaries regularly referred to them using distinctly legalistic language and a correspondingly juridical discussion arose around how to punish transgressions. Lichtwer, for instance, straightforwardly asserted that such violations were “jederzeit … bestrafbar.”¹ But because the customary norms were part of an extra-legal system of non-hierarchical social control, the punishments were not meted by the government. Instead, authors who violated the norms were punished with a variety of extra-legal social sanctions.² Importantly, as Oliar and Sprigman note in their study of joke-stealing among contemporary American comedians, a customary norm can exist if sanctions are not perfectly enforced.³ Norms subsist alongside persistent violations because they also keep individual behavior in check, resulting in either normatively appropriate behavior (like that manifest by Follenius) or deterred behavior (like Bodmer and Campe’s decision not to publish works like Nicolai’s *Freuden*).⁴

In the German book trade, the customary norms governing the production of fan fiction were created and enforced in a decentralized manner and imposed by a variety of actors.⁵ Of the five potential controllers Ellickson enumerates, two types administered the rules in the second half of the eighteenth century.⁶ The first, exemplified by Follenius in his careful interaction with Schiller, was first-party control: an individual who internalizes the social norms and voluntarily follows them himself. Georg Simmel similarly observed that society efficiently creates order via the morality of the individual by appealing to one’s “good

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² Although sociologists typically use the term “sanction” to describe both punishments and rewards, legal scholars usually use it only to describe punishments. This dissertation is joining legal scholarship on customary norms and their sanctions, following Ellickson. Unlike Ellickson, however, this dissertation does not attempt to adumbrate the remedial steps that often accompany such sanctions.
³ Oliar and Sprigman, p. 1824.
⁴ Oliar and Sprigman make a similar point, p. 1798.
⁵ As McAdams notes, norms can be created and enforced in a centralized or decentralized manner. McAdams, p. 351.
⁶ For more on the various classes of controllers, see: Ellickson, p. 126.
conscience” thus resulting in the self-enforcement of rules. In the eighteenth-century book trade, first-party control was supplemented by third-party controllers who administered sanctions even though they may not have been directly involved in the production of infringing fan fiction. These controllers included other authors, publishers, reviewers, theorists, and philosophers. Actors in the eighteenth-century German book market, in other words, policed each other to enforce the norms. This behavior was logical. By punishing norm-transgressing authors, third-party controllers deterred potential violations and thereby protected their own interests.

Although Vulpius depicts, perhaps with imaginative longing, Rinaldo Rinaldini shooting the arm of the criminal who wrongly appropriated his name and story, eighteenth-century authors typically did not resort to physical violence when customary norms governing fan fiction were transgressed. The jurist and author Johann Christian Müller portrayed a more likely response in *Fragmente aus dem Leben und Wandel eines Physiognomisten*. In the 1790 novel, the protagonist Kasper Flip begins work at a publishing house, which he names an “Unterwelt.” Here, Flip gets a look into the inner workings of the “mächtige Republik der Schriftsteller.” Examining “[d]ie Verhältnisse dieser Männer unter sich….” Flip describes “die Art und Weise, gelehrte Kriege zu führen,” noting the weapons used and strategies employed, including “Schutz- und Truzbündnisse zu schließen.” Later, Flip remarks that “Journale, Wochen- und Monathsschriften und fliegende Blätter” were “die Tummelplätze” where the attacks were played out by these “rüstige[] Kämpfer.”

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8 The same behavior is documented in Oliar and Sprigman’s study, p. 1813.
10 Ibid.
11 Ibid.
12 Ibid., p. 363.
The weapons used in the “war” Flip describes neatly cataloguе the sanctions imposed on authors for transgressing the customary norms of fan fiction, which included placing public advertisements denouncing the work, publishing bad reviews, and writing personal attacks against the transgressing author. As with Shasta County ranchers, New York diamond dealers, and twenty-first century comedians, eighteenth-century authors were punished with tools meant to harm their reputations or that of their texts. These enforcement mechanisms, as Bernstein names them, had the common goal of punishing and deterring norm-breaking behavior by delegitimizing and discrediting the transgressing work of fan fiction while simultaneously distancing the source work from any perceived affiliation with the text.³³ As Lichtwer summarized: “Eine Peitsche ist nicht genug, die Thorheit . . . zu züchtigen.”¹⁴ Instead, Lichtwer vowed, the best punishment was to castigate the work “vor den Ohren der ganzen gelehrt/en Welt.”¹⁵

To better understand how these customary norms effected the production of literature in the second half of the eighteenth century, this chapter examines the sanctions used to enforce the rules. The goal is not provide a comprehensive account of how the system of sanctions functioned, but to provide an overview of the different means contemporaries employed to punish transgressions. While much of the material presented in this chapter will not be new to scholars of literature, legal historians may be surprised to learn of the various tools of social control deployed by actors in the eighteenth-century book trade.

Sanctions

Negotiation and Compromise

The customary norms regulating the production of fan fiction did not delineate a strict sequence of remedial steps. But the rules enabled parties to pre-emptively avoid sanctions altogether. By requiring “Vorwissen

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¹³ Bernstein, p. 130.
¹⁴ Lichtwer, Schriften, p. xvii.
¹⁵ Id., p. xvii.
und Einwilligung,” the customary norms created the opportunity for parties to privately negotiate the details of individual works of fan fiction to ensure they did not transgress the norms. Analogous to twentieth-century comedians embroiled in clashes over stolen jokes, some eighteenth-century authors worked “cooperatively towards a solution” when potential disputes arose.\textsuperscript{16}

Follenius’ contact with Schiller exemplifies this preemptory step. Presumably, if Schiller objected to Follenius’ use of Graf von O…, the authors could have negotiated changes to Follenius’ manuscript or an abandonment of the fan fiction project altogether. It is therefore difficult to estimate the frequency with which this pre-sanction was utilized. Countless works of fan fiction may have been abandoned due to such negotiations. Or characters may have been renamed so the resulting text no longer resembled fan fiction.\textsuperscript{17}

Nicolai’s interaction with Eckermann also testifies to the success of this pre-sanction. The publishers discussed the details of the fan fiction, settled on the most problematic point (the title), and agreed on a solution acceptable to both parties. Eckermann thus circumvented punishment but was still able to sell the remaining copies of \textit{Sebaldus Nothanker}, retitled \textit{Das Leben und die Meinungen des Buchhändlers, Hieronymus}.

Although negotiations proved occasionally successful, there were obvious limitations to such efforts. It may have been impractical to consult with an author because he was impossible to reach, as was ostensibly the case with Lafontaine, or because her work was published anonymously.\textsuperscript{18} Other times, negotiations may have simply been ineffective. Seybold, for example, refused to retitle or cease sales of his \textit{Predigten des Hernn Magister Sebaldus Nothanker}.

\textsuperscript{16} Contemporary comedians engage in the same behavior, as Oliar and Sprigman name the practice, p. 1814.
\textsuperscript{17} Such is the case, to name a contemporary example, with \textit{Fifty Shades of Grey}, which is actually \textit{Twilight} fan fiction in which the characters were given new names to mask the fact that it is (or was) fan fiction.
\textsuperscript{18} If securing permission and giving notice were requirements of fan fiction, it makes sense that this rule would be relaxed where the second author gave proof that he tried to comply.
Complaints to Officials and Legal Threats

A common sanction in systems of customary norms comprises lodging a complaint with a public official.\textsuperscript{19} In eighteenth-century Germany, however, this sanction had little application since there were no formal laws governing the production of fan fiction. Nevertheless, there is at least one recorded incident of such a complaint and accompanying legal threat. After Nicolai learned about the spurious \textit{Sebaldus Nothanker} sequel for sale in Hamburg, he contacted the Leipzig Book Commissioner Andreas Bel in February 1775. Bel was quick to offer his assistance, promising that he would stop the activities.\textsuperscript{20} Only one week after writing back to Nicolai, Bel issued an order to all Leipzig booksellers and printers to shun the unauthorized \textit{Sebaldus} volume or risk the penalty stipulated in Nicolai’s privilege.\textsuperscript{21}

Bel considered the fan fiction a matter governed by the privilege, arguing that Nicolai should “zuverlässig bey [seinem] Privilegio geschützt werden.”\textsuperscript{22} Consequently, Bel offered the full arsenal of the Book Commission’s services, assuring Nicolai that “man bey der Büchercommission Mittel wüsste, dergleichen unterschoben verpönte Bücher, wenigstens in Chursächß. Lande, zu unterdrücken.” In addition, Bel explained that he would impose punishments on any book dealer or printer who sold the work, “[a]uch werde ich unsere Buchhändler und Buchdrucker bey Strafe, auferlegen.” Finally, Bel concluded that the disputed novel would be quickly identified because actors in the book trade had a “Bürgerpflicht” to turn over any volume of the work to the Book Commission as “Contraband.”\textsuperscript{23} Curiously, it does not seem to have mattered that the work was not “Nachdruck” in the traditional sense, but rather a work of fan fiction. The distinction, however, was not lost on everyone. Eckermann decisively rejected arguments based on the privilege precisely because Dr. Olearius’ text was not an unauthorized reprinting. Eckermann’s reasoning may have been the prevailing attitude. There is no indication that other authors or publishers argued against

\textsuperscript{19} Ellickson, p. 59.
\textsuperscript{20} Bel to Nicolai, Leipzig, 18 February 1775, in NN 3. Leipzig, 25 February 1775, in StA Leipzig Tit. XLVI (Feud.) No. 190.
\textsuperscript{21} Selwyn elaborates the exchange, p. 221.
\textsuperscript{22} Bel to Nicolai, Leipzig, 18 February 1775, in NN 3.
\textsuperscript{23} Ibid.
fan fiction on the basis of a printing privilege and there is no evidence that a similar sanction was imposed. Despite the wide range of expressions used to describe fan fiction, the term “Nachdruck” was rarely, if never, applied. Nicolai’s complaint to Bel was likely an exception owing to Nicolai’s status as one of the most important players in the eighteenth-century German book trade.

Advertisements

When a work of fan fiction transgressed the customary norms, one of the most common sanctions employed was the placement of an advertisement disclaiming the work as a fraudulent account of the borrowed character and transgressing work. In general, advertising played an important role in the book trade; advertising costs were an essential factor in calculating the price of a book upfront. Advertisements appeared in a number of settings, often tucked into the final pages of a novel, and more commonly found in popular journals.

In particular, newspaper advertising was among the most powerful methods of attracting readers to texts in the overcrowded market. Correspondingly, such advertisements were a powerful tool to punish works of fan fiction. In a 1784 issue of Der Teutsche Merkur, Wieland noted with some exaggeration that even “[d]as beste Buch ist nicht mehr verkäuflich, sagen sie, wenn es nicht in Zeitungen und Journalen bekanntgemacht

24 As Göpfert notes, Vom Autor Zum Leser, 119.
25 Nicolai’s Sebaldis Nohthanker, for instance, concludes with just such an advertisement, announcing the product as available via subscription and detailing the format and quality of paper: “Es wird daher hierdurch bekanntgemacht, daß sie drei starke Bände in Großquart beträgen wird und auf feines weißes Druckpapier abgezogen werden soll.” The concluding advertisement, however, is for the fictional work on which the protagonist labors throughout the novel: his magnum opus on the Apocalypse. Erlin and Franzel argue that Nicolai underscores the commoditization of print media and, in particular, highlights the role of the novel as a unique “network” that “links an array of disparate, heterogeneous (and at times imaginary) sites of discourse” notably, including that discourse around fan fiction and the various mechanisms used to distance a work from it and discredit it. Erlin, M, and Sean Franzel. “The Eighteenth-Century Novel As Media Event,” in: Seminar - a Journal of Germanic Studies. 49.2 (2013), p. 99-111, p. 102.
wird.”26 A 1794 advertisement in the *Journal des Luxus und Mode* for Hermes’ novels is paradigmatic.27 Following a two-page advertisement for “Englische Waaren Artikel” including patent tooth powder, hand pomade, and so-called Chinese rouge, Hermes’ texts are described under the heading “Anzeige Hermes Schriften betreffend.” After identifying the publisher and notifying readers that the texts were for sale in the the Jacobäerschen Buchhandlung in Leipzig, the advertisement reminds the reader that Hermes was the “Verfasser von Sophiens Reise” before emphasizing that the works advertised were actually “zum Theil Fortsetzungen von Sophiens Reise, besonders von dem ehrlichen Puff van Vlieten….”28 Advertisements were regularly used to communicate directly with consumers.29 And, as Gideon Reuveni reminds, were often of a “manifestly personal” nature.30 In an attempt to solicit feedback on his work, for instance, Hermes asked his publisher in a 1773 letter to place advertisements in “die Hamburger, u. andere, besondere u. gelehrt, Zeitungen.”31 As one of the most important and most widely read newspapers in Germany (and Europe) the *Hamburgische Correspondent*, to which Hermes referred, was one of the most effective advertising vehicles in the eighteenth century.32 Therefore, when Dr. Olearius’ *Sebaldus Nothanker* sequel was advertised in the *Hamburgische Correspondent*, Nicolai understandably interpreted it as an aggressive infringement with the potential to cause serious economic and reputational harm.

Unsurprisingly, Bel’s correspondence with Nicolai reveals an emphasis on advertising and counter-advertising. In a 1775 letter, Bel reported that no one he had interviewed was in possession or had seen a

29 Purdy observes that readers of the *Journal des Luxus und der Moden* “were simply informed that they could write to the editors for further information on how to acquire the products depicted.” Purdy, p. 8.
31 Hermes to Junius, 3 March 1773; SUB Hamburg.
32 See: Tolkemitt, Brigitte. *Der Hamburgische Correspondent. Zur öffentlichen Verbreitung der Aufklärung in Deutschland.* Tübingen: Niemeyer 1995, pg. 11. Tolkemitt argues that the *Correspondent* was the “offiziösen Anzeigeblatt” and “idealen Werbeträger.” Ibid., p. 185.
copy of Dr. Olearius’ “2ten Theil von Nothanker.” But, he explained, several “Buchhändler … hätten aber auch in Hamb. Correspond. gelesen, daß eine Witwe Dramburgin dieses Buch sich geboten.” Bel then promised to track down the bookseller to stop further sales and outlined his plan to place his own advertisement: “Vorder Hand will ich in meinem Gel. Zeitungen das Publikum mit ehesten avertieren, daß der 2te Theil von Nothanker, welcher eine gewiße Dramburgin . . . sich geboten, ein falhen begangen….“

To discredit the fan fiction, Bel and Nicolai turned to the presses.

Many authors and publisher took similar steps throughout the eighteenth century. Recalling the incident with Ramler in a biography of Lichtwer, the author’s grandson detailed Lichtwer’s response: “Lichtwer trat sogleich in mehreren Zeitungen mit einer Erklärung über die Unrechtmäßigkeit des Verfahrens.”

According to the grandson, Lichtwer undertook this action immediately to announce to the world the injustice “welches er und seine Fabeln erlitten hatten” and to censure the fan fiction. Later, in a discussion Ramler’s work in the Bibliothek der schönen Künste an anonymous reviewer made a special note of Lichtwer’s advertisements in the “Hamburgischen Zeitung,” naming it an “Aufsatz” against Ramler’s work. Lichtwer’s swift and multi-pronged advertising response and the critic’s citation to it underscores the potential power to punish violations via this sanction.

Unger took similarly decisive steps. Just one month after Stutz’s fan fiction was reviewed in the Allgemeine deutsche Bibliothek, Unger placed an advertisement denouncing the sequel in the very same journal. But when Unger place her advertisement in 1789, nearly 30 years after Lichtwer’s complaints, the matter of the injustice perpetrated by the fan fiction seems to have been an accepted truth. Unger straightforwardly enumerated the ways in which Stutz broke the rules – his failure to give notice, inconsistent portrayal of the characters, and contradiction of Unger’s didactic intent – and left the injustice undeclared but clearly

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33 Bel to Nicolai 18 February 1775, NN 3.
34 Lichtwer, Schriften, p. xxxii
implied. Announcements like Unger’s in the Allgemeine deutsche Bibliothek thus functioned as a direct countermeasure to advertisements and reviews publicizing works of fan fiction. Further, by disclaiming the works as unjust and identifying them as coming from a “foreign hand,” such notices stigmatized the works, potentially dissuading readers from purchasing the fan fiction texts.

Authors’ Notes

Another widespread sanction against transgressing works of fan fiction involved writing a denunciatory note in the source text itself, often included in later editions or subsequent volumes. Because works of fan fiction purport to continue the story of a fictional character, these notices endeavored to create distance between the source work as the authentic account of the character’s life and the fan fiction as a disreputable version of the story. Most proclaimed that the appropriated literary figures were not, in fact, the same characters. And they further mocked the fan fiction as poor works of literature, insinuating that the texts were not worth the reader’s time or money. These notices took a variety of forms.

Footnotes were a popular site for source authors to voice their opinions and complaints. In the eighteenth century, to borrow an analogy from Tony Grafton, “literary footnotes burgeoned and propagated like branches and leaves in a William Morris wallpaper.”37 Hermes well exemplifies the trend. To each new edition of Sophiens Reise the author added a number of footnotes. As a result, by the third edition, the novel contained a densely multi-layered apparatus of footnotes. Several footnotes had footnotes themselves and many stretched on for pages. Bonter rightly names the result Hermes’ “monströse Fußnoten-poetik.”38 In particular, Hermes relied on footnotes to communicate with readers and challenge his critics. For instance, in a footnote following a scene in which one character recounts the surprising destitution of his childhood, Hermes asks: “Fragen möchte ich wol, warum nicht jedem Hausvater ein Verzeichniz Aller Stipendien übergeben wird? Oder sind sie ein Privatwaschbeken? – Beargwon mich nicht, Leser; denn ich habe keine Söhne.”39 For Hermes, footnotes provided a venue to speak directly to the public and challenge his critics. Unsurprisingly, it is here that he sought to take down the Anhang zu Sophiens Reise, explaining that it could not possibly tell the story of Herr Puff.

38 Bonter, p. 200.
More commonly, authors sought to delegitimize fan fiction in prefaces and afterwords. In his study of Romanvorrede, Hans Ehrenzeller argues that the eighteenth-century foreword was doubly tasked with justifying the novel to the public and defending it against critics.\textsuperscript{40} As a result, many eighteenth-century novels contain long, and often multiple, forewords. Nicolai wrote notes to new volumes and printings of Sebal dus Nothanker, resulting in a “Vorrede zur ersten Ausgabe,” a “Vorrede zur vierten Auflage,” and a “Zuverlässige Nachricht” originally appended to the third volume of the first edition. Beyond elucidating the text for the reader, the foreword to the novel also functioned, as Eva Becker notes, as a “geeignete Plattform für persönliche Auseinandersetzungen.”\textsuperscript{41} Predictably, many authors chose to address and chastise fan fiction here.

Cervantes provided a model for dealing with transgressing works of fan fiction in this manner. In 1614, one year before Cervantes published his own second volume to Don Quixote, a pseudonymous Alonso Fernández de Avellandeda published a spurious sequel.\textsuperscript{42} In response, Cervantes added a preface to his second volume discrediting the sequel:

\begin{quote}

Bless me! With what impatience, gentle, or (it may be) simple reader, must you now be waiting for this preface, expecting to find in it resentments, railings, and invectives against the author of the second Don Quixote. […] You would have me, perhaps, call him ass, madman, and coxcomb: but I have no such design. Let his own sin be his punishment; let him chew upon it, and there let it rest.\textsuperscript{43}
\end{quote}

Of course, Cervantes’ apophatic refusal to name Avellandeda an ass neatly accomplishes the attack for him. Plus, Cervantes continues to belittle the text in a series of anecdotes that illustrate the difficulty of

\begin{flushright}
\textsuperscript{41} Becker, 18.
\textsuperscript{42} Hinrichs interprets Cervantes as outlining in his \textit{Don Quixote Part II}, “a new notion of authorial copyright and trademark for the author that covered argument, character and content rather than mere text. It would also extend in perpetuity to the work.” Hinrichs, p. 212.
\end{flushright}
writing a novel before concluding that he does not hold it against the author, “for I know very well what
the temptations of the devil are, and that one of the greatest is, the putting it into a man’s head that he can
write and print a book which shall procure him as much fame as money…”44 By shaming the author and
mocking the quality of his work, Cervantes signals the superiority of his own sequel and undercuts the
reputation of the fan fiction author and his novel.

In a letter from February 1775, Abraham Gotthelf Kästner advised Nicolai to make use of Dr. Olearius’
_Sebaldus Nothanker_ “wie Cervantes die andalusischen Fortsetzungen vom Don Quixote brauchte.”45 One
month later Gülcher made a similar recommendation, advising “Machen Sie sich doch den nemlichen Spaß
mit diesem Verfasser den Cervantes mit seinem ungebetenen Fortsetzer machte.”46 According to the
eighteenth-century poet Leopold Friedrich Günther von Goeckingk (1748-1828), Kästner was an especially
keen observer of the public and knew how to appeal to its fickle taste.47 Nicolai sensibly followed the
advice, appending the “Zuverlässige Nachricht” to _Sebaldus Nothanker_.

In the “Nachricht,” Nicolai makes rhetorical gestures similar to those made by Cervantes in the seventeenth
century, dismissing the counterfeit sequel as inane and trivial. The best reason to read such a work, Nicolai
quips, was to learn the puerile thoughts of the fool who wrote it. As Nicolai asserts: “der Verfasser, der
solche schnackische Dinge hat erdenken können, ein pudelnärrisches Menschengesicht sein müsse.”
Otherwise, Nicolai explains, the reader has little cause to pick up the fan fiction unless he or she wants to
read absurd tales. Moreover, Nicolai claims, “[d]er geneigte Leser kann freilich in dem unechten zweiten
Bande den wahren ferneren Verlauf der Geschichte des Herrn Magisters Sebaldus Nothanker nicht
finden…..” Nicolai thus discredits the “unechte Fortsetzung” by naming it ridiculous and an inaccurate

44 Id. p. 466.
45 See: Schwinger, p. 246, quoting Kästner’s letter from 3 February 1775.
46 Theodor Gülcher to Nicolai, 28 March 1775, NN 28, Mappe 6.
47 See: Göckingk, p. 36.
account of the popular protagonist, thereby preserving his work as the official version of events and repelling readers from the fan fiction.48

Many authors employed this sanction. After learning about Ramler’s use of his text, Lichtwer was uncertain if he was going to publish another edition of his Fabeln. But if he did, Ramler declared, “so werde ich mich in einer besondern Vorrede über dies . . . beschweren.”49 And when Lichtwer did release another edition, he included a biting foreword denouncing the fan fiction and outlining its various transgressions. Vulpius similarly refers to authors who appropriated Rinaldo Rinaldini in a preface designed to discredit the works. And Unger similarly addressed the fan fiction inspired by her Julchen Grünthal in a preface to the second edition of her novel. In the “Vorbericht,” Unger describes her work as falling under “einer fremden, ihr ganz unbekannten Hand,” underscoring the work’s illegitimacy before cataloging its faults.

Bad Reviews

A related sanction with similar effects was the public announcement in a literary review that a work had transgressed the rules of fan fiction. Readers paid careful attention to reviews as they proliferated in the second half of the eighteenth century. To reduce the number of (negative) reviews, some contemporaries eventually argued that reviewers should ignore bad works of literature. In 1795, Heinzmann, for instance,

48 Nicolai sought to similarly delegitimize Seybold’s Predigten, devoting several pages of the “Zuverlässige Nachricht” to a careful analysis of how the fan fiction misrepresented the protagonist. On the basis of his close reading, Nicolai argues the Predigten could not have come from Sebaldus himself, as Seybold claimed. Nicolai then rejects the fan fiction as frivolous by naming it one of countless absurd Nothanker-related items for sale, “Zum Beispiel Sebaldus Nothankers Beicht-, Bet- und Kommunionbuch; Sebaldus Nothankers Betrachtungen auf alle Tage im Jahre; Sebaldus Nothankers Sonn- und Festtagspredigten über alle Evangelien und Episteln; Sebaldus Nothankers schrift-, und vernunftmäßige Auslegung der Offenbarung Johannes; des Herrn Doktor Stauzius Aufmunterung zur Bewahrung der Rechtgläubigkeit und Warnung vor falscher Lehre; Kochbuch von 5000 Speisen nach der Anlage Seiner Exzellenz des Herrn Grafen von Nimmer nebst einem Anhang von Fastenspeisen; Rambolds philosophisch-ästhetisches Lehrbuch; Hieronymus’ Tischreden, Einfälle und Meinungen und anderes mehr.” These works, however, were fictions invented by Nicolai. Erlin and Franzel interpret the inclusion of this “range of other parasitic (and altogether fictional) works” within Sebaldus Nothanker as a comment on the position of the novel in the literary market, situated in a stream of diverse products from cookbooks to works of moral edification, as a network that links “heterogeneous (and at times imaginary) sites of discourse.”48 In light of Nicolai’s other punitive measures, however, the inclusion of Seybold’s Predigten in a list of absurd, fictional texts might be reinterpreted as a sanction designed to trivialize the fan fiction by comparing it to a text as preposterous and nonexistent as a cookbook of Nothanker’s favorite dishes. Erlin, M, and Sean Franzel. “The Eighteenth-Century Novel As Media Event.” Seminar - a Journal of Germanic Studies. 49.2 (2013), p. 99-111, p. 102.
49 Lichtwer, Schriften, p. xvii.
asked: “Ist es eben nöthig alle elende Schriftsteller zu rezensiren? Sind sie nicht unter der Würde der Kritik?” But his question overlooked the aim of the critical project. As Klaus Berghahn reminds, “one of the Enlightenment’s most important cultural-pedagogical intentions was to review all new publications.” The intention, Berghahn summarizes, was to “steer critically the development of literature as well as to form the public’s taste.” And, as William Warner elaborates, reviews were also meant to teach readers to discriminate between proper and improper reading practices.

Scholarship on the eighteenth century has long been aware of the influential role of literary criticism on the emerging modern literary system, variously analyzing how it shaped the aesthetic dimensions of the novel and how it influenced the public’s consumption of literature. In The Fame Machine, Frank Donoghue notes that reviewers, as the arbiters of literary merit, often predetermined reader reception. Already in the eighteenth century, theorists were aware of the power of reviews and feared that readers were overly invested in critical opinion. Commenting on this interest, the idealist philosopher Johann Gottlieb Fichte, for one, ironically remarked that there would be no need for new texts once it was discovered how to write “Recensionen ohne Bücher,” implying that readers were more interested in reviews than the works themselves. A bad review could consequently inflict considerable commercial and reputational harm on a text and its author.

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50 Heinzmann, Appell, p. 199. This sentiment was echoed through the second half of the eighteenth century.
52 Id.
Reviews therefore readily functioned as another vehicle to publicly sanction an author whose work violated the customary norms of fan fiction.57 Indeed, reviewers frequently made a special note of such transgressions, whether a character was portrayed inconsistently or if they source author was not given proper notice. Of course, some negative assessments were a genuine response to the poor quality of the works reviewed.58 Other reviews were unjustly negative, attacking a work irrespective of its aesthetic merit. Habermas observed that the literary critic, “übernimmt eine eigentümlich dialektische Aufgabe: er versteht sich als Mandatar des Publikums und als dessen Pädagoge zugleich.”59 But steering the public’s taste, as Koselleck has demonstrated, is always political. And the critic, from his privileged position, had the power to misuse his platform.60 Such “ungerechten Rezensionen,” as they were named in the eighteenth-century, were dreaded. Krause even suggested that such reviews were far worse than having one’s work pirated.61 Such unjust reviews were also used to sanction transgressing works of fan fiction when reviewers elected to exceed a simple announcement of a text’s wrongdoing and opted to critically eviscerate the work.

Many negative reviews of Sebaldus Nothanker were the result of a coordinated effort to attack Nicolai. Christian Felix Weisse, a close friend of Thümmel’s who was intimately involved in the editing of

57 And more complexly, reviews, by virtue of shaping public taste via this sanction would have simultaneously reinforced the norms that it enforced, thereby helping to define (and police) the very rules that governed acceptable and unacceptable literary behavior. Literary criticism was therefore a potentially powerful sanction and market determinant. For an analysis of the relationship of book review and the new economics of the book market, see: Adam, Wolfgang, Markus Fauser, and Ute Pott. Geselligkeit Und Bibliothek: Lesekultur Im 18. Jahrhundert. Göttingen: Wallstein, 2005, esp. p. 302-303.

58 Other times, bad reviews were the result of a naturally-made comparison to the source text. A reviewer in the Allgemeine deutsche Bibliothek commenting on Einer jüngern Sophie Reise, for example, remarked that the fan fiction author chose to write an epistolary novel “zur Nachahmung der ältern Sophiens Reise.” But the reviewer judged the result a failure, noting that the particular form “scheint hierzu bey weitem nicht so bequem als eine gedrungene lebhafte Erzählung.” The reviewer of the Fritz sequels also compared the novel to its source text. Interestingly, the reviewer suspected but could not confirm that a second author had co-opted the story. Unable to announce the text as a work of fan fiction, the reviewer instead panned the sequels altogether, noting that the novel “führt zwar Jüngers Namen an der Stirn; aber seine Laune und Jovialität fehlt ihm ganz,” jeering, “Etwas komisches hat Recens. nirgends gefunden.” Particularly where its source text had been well-received, fan fiction was thus easily open to negative criticism, regardless of whether it broke the customary norms. Anonymous, “Einer jüngern Sophie Reise aber nicht von Memel nach Sachsen. Bd.1.,T.2.: Rezension,” in: Allgemeine deutsche Bibliothek. 48.1 (1781), p. 157; Anonymous, “Junger, J. F., Fritz, ein komischer Roman. 5. 6. Th. Renzension,” in: Neue allgemeine deutsche Bibliothek. 61.1 (1801), p. 99-102, esp., p. 101.


Wilhelmine, was deeply offended by Nicolai’s novels, insisting that Nicolai had broken the customary norms. Weisse variously complained that Nicolai had not asked for permission, had distorted the figure of Sebaldus, and had compromised the artistic quality of Wilhelmine. In response, Weisse planned a nasty review of the second installment of Nicolai’s novel. In a letter from 20 May 1775, Weisse outlined his devious plan. “Schonen müssen wir ihn [Nicolai] doch…” But the lenience was duplicitous. Weisse continued: “…damit es nicht einer Verbitterung ähnlich sieht.” Weisse hoped his negative review would appear neutral so that it would not be dismissed as biased. The same day, Weisse wrote to Uz and and Blanckenburg about their respective reviews of the second volume of Sebaldus Nothanker to organize the attack. Given the potential for abuse and the use of reviews to harshly sanction authors who transgressed the norms of fan fiction, it is not surprising that Herder considered reviewers “eine verpachtete Bude, eine verachtete Lästerschule” that operated with false weights and measures.

Personal, Literary Attacks

Authors who violated the norms of fan fiction also found themselves the target of personal attacks and the object of public scorn. Personal attacks were common on the battlefield of the eighteenth-century German book trade. And the frequent weapon of choice for the rüstigen Kämpfer, as the fictional Flip names them, was the Schmähschrift or Streitschrift. Such attacks were used to punish a variety of perceived literary offenses. Recalling the rampant Werther piracy in Dichtung und Wahrheit, Goethe, for instance, explains that he “rächte [sich] im stillen mit . . . Versen….” Heinzmann testifies to the ubiquity of the practice in his 1795 Appel an meine Nation. “[F]ast jeder Tag,” he claims, a different literary

62 Quoted in Schwinger, p. 195.
63 Ibid.
65 The pervasiveness of literary feuds in the eighteenth century is well known, as Sylvia Kall’s recent work has demonstrated, see: Kall, Sylvia. "wir Leben Jetzt Recht in Zeiten Der Fehde": Zeitschriften Am Ende Des 18. Jahrhunderts Als Medien Und Kristallisationspunkte Literarischer Auseinandersetzung. Frankfurt am Main: P. Lang, 2004.
“Kabale…Intrike…Verfolgung brütete.” Heinzmann consequently posits that in the final decades of the eighteenth century the behavior of German authors, publishers, and critics had spiraled to a new low:

Man denke nur an die Streitigkeiten von Klotz und Nikolai; an Göthe’s Werther, Prometheus, Deukalion und seine Rezensenten […] an Bahrdt mit der eisernen Stirne […] an die tausendartigen Kabalen die sich die Rezensenten gegen die würdigen bescheidensten Männer erlaubten […] man denke an die überschwengliche Menge von Streitschriften; and die persönlichen Beleidigungen die sich diese Leute untereinander zufügten; an die gehäßige boshaften Verdrehungen; an die maliziösen Urtheile; an die litterarischen Spione; an die aller Orten zerstreut lebenden tückischen Correspondenten und Büttels; an die schändlichen Gerüchte die gegen verehrte redliche Leute in den allgemeine gelesenen Journalen ausgestreut worden. Bey keiner Nation und in keinem Zeitalter ist das Chikanieren über Meynungen so herrschend gewesen. Man denke an . . . die Romane von Leuten ohne Herz und ohne Schaam!”

Heinzmann paints a picture of malicious assaults dogging the German literary landscape, offering a veritable catalogue of weapons in the process: treatises, poems, novels, reviews, polemics, rumors. Regardless of its specific form, each attack was intended to damage the target’s reputation and, often, to smear a specific literary work.

Transgressing works of fan fiction and their authors were the frequent targets of such attacks. Many took the form of treatises and educational texts, like Merkel’s extensive criticism in his 1802 *Briefe an ein Frauenzimmer über die neuesten Produkte der schönen Literatur in Teutschland*. Other attacks were more creative.

Many authors punished transgressions with poetic measures. The wrongs associated with *Sebaldus Nothanker*, for example, inspired several poems directed against Nicolai. The *Halberstädter Dichterkreis*, whose members included Johann Georg Jacobi and Wilhelm Heinse, anonymously published a collection

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68 Ibid. p. 85-87.
“Die Büchse” that included several such attacks.\textsuperscript{71} The group had multiple grounds for its anger with Nicolai. Many believed that Nicolai had modeled the fictional Säugling, the sometimes pitiful suitor of Sebaldus’ daughter, on Jacobi to mock the poet.\textsuperscript{72} Despite the diverse motives, the group framed their criticism as a reaction to Nicolai’s fan fiction, suggesting the acceptability of an attack on this basis. One poem, titled “Mitleiden mit dem Herrn von Thümmel” casts the author of Wilhelmine as the victim of a crime, someone with whom others should have sympathy.\textsuperscript{73} It includes the verse:

\begin{verbatim}
Wie mag’s den armen Mann nicht kränken, dass
Ihm seine Wilhelmine so
Geschändet ward von Nikolas
In dulci jubilo! –
\end{verbatim}

By concluding with a reference to “In dulci jubilo!” the poem portrays more than Nicolai’s naïve celebration of his own text. The Latin expression was also the title of a popular German carol, a macaronic text dating from the middle ages comprised of alternating German and Latin lines. The allusion emphasizes Nicolai’s alienating appropriation of Thümmel’s text, as if he had written it in an altogether different language. And the result, the verse makes clear, amounted to a debasement of the source text – it was “geschändet” – an offense, the Halberstädter Dichterkreis was happy to publicly avenge.

Often, these penalties were the result of coordinated efforts designed to generate public scorn. Goethe, for instance, contrived to ruin Nicolai’s literary career, organizing several texts against the publisher. In 1775, two years after the first appearance Nicolai’s Sebaldus Nothanker, Goethe encouraged Johann Heinrich Jung-Stilling to publically criticize the Berlin author and publisher\textsuperscript{74} That year, Jung-Stilling published “Die Schleuder eines Hirtenknaben gegen den honsprechenden Philister den Verfasser des Sebaldus

\begin{footnotes}
\footnote{For a closer analysis of the group and its other attacks, including against Wieland, see: Berlemann, Dominic. Wertvolle Werke: Reputation Im Literatursystem. Bielefeld: transcript Verlag, 2011, p. 286ff.}
\footnote{Nicolai, however, claimed this was not his intention; though, he recognized it was widely perceived to be.}
\footnote{Quoted in Schwinger, p. 209.}
\footnote{The connection between Goethe and Jung-Stilling was close: as Bretschneider reports to Nicolai at the time of the publication of the Freuden, “Dieser D. Jung ist ein Freund von Goethe und logirt bei ihm.” Bretschneider to Nicolai, 18 September 1775. NN 9.}
\end{footnotes}
Nothanker.”

In a foreword addressed to the public, Jung-Stilling admits that publishing the pamphlet was out of character: “Alle, die mich kennen, werden bey Lesung dieser Blätter staunen und sagen: Wie kommt der zu einem solchen scharfen und hämischen Styl?” Without mentioning Goethe’s catalyzing push, Jung-Stilling expounds his motivation: to criticize Nicolai’s presentation of religion and to assail his standing as an author, which he wanted “öffentlich vor der ganzen Welt ins Gesicht zu sagen.” Specifically, Jung-Stilling announced that Nicolai was “ein boshafter Spötter der Religion und ein Stümper von Romanenschreiber” and attentively condemns Nicolai’s inconsistent portrayal of Thümmel’s characters and appropriation of Thümmel’s text.

Although Jung-Stilling concentrated on Nicolai’s appropriation of characters from Wilhelmine, Goethe’s encouragement came just as Nicolai’s Freuden appeared on the book market. Nicolai consequently found himself the target of callous attacks for this novel as well, many of which bear signs of Goethe’s involvement. In the infamous “Promethus, Deukalion und seine Rezensenten,” allegedly written by Heinrich Leopold Wagner, Goethe appears in the title role of genius-creator Prometheus and his critics appear as a variety of animals, including a donkey, frog, and goose, each ridiculed in turn. Scholars have typically interpreted the insults as counter-commentary on the targets’ various criticisms of Goethe. The poet is an ass for disliking Goethe. But Nicolai, presented as an “Orang-Outang,” is not attacked on the basis of his opinions of Goethe alone. The orangutan speaks:

Das ist nun so mein Element  
Zu baun auf fremdes Fundament.

76 Ibid. Unpaginated foreword.
77 Ibid.
78 Ibid., p. 21.
79 The authorship is still debated. At the time, Goethe was widely thought to be the author, given the stylistic similarities to his other work. Goethe, however, was quick to identify Wagner as the author, even placing an ad claiming as much in the Frankfurter Gelehrten Anzeige (9 April 1775); although some, like Ludwig Julius Freidrich Hopfner questioned whether Wagner could have written the piece. For more, see: Andree, Wenn Texte Töten, p. 131-132
Nicolai is ridiculed not just for his opinion of Goethe, but also for his own literature. Specifically, the verse mocks what it portrays as Nicolai’s habit of appropriating other authors’ materials, the “fremdes Fundament.” Read in light of fan fiction and not just Goethe’s works, the poem becomes a more general rebuke of Nicolai’s method of producing literary fiction.

Goethe did not leave the attacks on Nicolai completely to others. Now a luminary whose influence rivaled that of Nicolai’s own, Goethe refused all interaction with the publisher as a form of social isolation. And Goethe published his own literary attacks. In one particularly memorable if unsubtle poem, “Nicolai auf Werthers Grab,” Goethe summarizes his feelings in scatological farce:

\[
\begin{align*}
\text{Ein junger Mensch ich weiß nicht wie,} \\
\text{Starb einst an der Hypochondrie} \\
\text{Und ward dann auch begraben.} \\
\text{Da kam ein schöner Geist herbei} \\
\text{Der hatte seinen Stuhlgang frei,} \\
\text{Wie ihn so Leute haben.} \\
\text{Der setzt sich nieder auf das Grab,} \\
\text{Und legt ein reinlich Häuflein ab,} \\
\text{Schaut mit Behagen seinen Dreck,} \\
\text{Geht wohl erathmend wieder weg,} \\
\text{Und spricht zu sich bedächtiglich:} \\
\text{“Der arme Mensch, er dauert mich} \\
\text{Wie hat er sich verdorben!} \\
\text{Hätt’ er geschissen so wie ich,} \\
\text{Er wäre nicht gestorben!”} 
\end{align*}
\]

Nicolai’s act in the poem, defecating on the beloved Werther’s grave, is recognizably equated with his action in life: writing *Die Freuden*. The metaphor unambiguously identifies Nicolai’s text as abysmal literature to be avoided, literal “Dreck.” But the comparison also highlights Nicolai’s

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behavior as a shocking violation of a social norm, placing the fan fiction author far outside the bounds of propriety.

**Effectiveness of Sanctions**

By damaging the reputations of transgressing authors and repelling the public from their works of fan fiction, bad reviews, personal attacks, and other public recriminations were likely effective punishments in the eighteenth century book trade. In 1792, Knigge agreed, writing in his treatise *Ueber Schriftsteller Und Schriftstellerey*: “die härteste Strafe [ist] nämlich die allgemeine Verachtung.”\(^82\) Theorists have long-recognized public censure as a powerful reputational sanction in systems of social control.\(^83\) Wieland even conceptualized public opinion in juridical terms in his *Gespräch unter vier Augen*. “Die öffentliche Meinung ist ein furchtbares Gericht,” Wieland writes, “ein Gericht, dem sich keine sterblich Macht, wie groß sie auch sey oder scheine, entziehen kann.”\(^84\) As Kirk Wetters notes, the “newness and potential vagueness” of the term “öffentliche Meinung” made it “ripe for overuse and rhetorical abuse;” but the notion underlying Wieland’s statement holds true: public opinion, influenced by newspapers, advertisements, reviews, and literary attacks, was a powerful force capable of shaping individual behavior.\(^85\)

Traditionally, reputational sanctions were considered effective only when applied to geographically limited and homogenous groups, particularly those that interacted repeatedly over time.\(^86\) More recent scholarship, however, has observed that reputation plays a role in increasingly larger communities and markets where “technology . . . or mass media used in advertising [make it possible to] convey information cheaply to a

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\(^82\) Knigge, *Schriftsteller*, p. 296.
\(^84\) Wieland, Christoph Martin. *Gespräche unter vier Augen*. Carlsruhe: Schmieder, 1800, p. 50
\(^86\) Bernstein, p. 133.
large group of transactors." In the context of the eighteenth-century book trade, these transactors comprised consumers, authors, and publishers. And thanks to the spread of newspapers, the prevalence of reviews, and the yearly book fairs, reputational information about an individual author or text could be easily communicated to potential consumers and business partners throughout Germany.

As part of a dynamic social structure, the literary reputation of an author affected the popular response to her text. Although theorists disagree about the nature of the underlying mechanisms – most prominently, Bourdieu posits a field theory and Luhmann offers a systems approach – there is scholarly consensus about the effects of reputation: namely, that literary reputation influences the reception of texts, and in a simultaneous and interdependent process, the future production of texts. Accordingly, punishing fan fiction with bad reviews, public notices, and literary attacks that damaged an author’s social or symbolic capital (to borrow Bourdieu’s term) was a potentially severe sanction.

The Doktor Bahrldt affair demonstrates the prospective damage from a harmed reputation. At one time, August von Kotzebue was among the most successful authors, playwrights, and librettists in Germany. In 1790, however, Kotzebue published the shockingly obscene four-act play Doktor Bahrldt mit der eisernen Stirn; oder die Deutsche Union gegen Zimmermann. Within Kotzebue’s play, the principal characters (including the well-known authors Campe, Boie, Bahrldt, Lichtenberg, and Nicolai) plot to destroy Zimmermann’s literary career and engage in various scandalous sexual acts. To make matters worse, Kotzebue published the play under Knigge’s name. But despite the false attribution, word of Kotzebue’s...

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87 Ibid., p. 140.
authorship quickly spread and Kotzebue quickly gained a dishonorable reputation. Kotzebue himself was surprised by the result. “Woher kommt es, daß ich so viele Feinde habe? (nämlich im Publikum, und solche, die mich entweder gar nicht oder doch kaum persönlich kennen, denn von Feinden, die man sich, mit und ohne Schuld, in verschiedenen Verhältnissen des Privatlebens macht, ist hier nicht eigentlich die Rede).” Unfortunately for Kotzebue, his reputation followed him everywhere and he could do seemingly little to restore the public’s opinion. At one point, the beleaguered author planned to write a dazzling new drama to revive his standing. But, because Kotzebue’s reputation was so badly damaged, the new play could not be fairly reviewed. In addition to negatively influencing the reception of his works, Kotzebue’s damaged reputation also made for difficulties with publishers, further causing sales of his texts to stagnate. The reputational harm proved enduring, effecting criticism of Kotzebue’s work and his literary activity more fundamentally.

Sanctions against transgressing works of fan fiction threatened the same effects. Besides undermining sales, as Kotzebue’s case illustrates, a damaged reputation could unfavorably dispose the public against future works. Lowered public standing could also result in the re-interpretation of existing works. Following the contentious publication of Die Freuden, for instance, some reviewers revised their stance on Nicolai’s earlier works. Schubart, for instance, had initially named Sebaldus Nothanker the “besten deutschen Roman.” But as Sommerfeld notes, following Nicolai’s appropriation of Werther, Schubart retracted his praise and actually condemned Sebaldus.

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90 The revelation of Kotzebue’s authorship is itself a fascinating tale. The Hanover Supreme Court of Justice investigated the work’s authorship. Eventually, the names of the printer and engraver were discovered. Kotzebue tried to convince the engraver to lie on his behalf, offering a forged letter. Kotzebue also asked another author to falsely confess as the work’s author. But the engraver ultimately published Kotzebue’s letter, revealing his duplicitous scheming.
93 Ibid.
In other cases, sanctions imposed for the violation of fan fiction norms had further business implications. In addition to publishing his polemic against Nicolai, Jung-Stilling wrote to the preeminent etcher Daniel Chodowiecki to convince him to cease illustrating for Nicolai. As a result, Chodowiecki expressed his concern to Nicolai about his further participation in the *Sebaldus Nothanker* project, even citing Jung-Stilling’s “Die Schleuder eines Hirtenknabens” as evidence of a reputation with which Chodowiecki did not wish to be associated. In the end, the illustrator fulfilled his contract and completed drawings for the third edition of *Sebaldus Nothanker*, but he declined to do so again for the fourth edition.\(^95\) Regardless of Chodowiecki’s motivations, which were more likely based on his ideological opposition to Nicolai’s attack on orthodoxy, the coordinated effort to punish Nicolai contributed to Chodowiecki’s decision to discontinue his work with the author and provided tangible evidence for Chodowiecki to cite.\(^96\)

Beyond the imposition of commercial penalties, bad reviews, public censures, and personal attacks also amounted to a sort of psychological sanction. In his study of non-legal sanctions, Charney observes that this sanction stems from “loss of opportunities for important or pleasurable associations with others, loss of self-esteem, feelings of guilt, or an unfulfilled desire to think of [oneself] as trustworthy and competent.”\(^97\) Eighteenth-century sanctions could therefore divest the author of the notion that he or she was a talented writer. Such measures may have also worked against authors like Nicolai, who enjoyed immense popular success with *Sebaldus Nothanker*, but was privately crestfallen that his novel did not receive critical acclaim. An attack against a work of fan fiction could also function as a statement that the author was a bad reader. Labelling fan fiction an inaccurate portrayal of an appropriated character could amount to a devastating blow to authors who were compelled to write by an inner drive and desire to see the continued adventures of beloved protagonists. Reputational sanctions could thus prove effective even


when works of fan fiction were published anonymously. Such sanctions deprived even the most casual fan fiction author of the payoff desired, whether he or she wrote for financial, emotional, or reputational gain.

Although sanctions could have far-reaching consequences, they were subject to natural limits. If a fan fiction author proved indifferent to the reception of her work and reputation, the sanctions may have been ineffective. Further, as Oliar and Sprigman observe, reputational sanctions may be weak when the audience of a transgressing work is itself indifferent to the contravention of the norms. If the public happily received a work of fan fiction, even if it violated the rules, authors may have been willing to break the norms when the potential gains were high enough. In the competitive German book market, the opportunity to make money from fan fiction may have been overpowering for some. Furthermore, toward the end of the century, publicly castigating a transgressing author may have fallen out of fashion, leaving fewer means to enforce the norms. A 1791 reminder from the *Literaturzeitung* announced that personal attacks would no longer be published in the accompanying *Intelligenzblatt*: “Daß auf alle Weise fernerhin das Aergerniß vermieden werde, welches erhitzte Schriftsteller geben, indem sie einander die gröbsten Beleidigungen zufügen, und einer des andern guten Namen öffentlich zu schänden trachten….” The paper then added a warning: “Daß allen ungeziemenden Ausdrücken, persönlichen Schmähungen, und nicht zur Sache gehörigen Ausfällen, die den sittlichen Charakter compromitiren, schlechterdings kein Platz im Intelligenzblatt gestattet, und ein jeder Aufsatz, welcher dergleichen enthält, seinem Verfasser zurückgegeben werde.” Milder sanctions, however, like Unger’s careful enumeration of Stutz’s various transgressions in her advertisement, may have still been permitted. It is consequently difficult to assess the general effectiveness of the sanctions governing the production of fan fiction in eighteenth-century Germany, especially because of the relative impossibility to measure deterrence. Nevertheless, it is evident that the norms and their enforcement mechanisms resulted in extensive battling on the “die Tummelplätze” of the German book trade. And even if these sanctions

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98 Oliar and Sprigman, p. 1824.
99 Quoted by Heinzmann in his *Appell*, p. 89-90.
failed, authors who objected to fan fiction, whether it transgressed the norms or not, had other means of controlling their texts.

**Other Strategies of Control**

Authors adopted a number of strategies to remain the exclusive purveyors of their narratives. Unlike the sanctions imposed for violations of the customary norms, these tools did not necessarily directly address or target the fan fiction they sought to contest. Yet, in the wider context of fan fiction, these otherwise pedestrian-seeming conventions take on new meaning as measures of combatting unwanted appropriations of literary creations.

One strategy to identify fan fiction as the work of a second author was to announce the end of the novel, specifically by labelling an installment the final volume. Announcing the end of a narrative could prevent unscrupulous authors and publishers, like the creator of the counterfeit *Sebaldus Nothanker*, from taking advantage of potential market confusion about the source of the text. In a preface to her sequel to *Julchen Grünthal*, Unger issued a clear statement explaining that she “überreicht denen, die sich für Julchens Schicksal schon interessirt haben, oder noch interessiren wollen . . . einen ganz neuen zweiten und letzten Theil . . .”100 And readers took notice. One reviewer in the *Neue allgemeine deutsche Bibliothek* admitted that he would have expected additional installments of Julchen’s story, “wenn nicht die Verf. diesen Theil ausdrücklich auch den letzten genannt hätte.”101 Any subsequent work purporting to narrate Julchen’s further adventures would therefore be identified as the work of a second author.

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Many authors did the same. When the third volume of *Sebaldus Nothanker* was published in 1776, Nicolai placed a subtitle squarely the cover page: “dritter und letzter Band.” Hermes made a similar gesture. He even wrote detailed instructions to his publisher Junius in 1772 to title the volume on which they were working the “5ter u. letzter Theil.” And when Hermes rethought his plan, adding an additional volume, he was sure that it, too, was announced as the last, resulting in the “Sechster und letzter Theil” of *Sophiens Reise*. The publisher of *Fritz, ein komischer Roman*, also titled the final installment the “Sechster und letzter Theil” to formally announce the end of the text, which itself had already been appropriated by at least one other author.

Although announcing the conclusion of a text may have been a common rhetorical gesture in the eighteenth century, this convention takes on new meaning in the context of fan fiction.

To maintain exclusive control over fictional characters, source authors may also have solicited feedback from readers. If authors communicated with readers to learn what they wanted, authors could write texts to include desired events or justify why they were not included. And by delivering to consumers what they wanted – or proving that their hopes were inapposite to the story told – authors potentially undercut one motivation for the creation of fan fiction or at least made a product more likely to succeed on the newly unknowable market. Of course, second authors who wrote fan fiction out of purely financial motives may not have been dissuaded by such efforts. Yet it was common for eighteenth-century authors to reach out to readers in what might be considered an early version of market research.

Vulpius cultivated a close connection with his public. For example, in response to a reader’s inquiry, Vulpius announced his next two projects and listed their prospective release dates in the Weimar-based

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102 Hermes to Junius, 22 August 1772: SUB Hamburg.
In the same announcement, the author also thanked several readers for gifts, including a Kränze and Medaille. Vulpius even posed a question to ensure that his return correspondence to one reader had been received, writing: “Hrn. B. zu N. bei E. habe ich schon vor mehr als 7 Wochen geantwortet. Sollte er meinen Brief nicht erhalten haben?” Vulpius exploited this close connection with his readers, regularly asking them what they wanted and promising to fulfill their wishes. As Simanowski summarizes, “Was Vulpius’ Publikum lesen will, ist, was er schreiben will. […] Vulpius kennt den Geschmack des Publikums und ist bereit, ihn zu bedienen.”

Hermes took a still more active approach, best exemplified by his work on Sophiens Reise. The second edition of Hermes’ popular novel amounts to far more than a revised version of the text, which Hermes tellingly titled the “Zweite, stark vermehrte Ausgabe.” In a 1773 letter to Junius, Hermes insisted on complete control over the textual changes including the “Ausmaß und den Charakter seiner Veränderungen und Zusätze.” Although the second edition tells the same story of Sophie’s journey, it is supplemented by a series of short prequels, spin-offs, and sequels accounting for the further and previous adventures of a number of characters, especially the widely-adored Herr Puff. The additions total hundreds of pages and expand the text from five volumes to six volumes, resulting in a bloated novel more than 3,000 pages long.

In the process of creating this “second edition,” Hermes proved intimately concerned with the thoughts of the reading public, actively relying on input from readers to inform his additions. Hermes instructed Junius to diligently collect all printed reviews of Sophiens Reise, writing in 1773: “Ich kan hier zwar einige Recensionen bekommen: aber da ich wenig Zeit habe zu lesen, so würde es mir lieb seyn, wenigstens

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106 Cited in: Bonter, p. 177.
107 According to the page count of the second edition from 1776.
Citationen derjenigen Schriften zu erhalten, wo unseres Buchs erwänt wird.’’

But, as Bonter notes in her study of *Sophiens Reise*, the real focus of Hermes’ attention was not the printed review, but rather the opinion of “der gewöhnlichen Leser.’’

To this end, Hermes wrote an announcement to be placed in “die Hamburger, u. andere, besondere u. gehörte, Zeitungen.’’ In his advertisement, Hermes officially informed the public that he was preparing a second edition of *Sophiens Reise* and called on the reader to work with him to write a new version of the novel:

Ich wage zugleich, meine Freunde, u. Alle welchen an der Vervollkommnung deutscher Schriften etwas liegt, aufs ergebenste um die kleine Müh, zu bitten, alle ihnen bekandten Beurtheilungen meines Buchs, auch die ganz bitteren, der Juniusschen Handlung zu Leipzig, anzuzeigen; u. kann das noch vor Ende des Augusts geschehen; so werde ich in den Stand gesetz seyn, ihrer Erwartung weit näher zu kommen, als sonst geschichten könne.’’

Bonter interprets the advertisement as an offer to Hermes’ readers, who “sollten zur Entstehung eines Originalromans beitragen, indem sie sich Hermes mit ihren Wünschen, Erwartungen und selbst Beschwerden offenbarten.’’ The public did not disappoint. In July, Hermes wrote to Junius happily reporting “Ich kenne nun mein Publicum, u. hoffe zieml. Zuversichtlich den Beifall desselben zu erhalten.’’ In the final chapter of the sixth and final part of the second edition of *Sophiens Reise*, Hermes includes a chapter “Der Verfasser an die Leser,’’ in which Hermes describes the effect of the readers’ letters:

“Hiezu kam, daß die Zuschriften, mit welchen ich beehrt ward, mir oft Anlässe zu Arbeiten gaben, deren

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109 Bonter, p. 177.
111 Ibid.
112 Bonter, p. 177.
113 According to Bonter, though, Hermes did not need to give readers this encouragement: Junius had already received countless letters even before the advertisement was placed. Bonter, p. 186.
einige, ohne sie, dismal unterblieben wären.” Whether a truthful statement or a tactful strategy to satisfy his public, Hermes insists that his readers helped shape the final form of his novel.

Very likely, in light of the earlier advertisement, Hermes’ assertion amounts to more than a rhetorical gesture. Indeed, by his own account, Hermes took seriously the requests of the readers who wrote. As Bonter observes, if Hermes had the impression that Junius had not forwarded a reader’s letter, the author asked his publisher for it. “Im Vorletzten Briefe sagen Sie, Sie schikten mir einen Brief von Hn Prof. Schmidt,” Hermes claimed in a 1773 letter. “Das ist aber nicht geschehen: sonder die Einlage war von Hrn Hartmann aus Tübingen.”

Originally, Hermes and Junius planned the second edition of *Sophiens Reise* “um einen Nachdruck zu verhindern,” as Hermes recalled. The changes made to the second edition and the timing of its publication, however, indicate that its production was not solely designed to combat piracy. New editions undercut pirated editions by rendering the latter out-of-date. But this strategy only worked if the new official edition were quickly printed. Hermes’ plan to learn his readers’ wishes caused significant delays and his work on the second edition far exceeded the sort of cosmetic and minor changes typically made to second editions designed to compete with pirated editions – a point reviewers even noted of Hermes’ novel.

Miller’s tweaks to *Siegwart* are typical of second-edition modifications. In a preface to the second edition, Miller explains, “Der drey oder vierfache unrechtmässige Nachdruck dieses Buchs, und weil die erste rechtmässige Auflage gänzlich vergriffen ist, machten diese zwote nothwendig. Sie ist häufig verändert, und wie ich hoffe, an nicht wenigen Stellen verbessert.” In reality, the sweeping improvements to which Miller refers amount to little more than a rhetorical gesture meant to appease the prospective buyer.

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116 Hermes to Junius, 16 April 1773: SUB Hamburg.
117 Hermes to Junius, 3 March 1773: SUB Hamburg.
confronted with a new edition just one year after the novel’s initial publication. His changes were minimal, focused mostly on small adjustments to language, the correction of typographic errors, and the modification of the characters’ medieval costumes for heightened accuracy. Hermes, in contrast, added countless new scenes, lengthy backstories, and the equivalent of a short sequel narrating the continued life of the protagonist. In fact, because of Hermes’ prominent work on *Sophiens Reise*, Junius even abandoned the effort to combat piracy with the new edition.

The extensiveness of the changes divulges Hermes’ agenda to do more than fight pirates. In a letter to Junius, Hermes justified his additions to *Sophiens Reise* by citing his twin desires to convey additional moral lessons and satisfy his critics. “Es würde mir leid thun, wenn Ihnen diese Zusätze zu stark schienen. Ich konnte nicht abkürzen; denn Sie sehen, daß sie grössten Theils solche Capitel der Moral abhandeln die ich noch nicht, oder nur leicht, berührt hatte. Eben so muste ich auch demjenigen Kritiker nachgeben, welcher anmerkt, daß ich die Grundzüge der Character mit alzuschwacher Kreider gezeichnet habe.”

A careful examination of the new edition of *Sophiens Reise*, however, reveals the fraudulenty of Hermes’ stated goals. Hermes manifests a marked indifference to reviewers’ opinions, even ignoring one of the primary criticisms of his novel. Musäus’ series of *Allgemeine deutsche Bibliothek* reviews well represents the general critical opinion of Hermes’ novel. Discussing the first two volumes of the first edition of *Sophiens Reise*, Musäus complained that “Der Faden dieser Geschichte ist durch mancherley Einschiebsel zerschnitten” – the same term he later used to describe the new additions to the second edition. By the fourth and fifth volumes of the first edition, Musäus concluded that “Sophiens Reise ist ein Labyrinth, das der V. angelegt hat.” In light of the widespread disapproval of the “insertions,” it is surprising that Hermes added more episodes to the second edition, which, predictably, were critically reviled.

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Yet Hermes’ proffered didactic justification for the additions rings similarly false. A handful of the additions convey moral lessons, especially those that cast Sophie in a negative light. But many of the "Einschiebels Geschichten," as Musäus names them, did not meaningfully advance the moral lessons of the novel. In one instance, Hermes even inserts eighteen pages narrating Puff’s backstory, the primary effect of which is entertainment. In a footnote to the ninth letter of the first volume of the second edition, Hermes even admits: “Wir rüken das was wir hier auslassen in die Folge des Briefs ein, um den Leser mehr zu unterhalten, und werden uns vielleicht noch öfter diese kleine Freyheit nehmen müssen.”

In another instance, Hermes actually changed his text in a manner that contradicted his didactic intent. By design, Hermes concludes the first edition of *Sophiens Reise* with the heroine unmarried, the unhappy nanny to the children of her friend Henriette. Hermes straightforwardly explained that he wanted to warn the reader, through the negative example of Sophie, of the consequences of the vice of “Sprödigkeit.” But in the second edition, Hermes relented to the demand of fervent readers who wanted to see Sophie married. The protagonist is wed to Magist Kübbuts, satisfying popular demand, but at the price diminished didactic force.

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122 For an analysis of the changes made to Puff in the second edition, see: Bonter, p. 185.
124 Hermes keeps the didactic warning in the second addition but adds an explanatory footnote: “Diese Stelle war für uns die erste Veranlassung zur Ausgabe dieser Briefe. […] Und wir fürchten, durch die Erste Ausgabe ihn [den Zweck] nicht erreicht zu haben; denn was solten wir denken, wenn wir noch heute den Ausdruck eines so unrecht gestellten Mitleids hören: ‘O die arme Sophie!’” Ibid., p. 396.
126 In the third edition, the bad marriage is narrated and blamed mostly on Sophie who, among other things, ruins her husband financially through “ihr Spiel, ihr Puz, ihre Bibliothek und die gewissenloseste Unwirthlichkeit.” Hermes, Johann Timotheus. *Sophiens Reise von Memel nach Sachsen, rechtmäßige dritte, von Verfasser durchgesehen und vermehrte Ausgabe*. Vol. 6, Leipzig: Junius, 1778, p. 707. Bonter interprets the end as a compromise between Hermes’ goals and what the public’s wishes. Bonter, p. 199.
Overall, Hermes’ extensive changes hurt his critical reception. In a review of the second edition in the *Hamburgische Correspondent*, an anonymous critic proclaimed that “das Ganze sey durch viele Nebengänge minder interessirend und unterhaltend geworden.”\(^{127}\) The popular author Johann Carl Wezel agreed, complaining in *Neue Bibliothek der schönen Wissenschaften und dery freyen Künste* about what he named Hermes’ “Einschiebungsmethode.” Wezel notes of one lengthy story added about Herr Puff: “der Leser ermüdet über dem weiten Abwege, dessen Zurückkehr zu der Hauptstraße er nicht absehen kann, verliert das Hauptinteresse aus den Augen, und muß, wenn er den zweiten Theil anfängt, den Zusammenhang der Geschichte erst wieder aufsuchen.”\(^{128}\) Neither Hermes’ critics, nor his didactic intent, were satisfied by the additions. But the author must have gained something. Likely, Hermes was trying to please his readers. Wezel suspected as much, attributing the loathed “Einschiebungsmethode” to Hermes’ “allzugroße Bereitwilligkeit gegen die Wünsche seiner Leser.”\(^{129}\)

Hermes claimed that the inspiration for the new episodes came from his readers. Correspondingly, many of the additions concentrated on Herr Puff, whom the public had greeted with special enthusiasm. One reviewer in Schirach’s *Magazin der deutschen Critik* called him “unserm guten Freunde Puff.”\(^{130}\) And describing Puff in the *Teutsche Merkur*, Jacobi claimed “um dessentwillen allein [wünschten] wir dieses Buch geschrieben zu haben.”\(^{131}\) Attuned to the market and his readers, Hermes likely recognized the demand for additional Puff stories. In fact, years later, Hermes continued to narrate Puff’s further adventures in his text *Manch Hermäon*. Hermes reports feeling obliged to include these episodes to *Sophiens Reise*, insisting that his readers’ wishes “mussten ihre Stelle haben.” Hermes even promises his

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\(^{129}\) Ibid., p. 271.

\(^{130}\) Cited in Bonter, p. 185.

readers in an introduction to the second edition, that “Wo ich gekonnt habe, dass ich ihren Forderungen Genüge.” Yet Hermes does not himself persuasively rationalize why he felt compelled to indulge his readers’ wishes. Based on his behavior, however, one potential explanation relates to fan fiction. By soliciting feedback from his readers and giving them what they wanted, Hermes may have displeased his critics and undermined his didactic goals, but he may have prevented some readers from writing their own sequels and prequels using his characters. After all, Hermes was thinking about fan fiction. He had imagined it as a distinct possibility should he stop writing and even named it as his motivation to keep telling the rambling story of Sophie’s travels. Soliciting feedback, in short, may have inhibited the creation of fan fiction.

If announcing the conclusion of a text and soliciting input failed to proactively prevent the production of fan fiction, authors often had recourse to their personal networks of friends and colleagues to spread word that a “fremde Hand” was responsible for the work, thereby thwarting potential misattributions and identifying the works as fan fiction. Like many authors and publishers, Nicolai relied on his contacts to monitor the reception of his works and keep abreast of trade news, including gossip about fan fiction. Writing to the Allgemeine deutsche Bibliothek reviewer G. W. Petersen about Die Freuden, Nicolai instructed: “Wenn Sie mehrere Nachrichten von dem Schicksale meines kleinen Buches in dortigen Gegenden erhalten, so verbinden Sie mich, wenn Sie mir etwas davon melden.”

A number of correspondents also wrote to Nicolai with the latest news from their regions. In September 1775, Bretschneider wrote to Nicolai from Frankfurt informing him of Jung-Stilling’s Die Schleuder eines

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134 This also hints why authors may have relied on the strategies they did. Authors with less robust networks to correct misperceptions about fan fiction may have chosen to make public announcements instead of relying on the private spread of information.

135 Of course, as one of the most prominent publishers in Germany and the editor of the far-reaching Allgemeine deutsche Bibliothek, Nicolai may have had a more extensive network than most.

136 Cited in Müller, Der junge Goethe, p. 165.

Even before the attack occurred, Nicolai’s contacts informed the publisher of its approach and afforded him the opportunity to ready a response, including Bretschneider’s offer to attempt to prevent its publication. In addition to using his network to collect news, Nicolai also deployed it to spread information meant to counteract fan fiction. For example, shortly after the appearance of Seybold’s *Predigten*, the dramatist Tobias Philipp von Gebler assured the Berlin publisher “ich habe aber schon alle meine Freunde unterrichtet, daß sie [the *Predigten*] nicht Kinder des ächten Vaters sind.” Without placing a public advertisement, coordinating a bad review, or publishing a polemic against Seybold, Nicolai was able to discredit the fan fiction and distance himself from the text thanks to his robust network.

The flurry of correspondence between Nicolai and his contacts underscores how quickly information and gossip travelled in the eighteenth-century German book trade. Reputational harms deriving from sanctions may therefore have posed a substantial deterrent to authors who sought to create fan fiction without adhering to the customary norms. Where fan fiction was nevertheless written in violation of the rules, it inspired the creation of a rich body of texts, from polemics to poems, like Goethe’s memorable, “Nicolai at Werther’s Grave.” Furthermore, as chapter five next analyzes, works of fan fiction also resulted in changes to the source texts from which their characters were drawn.

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137 Bretschneider further explains that he has not yet seen the text and questions whether it is worth the effort to try to prevent its publication. Bretschneider to Nicolai, 18 September 1775. NN9

138 Ibid. One week later, Bretschneider wrote to Nicolai again, advising that the Berlin publisher had nothing to fear and that everyone would recognize the fatuousness of Jung’s text.

139 From 15 May 1774; cited in: Gebler, p. 55.
Chapter V: Fan Fiction in the Eighteenth-Century Literary Landscape

In a 1775 lecture on Nicolai’s *Freuden des jungen Werthers*, Johann Hymmen and Christian August von Bertram posed a hypothetical question for their audience. “Lassen Sie uns einmal, meine Herren, den Fall setzen: Der Herr von Thümmel hätte keine Wilhelmine geschrieben – würden wir da wohl einen Sebaldus Nothanker haben?” The proffered answer is brief: “Ich glaube nicht.”

Looking beyond the *Werther*-phenomenon that inspired their question, the discussants consider literary spinoffs more broadly, hypothesizing that such works would not exist without the source texts from which the characters were drawn. Although logically unassailable, the assessment is misleadingly narrow in scope. Hymmen and Bertram only consider the influence of a source text on the fan fiction it inspired. But the relationship was far from unilateral. Just as source works influenced the creation and content of fan fiction, many works of fan fiction reciprocally shaped the narratives on which they were based, resulting in an ongoing process of literary exchange.

Fan fiction was part of the larger literary landscape in the second half of the eighteenth century. Whether conceived of as part of Darnton’s “communications circuit,” Wittmann’s “literarisches Leben,” or Kittler’s “discourse network,” literary works were part of a dynamic process of creation that took shape across time and space. Although schemas like Darnton’s original have been variously criticized and complicated, the basic premise remains universally accepted: the literary landscape around 1800 consisted of a set of relationships between multiple interconnected actors who determined how literature was produced and

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consumed. As Wittmann notes, eighteenth-century literature was the product of complex and interrelated cultural, economic, and political forces that influenced how a text was created, distributed, and read—what he names a “processual conglomerate of literary facts and social determinants.”

Despite the wealth of scholarship on the social system of literature in the eighteenth century, the place of fan fiction in this network has been systematically overlooked. But if each of the elements in the life cycle of the book is interactive and interdependent, the creation of fan fiction must have played an influential role in what Flint names the “dynamic interplay among authors, book producers and readers in eighteenth-century fiction.” Studying fan fiction thus better fulfills Roger Chartier’s call for scholars interested in the history of the book to investigate these “reciprocal relationships.”

Because it had the potential to modify the overall means of communication in late-eighteenth-century German letters, fan fiction comprises what Kittler would term a “disruptive intervention” in the circuit of

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5 For instance, Siegfried Schmidt describes the structures and institutions that make up the “Literatursystem” and their self-organization and theorizes how the system builds its borders to other social systems in the eighteenth century. This chapter aims to better understand how fan fiction and its authors fit into this system. For example, in the “Verarbeiter” category of his schema, Schmidt considers the role of reviewers and critics, but not fan fiction writers. The production of fan fiction suggests the possibility of another hybrid category, such as the “Rezipient-Verarbeiter” into which the fan fiction author would fall. “Die Literatursystem entsteht im Kontext der funktionalen Differenzierung der Gesamtgesellschaft durch Funktionswandel und Funktionsspezifizierung literarischen Handelns und Kommunikierens, durch Strukturbildung, Institutionalisierung und Grenzbildung. Die Struktur des Literatursystem baut sich auf im Zuge einer Modifikation bereits verfügbarer Handlungsrollen (Produzent, Vermittler, Rezipient) sowie der Entstehung einer vierten Handlungsrolle (Verarbeiter). Die vier Handlungsrollen differenzieren sich erheblich aus, institutionalisieren sich als Strukturschema massenmedial vermittelnder literarischer Kommunikation und professionalisieren sich allmählich… Damit nimmt die Komplexität des Literatursystems wesentlich zu und setzt Prozesse der Differenzierung… wie Entdifferenzierung… in Gang.” Schmidt, Siegfried J. *Die Selbstorganisation Des Sozialsystems Literatur Im 18. Jahrhundert.* Frankfurt am Main: Suhrkamp, 1989, p. 433.


representation. In this regard, fan fiction was not alone; after all, the late eighteenth century was host to a dramatically “changing media landscape.” Similar to the evolving reading habits, writing practices, and innovations in print, fan fiction altered the relationship between the producers, distributors, and consumers of texts, resulting in a unique literary product and distinctive form of authorship. This chapter investigates the effects of fan fiction on literary production and consumption in the eighteenth century, joining the efforts of scholars like Mazzeo to show that the critical tradition has overlooked forms of authorship pervasive in the final decades of the eighteenth century. In particular, this chapter examines the reciprocal relation between authors and readers-turned-fan fiction writers, focusing on Sebaldus Nothanker. In so doing, this chapter helps to close the gaps in the notoriously dotted line between readers and authors in Darnton’s original communications circuit, so dotted to represent the unknown process between reader and new writing.

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8 Kittler contends that such discursive technologies are rendered viable forms of media when society distinguishes them as interventions in the circuit of material representation. According to Kittler, the arrival of new media alters the means of communication within a culture. Kittler, Friedrich A. Gramophone, Film, Typewriter. Geoffrey Winthrop-Young and Michael Wutz Stanford, trans. Calif: Stanford University Press, 1999, p. 4.


10 As Flint observes, such a transformation “alters not only the niches occupied by prior media, diversifying those modes of reproduction … but also the various relations among producers, distributors, and consumers.” Flint, Print, p. 3.


Situating fan fiction within this “broader spectrum of influences and behaviors,” as Piper says, helpfully uncovers the overlooked role that fan fiction authors played in the production of literature.\textsuperscript{13} After briefly highlighting the conventional forms of interaction between authors and readers, this chapter explores fan fiction as a distinct means of such communication. This chapter then examines the aesthetic consequences of fan fiction as part of a text’s dynamic reception. Ultimately, this chapter demonstrates the potential for these texts to interact with and influence each other. In addition to creating interlinked texts, fan fiction necessitated an idiosyncratic form of authorship and literary originality that predates Romanticism.

**Conversing Across the Printed Page**

Eighteenth-century authors were aware that they were writing within a larger literary and social network. Many writers exploited the newly expanded possibilities for contact with readers accompanying the *Verschriftlichung* of communication.\textsuperscript{14} Some practices were centuries old, such as the private circulation of texts. But others, like the solicitation of letters from readers, were newly utilized in the eighteenth century.\textsuperscript{15} Writing fan fiction offered another means of such communication.

Eighteenth-century authors regularly solicited feedback from friends and colleagues on their works-in-progress. While completing *Wilhelmine*, Thümmel requested help from the poet Johann Peter Uz, who proposed reordering scenes and dropping the subtitle. Thümmel also had Christian Felix Weisse correct the proofs for *Wilhelmine* and oversee the printing.\textsuperscript{16} Nicolai similarly solicited comments from friends about

\textsuperscript{13} Piper, *Dreaming*, p. 10. As Piper notes, “the more we attend to the bookishness of literature, the more we begin to see the role that a broad array of actors, and not just authors, played in governing the production, circulation, and reception of literature.”


Sebaldus Nothanker, even asking the Amsterdam merchant Theodor Gülcher for help with the Dutch customs and landmarks that would appear in Sebaldus Nothanker.\footnote{Theodor Gülcher to Nicolai. NN 28, Mappe 6, Bl. 164-206. Schwinger explains: “Der Amsterdamer Kaufmann Theodor Gülcher, ein wackerer Freund der Aufklärung, korrespondierte seit 1770, zuerst wegen der Hofstedeschen Streitigkeiten, mit N. und lernte diesen im Frühjahr 1776, bei einem Besuche in Berlin, persönlich kennen.” Schwinger, p. 68.}

Apart from private correspondence about manuscripts, authors and readers communicated about published texts via reviews, advertisements, and in literary texts themselves, particularly in prefaces and footnotes.\footnote{For more on paratexts, see the discussion of Genette in the Appendix.}

Follenius explicitly addresses his “lieben Leser und holden Leserinnen” in a preface to the second installment of his Geisterseher sequel and Hermes calls out his “Kunstrichter” in the countless footnotes dotting Sophiens Reise.

But more than merely speaking to the public, many authors conceptualized the novel as a site for exchange with the reading public. Knigge describes “Schriftstellerey” as a “Gespräch mit der Lesewelt” and myriad authors echoed the sentiment.\footnote{Knigge, Schriftsteller, p. 9.} Leonard Meister neatly summarizes the prevailing conception of the author-reader relationship in his 1789 book, Leonard Meisters neue schweizerische Spaziergänge: “Ich komme nicht zur Audienz, sondern zum Besuche, nicht zum Katheder, sondern zum Gespräche…”\footnote{Meister, Leonard. Leonhard Meisters Neue Schweizerische Spaziergänge. St. Gallen: Huber und Compagnie, 1789, p. 287.} Meister clarifies that, through a text, the author visits the reader and begins a conversation, implying that the reader will talk back.

Nevertheless, some authors viewed the matter differently, bemoaning the perceived limitations of the novel as a site for reciprocal communication. In the preface to his third volume of the Geisterseher, Follenius complains that he “[kann] nur durch die Feder mit Ihnen [his readers] reden” and that, despite his effort, Follenius “immer nur tote Buchstaben auf das Papier wirft.”\footnote{Quoted in: Baumgartner, Margarete. Friedrich Von Schillers Romanfragment “Der Geisterseher” und Seine Fortsetzungen. III, 242 Bl. Dissertation. Universität Wien. 1943, p. 147.}
Ong and George Landow echo the sentiment, arguing that printed texts produce discrete, self-contained utterances.22 “By isolating thought on a written surface, detached from any interlocutor,” Ong asserts, the text is autonomous and indifferent, “uninvolved with all else, somehow self-contained, complete.”23 As a result, scholars like Ong conceptualize the author as unchallengeable: a figure who “cannot be reached in any book.”24 But in many instances, the eighteenth-century novel did facilitate a conversation between author and reader. And already in the eighteenth century, works of fan fiction challenged authors, many of whom revised their narratives in response to the reader-written spinoffs.

Reviewers regularly spoke to authors both publically and privately, offering comments not just as an exercise in criticism, but to guide subsequent editions and volumes. Furthermore, enthusiastic readers like Michael Denis wrote to authors to request future developments in ongoing stories and to demand additional installments. In other instances, authors themselves solicited feedback from readers to help them conform their stories to the preferences of their audience.

The jurist and author Karl August Buchholz (1785-1843), for instance, published six stories in an 1804 collection titled *Romantische Gemälde*. To test the competitive market and forgo the financial risks involved in pursuing a multi-volume work for which there might not be an audience, Buchholz published only the first part of three of the stories. Then, gauging the public’s reaction to the stories, Buchholz decided which stories to continue.25 Other authors were more explicit with their readers. Heinrich Werder, for instance, abruptly concludes his 1790 novel *Eduard Rosenhain oder die Schwachheiten unsers Jahrzehnds*,

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22 For example, in his study of hypertexts, Landow claims that “This technology – that of the printed book and its close relations, which include the typed or printed page – engenders certain notions of authorial property, authorial uniqueness, and a physically isolated text that hypertexts make untenable. The evidence of hypertext, in other words, historicizes many of our most commonplace assumptions, thereby forcing them to descend from the ethereality of abstraction and appear as corollaries to a particular technology rooted in specific times and places.” Landow, George P. *Hypertext 3.0: Critical Theory and New Media in an Era of Globalization*. Baltimore: Johns Hopkins University Press, 2006, p. 52.


24 Ong further argues that “the author cannot be reached in any book” making the author impossible to challenge. According to Ong, “[t]here is no way to refute a text. After absolutely total and devastating refutation, it says exactly the same thing as before.” Ong, *Orality*, p. 79.

25 Dainat makes this observation, p. 78.
promising that he would publish the sequel only if his readers nodded in approval.\textsuperscript{26} Hermes even placed an announcement requesting readers to send comments about \textit{Sophiens Reise} to guide his revisions to future editions.\textsuperscript{27}

The result was an ongoing conversation between authors and readers. Just as readers responded to Hermes’ request for feedback, the author replied to his readers. Hermes altered subsequent volumes and editions of \textit{Sophiens Reise} to comply with readers’ wishes. Furthermore, he directly addresses his readers’ suggestions through his spirited addition of footnotes. Hermes’ reaction to Musäus’ criticism of Sophie’s struggle with lice is typical. In his review of the first edition of \textit{Sophiens Reise}, Musäus explained that he found Sophie’s pestilence “etwas ekelhaft.”\textsuperscript{28} In response, in the second, “stark vermehrte Ausgabe,” Hermes appends a new footnote to the scene explaining: “Wir bitten den Kunstrichter der Ersten Ausgabe um Vergebung, dies nicht weggestrichen zu haben. Für ihn stands nicht da.”\textsuperscript{29} Throughout the second and third editions, Hermes glosses his readers’ comments.\textsuperscript{30} For instance, in a footnote attached to the portrayal of the dirty fingernails of an innkeeper’s daughter, Hermes wrote: “Diese Stelle hat ein Kunstrichter mir mächtig aufgemutzt. Warum? das hat der Mann nicht gesagt. Seine Nägel habe ich nicht gesehn.”\textsuperscript{31} And in another footnote, attached to a description of an \textit{Erziehungsphilosophie} outlined by a fictional character, Hermes harangued a reviewer who found the ideas too idealistic, writing: “Dies hat ein Kunstrichter unnatürlich gefunden. – Ich möchte des Manns Kinder wol sehn!”\textsuperscript{32} Although Hermes did not always change his text in response, the author considered his readers’ wishes. As the evolution of \textit{Sophiens Reise} demonstrates, the text was the product of a multipart exchange between author and readers.


\textsuperscript{27} For more on how Hermes went about creating the second edition of \textit{Sophiens Reise}, see: Bonter, p. 172-212.


\textsuperscript{30} As Bonter notes, Hermes engaged his reviewers with a certain amount of enjoyment. Bonter, p. 202.


Far from the stable artifact Ong imagines, the eighteenth-century novel was the site of a dynamic and interactive literary conversation, especially as texts went through multiples printings and editions. Indeed, Hermes’ interaction with his readers corroborates Christopher Flint’s more convincing characterization of the novel’s economics as the “interplay of reception and conception.” Especially with regard to the eighteenth century novel, many of which were serialized (or serialized by virtue of becoming the subject of fan fiction), the roles of text and reception are inextricably intertwined. Here, reader and writer did commune across the printed page, as Darnton put it, though these were not the Romantic authors Darnton imagined. Readers’ comments directly influenced the shape of texts as authors penned new works and altered pre-existing texts in response. Like Meister, these authors considered the text the site of an active conversation and anticipated a response from their readers.

Grafting, Spinning, Weaving Works of Fan Fiction

Besides sending letters and publishing reviews, readers spoke to authors through fan fiction. Goethe describes a similar practice in Die Horen, attributing it to the increase in reading and the number of readers actively picking up their own quills to write.

Jetzt da jeglicher liest und viele Leser das Buch nur
Ungedultig durchblättern und, selbst die Feder ergreifend
auf das Büchlein ein Buch mit seltner Fertigkeit pfropfen.

34 In his study of Richardson’s Clarissa, Keymer notes that, especially with novels that were published serially, the “roles of text and reception are peculiarly intertwined.” Keymer, Tom. Richardson’s “Clarissa” and the Eighteenth-Century Reader. Cambridge: Cambridge University Press, 1992, p. 218
36 After all, the robust Editionspraxis that dominated eighteenth-century print culture and afforded ample opportunity for readers’ comments to directly influence the shape of a text that might otherwise seem impenetrably static.
Although Goethe’s “Erste Epistel” is typically read as a negative comment on dilettantism, the mechanics Goethe describes apply equally to fan fiction, the authors of which had to “graft” their works to pre-existing texts. More commonly, however, eighteenth-century commentators described fan fiction with verbs like “anschwellen” and “ausspinnen,” suggesting that such works were not separate attachments tacked-on to pre-existing texts, but rather organic outgrowths of the sources themselves.38

Authors of fan fiction frequently attached their works to source texts using parallel titles and cross-referencing footnotes. The first three sentences of the Anhang zur Sophiens Reise, for instance, include five separate footnotes citing Hermes’ novel.39 Other authors offered succinct summaries of the preceding action before proceeding with their fan fiction. And many fan fiction authors reintroduced story elements and objects from source texts. For example, in his Predigten, Seybold discusses Sebaldus Nothanker’s magnum opus, the “Fragment von dem Tode furs Vaterland,” which plays an outsize role in Nicolai’s novel. Likewise, in his fan fiction Dianora, Gräfin Martagno, Rinaldo Rinaldinis Geliebte, Johann Jakob Brückner reproduces, word for word, a plot-driving letter written by the fictional character Dianora in Vulpius’ Rinaldo Rinaldini.40

To graft on to source works, some fan fiction authors reworked existing textual elements to better fit their needs. Nicolai was unsatisfied with the timeline of Thümmel’s Wilhelmine, which left the married pair too old to raise children. Nicolai therefore dismissed the preexisting chronology as the work of a poet who was not “beflissen gewesen, eine richtige Chronologie zu beobachten….”41 Nicolai’s fictional editor claims to establish the proper chronology “wie aus echten brieflichen Urkunden zu erweisen steht.” By claiming possession of various documents from Sebaldus’ life, including his appointment letter, sermons,

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38 See, for example, Merkel, Briefe, p. 675-678.
41 Intriguingly, Nicolai compares Thümmel to “der nachlässige Virgil,” owing to the “verpfuschte Chronologie” of the Aeneid, intriguingly positioning Thümmel as a second-comer who misdates Sebaldus’ marriage to Wilhelmine by twenty years. Nicolai, Friedrich. Das Leben Und Die Meinungen Des Herrn Magister Sebaldus Nothanker. Berlin, Nicolai, 1773, p. 3.
poetry, and an extensive “Briefwechsel mit ihren Siegeln und Unterschriften,” the editor discredits Thümmel on an ostensibly authoritative basis, but also begins a conversation about Sebaldu Nothanker that others would thereafter join.

Other fan fiction authors faced a still greater challenge to connect to source texts: the death or disappearance of a character. Although inspired readers could always write prequels, many nevertheless wrote sequels to texts that ended with a seemingly final chapter. Goethe’s *Leiden des jungen Werthers* famously ends with the protagonist’s gruesome suicide. But Nicolai had other plans for the young hero, introducing the pistols that commenced this dissertation. Although few fan fiction authors rewrote scenes and engineered such dramatic plot twists to explain their sequels, many proved willing to explore the further adventures of ostensibly deceased and missing characters. In the dramatic conclusion to (what turned out to be the first volume of) Vulpis’ best-selling 1798 novel, *Rinaldo Rinaldini, Der Räuberhauptmann*, the eponymous protagonist is attacked by Sicilian troops. A dagger is plunged into his breast and the hero is left for dead. Nevertheless, just a few months later, Ignaz Ferdinand Arnold published a self-styled *Fortsetzung*. In the opening line, Arnold reveals that the fatal wound was actually a near miss. Arnold’s Rinaldo then recounts his recovery: “Man hatte mich schlecht verbunden; und der Wundarzt zweifelte an meinem Aufkommen. Ich hatte lange in einer todtenähnlichen Betäubung gelegen. Als ich erwachte, fand ich mich auf einem Bette, ein Bedienter saß neben mir.”

Unger’s original 1784 *Julchen Grünthal* ends with similar finality – or, as one reviewer in the *Allgemeine deutsche Bibliothek* declared, the novel “schloß sich ganz natürlich.” Throughout Unger’s novel, Julchen finds herself in several romantic entanglements, the most dramatic of which involves her falling in love

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with her cousin Karoline’s husband, Karl Falk. But just when Falk divorces Karoline, marries Julchen, and a happy end seems in sight, he begins an affair with a servant. Julchen, in turn, forges a relationship with a Russian nobleman, with whom she eventually runs away.\textsuperscript{45} The novel concludes with the father’s report that he was unable to track Julchen. “Ich fand ihre Spur nicht wieder,” he explains, “und habe nie erfahren - - -”\textsuperscript{46} In the father’s final words and punctuated silence, the novel announces that Julchen has disappeared forever. Undeterred, however, Stutz penned a sequel that begins with the father’s resumed search for Julchen, whom he finds and returns home.\textsuperscript{47} There, the protagonist is reconciled with her cousin Karoline and the two open a Mädchenerziehungsinstitut.

Although the generic constraints of fan fiction inherently place limits on its authors – after all, they must use pre-existing characters – eighteenth-century writers found creative means to tell the stories they wished to tell, no matter if a character had been killed off. Fan fiction might therefore be connected with a poetics of recovery and discovery that deserves further attention. With regard to the reciprocal relationship between authors and readers-turned-authors, it is clear that the content of a source text alone did not dictate the possibility of fan fiction nor fully determine the direction it would take. In other words, through fan fiction, readers could talk back to the authors who inspired them, entering into what Brewer names a “perpetual negotiation” about the activities and whereabouts of characters.\textsuperscript{48}

**Production Effects**

Fan fiction had the potential to influence the production, appearance, and content of source texts, beginning with the pace of their publication. After concluding that the delay in publication between the first and


second volumes of *Sebaldus Nothanker* gave rise to Eckermann’s disputed sequel, Nicolai rushed the production of subsequent installments of his novel. But Nicolai fretted that the haste harmed the quality of his writing. In his correspondence with Johann Heinrich Merck, Nicolai explained that although he was unable to devote his “ganzen Geisteskräfte” to the project, he could not postpone his writing. As a result, Nicolai anticipated a negative assessment of the subsequent volumes of his novel and expressed genuine relief when his friend reported liking the second part no less than the first. The following year, however, Merck notes of the third volume that he “Nichts bedauert, als daß Sie [Nicolai] so stracks zum Ende eilen,” hinting that the rushed production may have resulted in a text itself that feels hurried. But confronted with competition from fan fiction and compelled to write faster, Nicolai had given up hopes of writing a great text. His goal was simply to avoid producing an inferior product, raising the question whether fan fiction negatively impacted the aesthetic quality of Nicolai’s *Sebaldus Nothanker*.

In other cases, fan fiction may have actually inhibited the production of texts. Bemoaning Störchel’s expansion and continuation of Lafontaine’s *Familie Neubeck*, Merkel contemplates precisely this possibility. “Wie, wenn Herr Lafontaine nun die Idee gehabt hätte, selbst einen größern Roman aus diesem Stoffe zu bilden? – Jetzt müßte er sie aufgeben . . . .” Absent an authorial comment indicating such inhibition, however, such an effect is difficult to verify, even if easily imagined.

Better documented are the number of incidents in which fan fiction actually spurred the production of new, unplanned texts. Lichtwer’s poetic reaction to Ramler’s fan fiction highlights the productive possibilities of such appropriations: he released a third edition of his *Fabeln* to which he added several new fables that

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50 Nicolai to Merck, October 8, 1775. Quoted in: Schwinger, p. 170-171.

51 Merck to Nicolai, December 1776. NN 49.

unmistakably comment on the situation, including “Der unschuldige Dichter” and “Don Quixote und Sancho Pansa.” In another addition, titled “Die Nachbarn,” Lichter prefigures a metaphor common to later discussions of fan fiction: the garden and the trespassing neighbor.

Ein Mann hatt’ einen Baum, der golden Früchte trug.  
Sein Nachbar hieb aus Neid bei Nacht.  
Viel’ Aeste von dem Baum; allein er war nicht klug,  
Weil er das Jahr darauf dreifache Früchte brachte.  
[…]
So nützlich ist uns oft ein Feind;  
Er dient, wenn er zu schaden meint.  

By infringing on the source author’s work – that is, the creative fruits of his intellectual labor – the trespassing neighbor, or second author, actually inspires more growth. Lichtwer equates this growth to fresh literary productivity, manifest here as the new fables introduced to the later edition of his text.

Just as readers considered source texts springboards for their own literary activity, many source authors, in turn, viewed fan fiction as a creative impetus. Following the successful publication of fan fiction, source authors often released new and revised editions of their texts, which many believed enjoyed increased sales thanks to fan fiction. Savvy authors and publishers also released new editions of source texts in the same size and format of particularly popular works of the fan fiction they inspired. This allowed readers to more easily bind the texts together and boost the sales of each. In 1773, to capitalize on the success of Sebaldus Nothanker, Erasmus Reich, the original publisher of Wilhelmine, released an inexpensive new edition of Thümmel’s text to match the format of Nicolai’s more popular novel. At least one critic condemned the practice. Referring to the “Leser […] die Wilhelmine und Nothankern nicht blos nebeneinander lesen, sondern auch zusammengebunden haben wollen,” the critic insisted that it was preposterous that Nicolai’s

54 Ibid. XXVII. Die Nachbarn, p. 186.
55 Heldmann, p. 366.
novel should win new readers for what he considered to be Thümmel’s much better work.\textsuperscript{56} Yet, Thümmel and his publisher welcomed the prospect of bundling. In the end, there were at least three different printings of this bundle-ready edition of \textit{Wilhelmine}.\textsuperscript{57} Pirating printers started copying this edition as well, and even printed \textit{Wilhelmine} together with \textit{Sebaldus} in a single edition as early as 1775.\textsuperscript{58} Still today, it is possible to find bundled editions of the texts.\textsuperscript{59}

Beyond changing the physical format in which texts appeared and inspiring new editions, fan fiction also prompted source authors to add new material to their pre-existing works, often in the form of prefaces, footnotes, and afterwords. Lichtwer, Thümmel, Nicolai, Hermes, and Unger each supplemented their texts to address the fan fiction they inspired. Fan fiction consequently resulted in a back-and-forth conversation that became an influential part of the literary landscape in the second half of the eighteenth-century, affecting the production, quality, appearance, and content of literature.

\textbf{Writing New Sequels}

One of the most substantial products to result from this interaction between readers and writers – besides works of fan fiction – were the wholly new texts written by source authors in response. To capitalize on the public’s enthusiasm for Rinaldo Rinaldini and compete with the fan fiction his novel inspired, Vulpius wrote sequels and spin-offs for more than two decades following the first publication of his blockbuster novel.\textsuperscript{60} First, though, Vulpius had to explain his hero’s reappearance. Whereas Arnold simply reinterpreted

\begin{itemize}
  \item \textsuperscript{56} Ibid.
  \item \textsuperscript{57} Heldmann notes that there were at least three different printings of this bundle-ready edition. Heldmann, p. 367.
  \item \textsuperscript{58} Heldmann, p. 367.
\end{itemize}
Rinaldo’s death as a near-miss and continued the story, Vulpius took a different tact. Through his publisher Gräff, Vulpius acknowledged the challenge in an announcement in the *Intelligenzblatt der Allgemeinen Literatur-Zeitung*, tantalizing the reader: “Der Verfasser wird eine Fortsetzung liefern. Wie dies möglich ist, mögen die ergrübeln, welche Rinaldo gelesen haben. Glück auf Rinaldo!!” The result was a sequel titled *Ferrandino. Fortsetzung der Geschichte des Räuber-Hauptmanns Rinaldini von dem Verfasser derselben*. For the entire first book of the sequel, the narrator studiously refers to the protagonist as Ferrandino. Finally, in the second book of the three-volume, nine-book sequel, the reader is assured that Rinaldo had only been wounded at the conclusion of Vulpius’ first novel, that he had subsequently been rescued by his allies, and assumed the alias Ferrandino to escape his life as an outcast. In contrast to Arnold’s *Fortsetzung*, Vulpius only briefly references Rinaldo’s recovery and conspicuously omits its portrayal. Instead, the reader is reassured of Rinaldo’s survival when the robber bandit serendipitously encounters Dianora in the second book of the sequel. When Dianora recognizes the stranger and shrieks in fear, Ferrandino reveals his true identity: “Kein Geist! kein Geist! Ich bin es selbst: bin wirklich hier. 

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62 There some dispute about its date of first publication. It seems, however, that two different editions of *Ferrandino* were published in 1800. One, which appears under the separate title of *Ferrandino* and appears as volumes 5 and 6 of a series titled *Biographen berüchtiger Schwärer, Jauner, Mörder, Mordbrenner und Straßenräuber aus dem achttzehnten Jahrhundert*. The same novel also appeared as *Rinaldo Rinaldini der Räuber-Hauptmann*, as books ten to fifteen. Both editions contain the same preface, written on the last day of 1799. For more, see: Heiderich, Manfred W. *The German Novel of 1800: A Study of Popular Prose Fiction*. Berne: P. Lang, 1982, p. 130ff.
63 Instead, the revelation is handled in a moving scene in the second book, when the reader witnesses Ferrandino’s encounter with a woman singing about her grief. *Ferrandino. Fortsetzung der Geschichte des Räuberhauptmanns Rinaldini von dem Verfasser desselben. Erstes bis drittes Buch*. Leipzig: Gräff, 1801, p. 64.
As Rinaldo comforts Dianora, he simultaneously reassures the reader that he is, in fact, the very same protagonist killed off in the conclusion of *Rinaldo Rinaldini*.

Unger pursued a similar strategy to explain her sequel, which she explicitly attributed to the publication of Stutz’s *Julchen Grünsthal, Zweiter Theil*. Unlike Stutz, who begins his fan fiction with the father’s resumed search for Julchen, Unger begins her sequel by telling an ostensibly unrelated story, much like Vulpius’ *Ferrandino*. Unger’s novel begins with the “boring” – in the words of the *Neue allgemeine deutsche Bibliothek* review – story of two country neighbors, Minna and Ida. Allegedly friends of Julchen, the two women do not even appear in Stutz’s sequel. But, it turns out, Ida is actually Julchen herself, clandestinely returned from Russia and looking for her father, who has left his home in search of Julchen. Unger’s sequel continues Julchen’s story, narrating what happened after her disappearance at the end of the 1784 *Pensionsgeschichte* through a series of letters to Julchen’s father recounting her adventures. Upon the father’s return, Ida reveals her true identity and the novel narrates her reunion with Karoline and her father’s subsequent attempt to restore his daughter to her former position, happily achieved in the novel’s final scene. Julchen, however, does not found a boarding school.

To compete with the fan fiction that co-opted her narrative, Unger relies on the trope of secret identities to revitalize a character who had been seemingly lost forever, analogous to Vulpius’ strategy in *Rinaldo Rinaldini*. Moreover, like Vulpius, Unger does not directly address the fan fiction in the text of her novel,

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64 Ibid., p. 65.
65 The reunion, however, is short lived in Vulpius’ sequel and Rinaldo finds himself in new adventures as if he had never been killed. Following his reunion with Dianora and their son, Rinaldini travels to the island of Ragusa, where he joins the Old Man of Fronteja. There, he is recognized as the robber bandit and subsequently engages in various adventures, battles, captures, and escapes. In the end, Fronteja, who has become the Prince Nikanor, reveals his identity as Rinaldini’s father.
66 In the preface to her sequel, Unger notes that she was partly motivated by “der Umstand, daß es einer fremden, ihr ganz unbekannten Hand gefallen hatte, einen zweiten Theil zu schreiben und drucken zu lassen…” Unger, Frederike Helene. *Julchen Grünsthal, Zweiter Theil*. Berlin: Unger, 1798 (unpaginated “Vorbericht”).
preferring instead to confront it in advertisements, letters, and a preface. Although the fan fiction spurred
the production of her sequel, Unger, like Vulpius, declines to incorporate it into the fictional universe of
her text. But this was not always the case. Nicolai’s interactions with the fan fiction his work inspired
highlights the potentially dramatic effects fan fiction could have on the content of a source work.

**Sebaldus Nothanker and His Growing Family**

In 1774, one year before Nicolai published the second volume of his Nothanker novel, the theologian and
educator David Christoph Seybold released the *Predigten des Herrn Magister Sebaldus Nothanker, aus
seinen Papieren gezogen*. Seybold followed his first volume of sermons and pedagogical stories with
another in 1776 and a third, titled *Des Mag. Sebaldus Nothankers letzte Predigt* in 1777, only one year after
Nicolai published the final part of his novel. Consequently, between 1773 and 1777, six Sebaldus-related
texts were published between Nicolai and Seybold alone.

Unlike Thümmel, who warmly greeted Nicolai’s *Sebaldus Nothanker*, Nicolai feverishly fought later
appropriators of the Sebaldus character. Although Nicolai swiftly demanded a cessation to all sales of
Olearius’ *Sebaldus Nothanker, Zweyter Theil*, he had more difficulty identifying the source of Seybold’s
anonymously-published Nothanker text. Nicolai instead used his own novel as a platform to attack the
derivative work, entering into a literary exchange with the reader-written texts he inspired.

In an episode from the first volume of Nicolai’s novel, Sebaldus is robbed while on a journey to Berlin.
In der zweyten Nacht ward der Postwagen […] in einem Walde unvermuthet von Räubern überfallen; sie schlugen den Postillion auf der Stelle tod, und Sebaldus, der der einziger Passagier war, empfing einen Schlag auf den Kopf, davon er betäubt zur Erden fiel. Als er wieder zu sich kam, war […] sein eigner Kuffer gänzlich ausgeleert. 68

Seybold makes use of this scene to explain his spin-off text. In a foreword, the fictional editor of the Predigten explains that he purchased papers from a travelling merchant, a Dessau Jew, who bought them from a farmer, who claimed to have found the papers abandoned on a country road. Next, because he had just read Sebaldus Nothanker, the editor explains, “[g]leich fiel mirs aufs Herz, ob die Sachen nicht von dem geplünderten Postwagen* seyn möchten.” Here, Seybold includes a footnote, citing Nicolai’s text and providing a page number to direct the reader to the scene in question. The editor then continues: “Alle Umstände beredten mich, daß die Predigten von Nothanker sind.” 69

The editor next addresses a number of implicit questions about the authenticity of the text, admitting that he initially doubted their origin. But reading the sermons in conjunction with Nicolai’s novel, the editor discovers an unmistakable correspondence of people, places, and events in both texts. Furthermore, the editor purports to have found marginalia written by Sebaldus Nothanker as well as Sebaldus’ magnum opus, the “Fragment von dem Tode fürs Vaterland.” 70 Here, the editor includes a cross-referencing footnote to page 32 of the first volume of Nicolai’s Sebaldus Nothanker, which describes the country pastor before his congregation: “so hielt er seine Predigt, vom Tode fürs Vaterland, in einem enthusiastischen Feuer.” 71

Seybold cleverly uses the same strategy deployed by Nicolai to gain control over Thümmel’s text. Just as Nicolai’s fictional editor of Sebaldus Nothanker alleged to possess the physical records of the country pastor’s life, Seybold’s editor claims to have papers documenting the same fictional life. Moreover, Nicolai

70 Ibid, p. xlvi-xlvi.
made numerous references to events from Wilhelmine in his novel, further presenting the reader with several familiar figures, including: Stauzius, who married Sebaldus and Wilhelmine; Graf Nimmer; the Kammerjunker; and Clarisse and the Hofmarschall, for whom Wilhelmine worked as a chambermaid.

Nicolai, however, rejected Seybold’s analogous efforts to link the Predigten to Sebaldus Nothanker. To maintain exclusive control over the Sebaldus character, Nicolai appended a “Zuverlässige Nachricht” to the very next installment of Sebaldus Nothanker. Like Unger, Nicolai leaves no doubt about the impetus for its creation. “Diese Familiennachrichten dem Publikum mitzuteilen,” Nicolai explains, “wird man veranlaßt durch eine Schrift, betitelt: Predigten des Herrn Magister Sebaldus Nothanker, aus seinen Papieren gezogen.”72 The addition, self-avowedly reliable and totaling more than 30 pages, provides rich new details about Sebaldus, including stories about his parents and siblings.

Nicolai dedicates the “Nachricht” to debunking the claim that Predigten were obtained from Sebaldus’ papers. After insisting that Sebaldus remained in possession of his papers, thus rendering any fragment allegedly drawn therefrom inauthentic, Nicolai supports his argument with textual analysis, proclaiming “wer den Herrn Magister Sebaldus etwas genauer, und persönlich gekennet, wird gleich einsehen, daß diese Predigten unmöglich von diesem guten Manne herrühren können.”73 Paralleling Seybold’s close reading of Sebaldus Nothanker, Nicolai scrutinizes the Predigten, taking issue with several aspects, including Seybold’s invented Sebaldus marginalia. “Wenn man die Anmerkungen liest, die am Rande der Handschrift der Predigten sollen gestanden haben, so sieht man gleich, daß darin ein unerträglicher Egoismus herrschet, der dem von allem Eigendünkel entfernten Charakter des Sebaldus ganz zuwider ist.”74 Because the sermons do not accord with Sebaldus’ character, the argument goes, the Predigten could not possibly be the work of the beloved country pastor.

73 Ibid., p. 264.
74 Ibid.
Ironically, the same claims were levied against Nicolai when he first published his *Sebaldus Nothanker*. In a 1773 letter to Nicolai, the author Heinrich Gottfried von Bretschneider notes that the character of Nicolai’s Sebaldus and Thümmel’s Sebaldus “nicht…zusammenpaßt,” naming it a distinctive “Schwäche” of Nicolai’s novel. Throughout the eighteenth century, many reviewers commented on the lack of correspondence between Thümmel’s Sebaldus Nothanker and Nicolai’s character. And literary scholars have echoed the criticism ever since.

Other reviewers commented on the distorted chronology of Nicolai’s Sebaldus story. Seybold, too, deftly observes the modification and leverages it against Nicolai. In the preface, Seybold’s fictional editor notes of *Sebaldus Nothanker*:

> Bei allen seinen Vorzügen aber hat er den beträchtlichen Fehler, daß der Verfasser gar zu geheimnisvoll ist. Nicht einmal das Fürstenthum, nicht das Dorf, wo Nothanker Pastor war, nicht die Residenzstadt hat er genannt. Wie kann denn nun der Leser wissen, in welchen Gegenden der Welt er ist? Besonders wäre es auch sehr gut gewesen, wenn der Verfasser sich entschlossen hätte, eine Landcharte und eine chronologische Tabelle beyzufügen.

Hypothesizing why Nicolai did not include a map and a chronological table in *Sebaldus Nothanker*, the fictional editor of the *Predigten* reasons, “[d]aß er das letztere nicht gethan hat, mag wohl seine guten Ursachen haben. Denn mit seiner Chronologie sieht es nicht gar zu richtig aus. – Doch ich will itzt kein weiteres Urtheil fällen.” By referencing the distorted timeline but declining to pass judgment, Seybold seemingly invites Nicolai (as one fan fiction author to another) to similarly leave the veracity of his own Sebaldus text unquestioned.

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75 Bretschneider an Nicolai, 18 August 1773, NN 9.
76 Noting the “dramatic transformation” between Thümmel’s text and Nicolai’s novel, Jeffrey Freedman, for instance, argues that “[t]he irreconcilability of their names, the protagonists of *Sebaldus Nothanker* retain little of their previous selves.” Freedman, Jeffrey. *Books Without Borders in Enlightenment Europe: French Cosmopolitanism and German Literary Markets*. Philadelphia 2012, p. 201.
78 Ibid. p. xlv–xlv.
Nonetheless, Nicolai closely interrogates Seybold’s text to prove its inauthenticity. For example, in Seybold’s spinoff, the editor suggests that Sebaldus owned silk tights – a detail Nicolai highlights as evidence that the man featured in the spinoff could not possibly be Seybold; after all, “[w]ie wäre er, der zeitlebens in einer ländlichen Einfalt gelebt hatte und der aus Noth seine besten Sachen hatte verstoßen müssen, zu seidnen Strümpfen gekommen?”79 In the end, after devoting several pages to discrediting Seybold’s text, Nicolai concludes: “Die Muthmaßung des ungenannten Herausgebers ist also höchst unwahrscheinlich.”80

Instead of dismissing the Predigten outright, however, Nicolai attempts to explain the mistake of Seybold’s fictional editor. The sermons, Nicolai declares, were not written by Sebaldus, but by his family. Consequently, Nicolai’s “Zuverlässige Nachricht” begins by delineating Sebaldus’ family tree, including his father, “ein ehrlicher Handwerksmann in einem kleinen Städtchen in Thüringen,” his mother Hedwig, and brothers Erasmus and Elardus.

According to the addendum, Sebaldus’ older brother, Erasmus, was also a preacher. But, unlike the hero of Nicolai’s novel, Erasmus “liebte […] seine eigene Person und hatte von seinen Talenten eine sehr hohe Meinung.”81 As Nicolai relates the story, Erasmus eventually married a rich young widow and began spending freely, mostly on good works – supporting orphans, funding the construction of the church organ, distributing bread to the poor. Only once every six or eight weeks, Nicolai notes, would Erasmus hold a short sermon. Sebaldus’s younger brother, Elardus, had also hoped to be a preacher, but proved still less successful.

80 Ibid.
81 Ibid., p. 256.
Nicolai supplies the brothers with complete backstories and shares intimate details from their lives, ranging from their educational and professional endeavors to personal minutia (Elardus was Hedwig’s favorite). The “Zuverlässige Nachricht” also bestows a nephew on Sebaldus. Erasmus’ son Cyriakus is described as a “Polyhistor und schönen Geist,” who “las sehr viel” and “schrieb wechselsweise, hoch wie Klopstock, sanft wie Jakobi, fromm wie Lavater, weltlich wie Clodius, tiefdunkel wie Herder, populär wie Gleim.”

Like Sebaldus’ brothers, the nephew is given a detailed narrative spanning several pages. Nicolai shares how Erasmus’ wealth influenced Cyriakus’ upbringing and outlook, inspiring him to give away what was left of his father’s fortune upon Erasmus’ death. Nicolai further remarks that “Cyriakus seines Vaters Kleider, Halskrausen und Manuskripte, so wie auch den geringen Nachlaß des frühzeitig verstorbenen Elardus geerbt hat….”

After establishing this family tree, Nicolai offers his own speculation about the origin of the products sold by the Dessau Jew, including the Predigten. In 1772, two years before the first volume of the Predigten was published, Nicolai explains that Cyriakus, “seine sämtliche Kleidung, Bücher und Papiere zu einem Trödler getragen hat, der vor dem Grimmischen Thore in der Gegend des Richterschen Kaffegartens wohnt und seinen hauptsächlichen Abzug an Dessauische Juden hat.” Consequently, Nicolai entreats, “wird es nun nicht vielmehr wahrscheinlich, daß die dem ungenannten Herausgeber so zufälligerweise in die Hände gerathenen Predigten, wenn sie gleich nicht von Sebaldus Nothanker sind, dennoch sehr wohl von Erasmus Nothanker, von Elardus Nothanker und von Cyriakus Nothanker herrühren können?” By elaborating a narrative backstory, Nicolai provides an alternative origin for the disputed sermons. And to regain control over Sebaldus, Nicolai only had to prove that his story was more convincing than that offered by Seybold.

82 Ibid., p. 262.
83 Ibid., p. 269.
84 Ibid.
85 Ibid.
Ultimately, Nicolai endeavors to discredit Seybold’s text using a three-part strategy. First he reads Seybold’s text closely, highlighting the discrepancy between Sebaldus’ character and the sermons themselves. Nicolai then explains what Sebaldus would have preached instead and, finally, he suggests an alternative author.

Turning again to the Predigten, Nicolai notes that his own “Mutmaßung wird beinahe zur Gewißheit, wenn man die innere Beschaffenheit dieser Predigten betrachtet.” Nicolai therefore reads the Predigten with extreme care, beginning with “der erste Absatz der ersten Predigt, von der Einigkeit in der Ehe,” which Nicolai asserts “kann ganz unmöglich aus Sebaldus’ Feder geflossen seyn.” Although the passage is only half a page long, Nicolai counts sixteen times that the author uses the word “ich.” As Nicolai interprets it, this frequency indicates a self-love incompatible with Sebaldus. “So ein grober Egoist,” Nicolai clarifies, “war der bescheidene Sebaldus keineswegs.”

Nicolai devotes several pages to such close readings, quoting extensively from Seybold’s text and often reproducing entire passages from the Predigten. In addition to explaining why the tone and style of the sermons do not correspond with Sebaldus, Nicolai clarifies what Sebaldus would have discussed. For instance, when preaching on “Geld und Gut,” Nicolai argues that Sebaldus would not have used the example in the Predigten of a dishonorable woman married solely for her money. Instead, Nicolai claims, “[w]enn Sebaldus über diese Gegenstände zu reden gehabt hätte, so würde er von Vieh, Acker, Wiesen und Gärten gesprochen haben; denn darin bestand das Vermögen seiner Bauern.” Analyzing another passage from the Predigten, this time from a sermon on the dangers of wealth, Nicolai contends that the text “ist ein klarer Beweis, daß Sebaldus nicht der Verfasser dieser Predigt seyn könne,” because Sebaldus would counsel his parishioners to wake up early and tend their flocks and fields so that they might become rich.

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86 Ibid.
87 Ibid. p. 270.
88 Ibid. p. 271.
89 Ibid. p. 272.
But, according to Nicolai, a sermon decrying wealth was consistent with Erasmus’ ideology and habits. “Dagegen weiß man vom Erasmus, daß er, seitdem er selbst reich geworden war, den erbaulichen Gemeinort von der Nichtigkeit und Schädlichkeit des Reichtums sehr oft im Munde geführt habe.” Nicolai’s text continues in this manner at length, marshalling a wealth of text to support his claim that the newly introduced Erasmus was the author of the disputed sermons. Reading the *Predigten* in light of the new stories about the brothers, Nicolai reaches the conclusion “daß niemand anders, als Erasmus Nothanker, der Verfasser dieser Predigt seyn könne.”

Directing attention still further from Sebaldus, Nicolai suggests another possible author: Cyriakus. In particular, Nicolai argues that the two fragments contained in the *Predigten*, including the “Predigt vom Tode furs Vaterland,” come “ohne Zweifel” from Cyriakus. Referring to Sebaldus’ nephew, Nicolai reminds the reader that, “[e]s ist schon oben gesagt worden, daß er in allen Schreibarten Versuche gemacht habe, und man sieht es diesen Fragmenten auch nur allzusehr an, daß sie Versuche, und zwar Versuche eines jungen Menschen sind.” Here, Nicolai subverts the key piece of evidence used by Seybold prove that his text had come from Sebaldus.

Das Fragment der Predigt vom Tode fürs Vaterland ist gleichfalls gewiß nicht vom Sebaldus, welches schon daraus erhellet, daß man von dem enthusiastischen Feuer, in welchem, nach S. 32 des ersten Theils seiner wahrhaften Lebensgeschichte, diese Predigt gehalten worden, in diesem Fragmente nicht das geringste findet […]. Es scheint, Magister Cyriakus habe hiemit bloß einen Versuch machen wollen, zu zeigen, wie die Predigt, um welcher willen sein Oheim, Sebaldus, abgesetzt worden war, ausgesehen haben möge. Dieser Versuch aber mißlang, weil Cyriakus nicht Sebaldus ist, obgleich beide Nothanker heißen.

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90 Ibid. p. 273.
91 Ibid.
92 Ibid. p. 278.
93 Ibid.
94 Ibid. p. 279–280.
To prove that the *Predigten* were not written by Sebaldus, Nicolai cites the very same passage from *Sebaldus Nothanker* quoted by Seybold. According to Nicolai, the text found in Seybold’s volume lacks the fiery enthusiasm of Sebaldus’ work. By shrewdly interpreting Seybold’s text and referring back to his own novel, Nicolai concludes that Erasmus and Cyriakus Nothanker are the authors of the disputed sermons and fragments.

The result, however, transcends a mere repudiation of Seybold’s text. In his effort to dissociate Sebaldus from the disputed sermons, Nicolai inextricably links Seybold’s work to his own, just as Seybold had grafted his work on to Nicolai’s novel. By repeatedly referencing the *Predigten*, reproducing entire passages, and providing specific page numbers – just as Seybold had done with Nicolai’s story – Nicolai creates a network of interdependent and cross-referencing texts, exemplifying the cannibalistic tendencies of the eighteenth-century novel.95 Nicolai’s novel consumes its own preceding volume while simultaneously absorbing Seybold’s spinoff.

Furthermore, in his attempt to exercise exclusive control over the Sebaldus character, Nicolai actually expands his own work in response, integrating the new text into his genealogical model. Nicolai thus cedes control of his text and indirectly allowing another author to intervene. After all, until Seybold added to Nothanker’s story, neither Thümmel nor Nicolai had discussed Sebaldus’ parents or siblings. Yet Nicolai elaborates a rich backstory to explain the existence of Seybold’s text, incorporating it into the pre-existing world of Sebaldus Nothanker. Without Seybold’s appropriation of Sebaldus Nothanker, the country pastor would likely have never have gotten brothers. Although Nicolai rejects the reader-written sequels and spin-offs based on his novel, in order to make sense of their existence, he creates new characters and adds new stories to subsequent installments of his novel. In the process of trying to maintain control of his fictional world to the exclusion of all others, Nicolai actually grows his textual universe.

Reading and Writing Fan Fiction in the Late-Eighteenth Century

When readers appropriated popular characters like Sebaldus Nothanker and used them in works of their own, the outcome was a unique form of authorship and a distinctive literary product. Whether tacitly referencing previously depicted events or specifically citing passages from pre-existing texts, eighteenth-century fan fiction built implicit and explicit links to the sources on which they were based. And because these connections were forged with works written by still-living authors, source authors had the opportunity to respond to the links in subsequent installments and editions of their texts. Among others, Hermes comments on the Anhang in his Sophiens Reise, Unger references Stutz’s sequel, and Vulpius’ Rinaldo Rinaldini cites Richter’s Nikanor, der Alte von Fronteja. The result is a textual network comprised of densely intertextual narratives that complicate pre-Romantic notions of authorship and originality. 96

Eighteenth-century fan fiction thus exemplifies Roland Barthes’ ideal textuality, which describes a text composed of narrative blocks linked by multiple chains in an open-ended, perpetually unfinished text. 97 According to Barthes, the ideal text, like the hypertext, is situated in an interactive network of non-hierarchical texts. “[I]t has no beginning; it is reversible; we gain access to it by several entrances, none of which can be authoritatively declared to be the main one…” 98

The public’s enthusiastic embrace of Sebaldus Nothanker, which made it arguably “the literary bestseller of the German Enlightenment,” 99 well exemplifies the non-hierarchal nature of fan fiction. Although some readers were introduced to the country pastor through Thümmel’s text, a far greater number of readers first met Sebaldus by reading Nicolai’s novel, and still others may have initially encountered the character in

98 Barthes, S/Z, p. 5-6.
99 Selwyn, p. 16.
subsequent works of fan fiction, like Seybold’s *Predigten*. Even today, most scholars interpret Nicolai’s *Sebaldus Nothanker* as the principal narrative, forgetting Thümmel’s underlying source text; in Genette’s terms, the hypertext is mistaken as a hypotext. But even though Thümmel is the progenitor of the Sebaldus character, it would be difficult to assert that his comparatively slim *Wilhelmine* is the primary text in the network of stories depicting the life of Sebaldus Nothanker. Indeed, already in the eighteenth century, there was a dispute about which text was considered the primary one: *Wilhelmine* or *Sebaldus Nothanker*. Furthermore, the serialized *Sebaldus Nothanker* stories, spanning several volumes and various authors, enabled readers to enter the text at any point, giving weight to Foucault’s related notion that the “frontiers of a book are never clear-cut” because “it is caught up in a system of references to other books, other texts, other sentences: it is a node within a […] network of references.”

Fan fiction thus strains notions of hierarchy. By creating a body of interconnected texts (or “metatext”) without a primary axis of organization, fan fiction transforms narratives into an infinitely recenterable system. The fictional Wilhelmine may have been the center of Thümmel’s text, but Nicolai swiftly kills her off at the start of his novel, making Sebaldus the primary protagonist. Hermes’ novel centers on one particular journey undertaken by Sophie. But enthusiastic readers-turned-writers refocused the story on Herr Puff, narrating his backstory and later adventures. The provisional focus of any text within such a recenterable body of works was thus dependent on the reader and the story she wanted to narrate. As a result, hierarchal claims – at least from a textual basis, if not legal – are rendered questionable at best.

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100 According to Genette, text B (the hypertext) is derived from text A (the hypotext) without text B being a commentary on text A. As an example, Genette describes both Virgil’s *Aeneid* and Joyce’s *Ulysses* as hypertexts to the *Odyssey*, the hypertext. Based on the mood of the hypertext and its relation to the hypotext, Genette then distinguishes six “hypertextual practices:” parody, travesty, transposition, pastiche, caricature, forgery. Genette gives structure to the field of hypertexts, distinguishing between several “hypertextual practices” based on the mood of the hypertext (playful, satirical, serious) and its relation (transformative or imitative) to the hypotext. Genette, Gérard. *Palimpsests: Literature in the Second Degree*. Lincoln: University of Nebraska Press, 1997. For an elaborated discussion of the relationship between fan fiction and hypotexts, see the Appendix.


This was already apparent in the eighteenth century, when works of fan fiction were generally received by the public as equally valid accounts of beloved protagonists. Moreover, the possibility of penning prequels and sequels, expanding scenes, and imagining new ones emphasizes the plurality of entrances into the text while underscoring its nonlinearity and potential for infinite enlargement. Fan fiction thus embodies Barthes’ concept of the writerly text as well. A reader of fan fiction could jump from text to text, following the cross-referencing citations like those in Nicolai’s and Seybold’s works that direct their readers to leave their pages. Fan fiction thus challenges the very notion of reading as a straightforward or linear endeavor. To fully understand a work in a network of fan fiction, readers had to look beyond the singular text and trace the relationship between the texts. Texts like Seybold’s Predigten explicitly encourage readers to recall events contained in the source texts, commanding the reader “Erinnern Sie Sich….” As Barthes further reminds, the very word “text” has its

105 See chapter two. For instance, when Eckermann’s Sebaldus Nothanker, Zweyther Theil and Stutz’s Julchen Grünthal, Zweiter Theil were published, the public thought they were continuations written by the original authors. Even when it was clear that these works were written by new authors, they were often accepted as equally valid stories about the beloved protagonists. The language used by contemporary reviewers makes this clear. For instance, in an Allgemeine deutsche Bibliothek review of Eine jüngern Sophie Reise, the review refers to Hermes’ original text as the “ältere Sophie Reise.” By adopting the taxonomy of the reader-written installment and referring to Hermes’ Sophiens Reise as the old story, the reviewer gives authority (and implicitly sanctions) the validity of the prequel as equal to that of the source work. This language was frequently used to designate installments of a serial. Take, for example, Stutz’s Julchen Grünthal, Zweiter Theil. Unger eventually published her own sequel to her story, but this did not cause reviewers to reinterpret Stutz’s sequel as inauthentic. Instead, Stutz’s novel was referred to as the “ältere Fortsetzung” and Unger’s sequel was the “neue Fortsetzung” of the story. Musäus, Johann Karl August. “Anhang zu Sophiens Reisen,” in: Allgemeine deutsche Bibliothek. 33.1 (1778), p. 35-36, p. 35. See also: Anonymous [signed “Bg.”] “Julchen Grünthal. Zweyte, durchaus veränderte und mit einem zweyten Band vermehrte Ausgabe. Berlin, bey Unger. 1798,” in: Neue allgemeine deutsche Bibliothek, 38.1, 1798, p. 152-57, p. 152.

106 In S/Z, Barthes distinguishes “readerly” and “writerly” texts. Whereas “readerly” texts indicate works who interpretation leaves little room for the reader to enter the text, a “writerly” text is a “perpetual present, upon which no consequent language (which would inevitably make it past) can be superimposed; the writerly text is ourselves writing, before the infinite play of the world (the world as function) is traversed, intersected, stopped . . . .” Further, by calling attention to the rhetorical techniques that produce the illusion of realism, the writerly text acknowledges its own artifice. Barthes, S/Z, p. 5.


108 Narratives in a network of fan fiction were therefore perpetually in-progress and constantly evolving according to the wishes of readers-turned-authors. And the resulting works could be read in any sequence. More work needs to be done on the reading practices involving fan fiction. But it is clear that fan fiction undermines the very notion of reading as a straightforward or linear endeavor.

etymological roots in “a tissue, a woven fabric.” The text and intertextuality thus depend on the “figure of the web, the weave, the garment (text) woven from the threads of the ‘already written’ and the ‘already read.’” Fittingly, then, eighteenth-century commentators used metaphors of weaving and spinning to describe fan fiction and its authors (“Herr Ausspinner”), which itself foregrounds the text’s robust intertextuality.

Whether described as a writerly text or a hypertext, understanding fan fiction as part of a text’s reception highlights the way in which fan fiction destroys the physical isolation of the text. In some cases, as with bundling, this destruction was even physical. By creating links to other texts and overcoming authorial univocality, fan fiction places a narrative within a larger network and compels it into dialogue with other texts; fan fiction thus replaces notions of hierarchy, margin, center, and linearity with multilinearity, links, nodes, and networks. By creating ever-expanding narratives populated by the same characters, fan fiction necessitates myriad interpretations of characters, scenes, and canons, which could variably complement or contradict one another or even the underlying source text. Ultimately, this open-endedness empowers the reader and demands a distinct form of authorship.

Rethinking Readers and Authors in the Late-Eighteenth Century

Fan fiction blurs the boundaries between reader and writer. After all, fan fiction is the product of a reader-turned-writer; it is, as Hellekson and Busse observe, the “ultimately writerly text” because it invites and

113 As Landow notes of hypertexts more generally. Landow, *Hypertext*, p. 117.
114 Hellekson and Busse discuss the potential for fan texts to contradict and complement each other and the resulting ability to create a larger and more complex textual universe. Hellekson and Busse, “Introduction,” p. 7.
requires the reader to “enter, interpret, and expand” the source text. Although some source authors tempted readers to imagine fan fiction and even invited them to write it, many readers felt compelled by an inner drive to produce fan fiction, as chapter one detailed. In either case, the reader was not an idle consumer of literature, but rather became a “producer of the text,” to borrow Barthes’ term, thereby complying with Bergk’s proscribed prophylactic for *Lesesucht*.

To compose works of fan fiction, eighteenth-century readers had to produce meanings that were far from inevitable, final, or authorized. They actively interpreted source texts to create their own stories while simultaneously linking them back to their sources, thereby adding to the very same literary network through which they moved. As new nodes on this network, fan fiction authors could change the provisional focus of the narrative. Johann Jakob Brückner, for example, made Rinaldo Rinaldini’s paramour, Dianora, the center of his 284-page novel, *Dianora, Gräfin Martagno, Rinaldo Rinaldinis Geliebte*. Brückner explores the events of Vulpius’ best-selling novel from the perspective of Dianora, while offering her backstory and expanding both mundane and extraordinary scenes from *Rinaldo Rinaldini*. In one instance, Brückner elaborates the great reveal scene in which Rinaldo discloses his true identity to Dianora, in whose castle the robber-bandit assumed refuge under a pseudonym. In Vulpius’ source text, the scene occupies two and a half pages, concluding with Dianora’s delivery of a letter dismissing Rinaldo from her home. Brückner stretches the scene to more than twenty pages, offering greater psychological insight into the characters. In the process, he connects his text to its source, even instructing the reader in a footnote to compare the two scenes, “vergl. Mit Rinaldo 5 B. S. 316.” Through Brückner’s text and the comparison it invites, the reader wins new insight into Dianora’s motivation for sending the plot-twisting letter to Rinaldo, originally

115 Hellekson and Busse, “Introduction,” p. 6. Hellekson and Busse further note that “[i]n so doing, the open-source text in particular invites fan fiction as an expansion to the source universe and as interpretive fan engagement where the fan not only analyzes the text but also must constantly renegotiate her analyses.” *Id.*
117 Brückner, *Dianora*, p. 94.
described by Vulpius. Brückner thus assumed the freedom to make his own interests – or those of his intended audience – the de facto organizing principle of the text.\footnote{Landow observes that, allow the absence of a textual center “can create problems for the reader and the writer, it also means that anyone who uses hypertext makes his or her own interests the de facto organizing principle (or center) for the investigation at the moment.” Landow, \textit{Hypertext}, p. 56-57.}

But to write fan fiction, particularly fan fiction that adhered to the customary rules, readers were not completely free. They were obligated to analyze source texts and devise meaningful connections with pre-existing narratives to ensure that readers would recognize the borrowed characters and their stories. To create fan fiction, writers had to actively read and interpret. Fan fiction thus merges reader and writer, entwining the functions of each, while complicating the notion of authorship in the late eighteenth century.

Authors of eighteenth-century fan fiction created new works of literature within a wholly pre-established context. They linked their texts to pre-existing characters, plots, and settings while devising new perspectives, events, and stories. Fan fiction represents literature that is the result of multiple readers and writers working on a theoretically infinitely expanding network of interrelated and linked texts.\footnote{Scholars have variously interpreted this hypertextuality and its effects on authorship. While some argue that the dissolution of centrality leads to the democratization of writing, others construe this aspect of eighteenth-century writing as a compelling example of the ways in which the author loses control over the products of her labor. See, for example, Erlin, M. “Book Fetish: Joachim Heinrich Campe and the Commodification of Literature.” \textit{Seminar Toronto}. 42.4 (2006): 355-376, p. 361-62.} Fan fiction is decidedly not the product of a singularly generative moment or autopoietic gesture.\footnote{Citing Müller-Sievers, Piper calls on scholars to see literature as a social process, and not “the singularly generative (or autopoietic) moment. Piper, \textit{Dreaming}, p. 9. Müller-Sievers, Helmut. \textit{Self-generation: Biology, Philosophy, and Literature Around 1800}. Stanford, Calif: Stanford University Press, 1997.} Accordingly, fan fiction demanded an alternative form of authorship just as the notion of the Romantic author purportedly blossomed.\footnote{For a historiographical survey of authorship, see: Haynes, Christine. “Reassessing ‘Genius’ in Studies of Authorship: The State of the Discipline,” in: Book History, Volume 8, 2005, p. 287-320.}

Prior to the late eighteenth century, authorship was considered a compound activity that emphasized craftsmanship and the relationship between several people and products. By the end of the century, however, the notion of authorship began to acquire its sense as an autonomous “creator of a unique written
text, for which he or she exercised sole responsibility and deserved full credit.”

The concept of the Romantic author denied external influences. According to this model, the author was inspired by internal forces that enabled her to create a “work of originality and genius.” As Martha Woodmansee explains: “inspiration came to be regarded as emanating not from outside or above, but from within the writer himself. ‘Inspiration’ came to be explicated in terms of original genius, with the consequence that the inspired work was made peculiarly and distinctively the product – and the property – of the writer.”

Following Foucault’s suggestion that the author is a historically contingent social construction, literary theorists and legal scholars have challenged the Romantic model of authorship. Heinrich Bosse and Martha Woodmansee were among the first to analyze this construct as it related to the rise of intellectual property rights. Woodmansee attributes the invention of this new concept of authorship with writers’ desire to earn a livelihood from the sale of their writings. According to this theory, publishers and authors constructed this idea to claim a property right. Since Woodmansee made this claim, an overwhelming majority of scholars of both law and literature have relied on her groundbreaking analysis. William Warner’s claim is typical: “The difficulty of controlling how readers read and use texts within the open system of media culture in the 1740s encourages Richardson and Fielding to develop the concept of the

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125 As well as, of course, the Romantic assumptions about authorship that have arguably become the core of contemporary intellectual property law.


128 As Reilly notes. Reilly further criticizes that “copyright scholars blindly continue to accept Woodmansee’s and [Peter] Jaszi’s theories as proven tenants, yet do not provide any convincing proof as to their veracity, nor offer any real-world alternatives to the schematic they deem so unjust to collective creative collaboration.” Reilly, Tracy. “Copyright and the Tragedy of the Common,” in: IDEA 55 (2014), p. 105-191.
novel author as proprietor of the book.”  

Andreas Rahmatian summarizes the standard academic narrative: “the author was no longer a craftsman, but an inspired genius or imaginative originator, whose end product received its value and property entitlements based on originality that the author demonstrated in the text. Under these conditions, the idea of an exclusive right to literary property in a literary text and the argument for laws preventing unauthorized profiting from it became highly persuasive.”  

Regardless of the underlying motivation, this concept of authorship and the new rights that accompanied it were based in notions of the author’s genius and originality. As discussed in chapter one, the production of literature in the second half of the eighteenth century ceased to depend on the mastery of rules derived from classical literature and its traditions. In its place, a new emphasis on originality emerged. Edward Young’s essay 1759 “Conjectures on Original Composition” is perhaps the most influential account of this concept of writing, which he locates in the author’s own – solitary – genius.  

Let not great examples, or authorities, brow beat thy reason in to too great a diffidence of thyself: thyself so reverence, as to prefer the native growth of thy own mind to the richest import from abroad; such borrowed riches make us poor. The man who thus reverences himself, will soon find the world's reverence to follow his own. His works will stand distinguished; his the sole property of them; which property alone can confer the noble title of an author; that is, of one who (to speak accurately) thinks and composes; while other invaders of the press, how voluminous and learned so ever, (with due respect be it spoken) only read and write.  

In Young’s vision, the author eschews all external influences. The resulting “original work,” he elaborates, “may be said to be of a vegetable nature; it rises spontaneously from the vital root of genius; it grows, it is not made. Imitations are often a sort of manufacture wrought up by those mechanics, art and labor, out of pre-existent materials not their own.”  

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132 Young, p. 274.
Although Young’s essay gained little attention in England it had a “profound impact” in Germany, appearing in two separate translations in 1760 and 1761.\textsuperscript{133} Theorists like Herder, Goethe, Kant, and Fichte quickly took up Young’s ideas, shifting them “from the periphery to the very center of the theory of the arts.”\textsuperscript{134} As an example, Woodmansee cites Goethe’s description of writing as “die Reproducktion der Welt um mich, durch die inner Welt die alles packt, verbindet, neuschafft, knetet und in eignem Form, Manier, wieder hinstellt.”\textsuperscript{135} Mark Rose elaborates that “literary property was ‘original’ because it originated from the uniqueness of a person’s mind,” as Goethe’s description of writing indicates.\textsuperscript{136} And originality, according to this model, had its origins in genius. Adrian Johns notes that in Germany, genius was considered “the power by which new discoveries and original works came about. Anything produced in its absence was by definition not original but ‘servile imitation’.”\textsuperscript{137} The author as genius, in short, created something original, inspired from within and without reference to external sources.\textsuperscript{138}

Fan fiction stands sharply at odds with this model of authorship and notion of originality.\textsuperscript{139} After all, the very genre of fan fiction is inherently unoriginal. It requires authors to incorporate pre-existing characters and narratives into their own new literary creations. Fan fiction thus demands originality within unoriginality. Although cited by scholars like Woodmansee to substantiate the emergence of the concept of the Romantic author, Goethe’s description of writing leaves room for writing practices like fan fiction; it

\textsuperscript{133} Woodmansee, “The Genius,” p. 430.
\textsuperscript{134} “The reason for this development,” Woodmansee clarifies, “is that Young’s ideas answered the pressing need of writers in Germany to establish ownership of their labor so as to justify legal recognition of that ownership in the form of a copyright law.” Woodmansee, “The Genius,” p. 430.
\textsuperscript{136} Rose, Mark. Authors and Owners: The Invention of Copyright. Cambridge, Mass: Harvard University Press, 1993, p. 120.
\textsuperscript{139} Fan fiction corroborates Lowenstein’s claim of the eighteenth century that “if the printed book was being cautiously tied to its author . . . , the knot was not yet secure.” Lowenstein, Joseph. The Author's Due: Printing and the Prehistory of Copyright. Chicago: University of Chicago Press, 2002, p. 229.
acknowledges the role of external influences and references. According to Goethe’s model, an original work is the product of an appropriative act: it is the remixing of pre-existing ideas into a new form unique to the individual. For this reason, Goethe could claim that writer should not shy away from using another author’s early work: “Warum soll er sich scheuen, Blumen zu nehmen, wo er sie findet?” because “nur durch Aneignung fremder Schätze entsteht ein Großes.” This concept of originality – originality based in pre-existing works – was pervasive in the eighteenth century. Discussing the difference between imitators and pirates in the Deutsches Museum, an anonymous commentator argued in favor of the imitator, because she “ist durch die erste Erfindung zur Selbsterfindung veranlaßt worden; dazu gehört Anstrengung und Geist.” As the commentator argues, instead of emerging from a void with no prior references, inspiration and new creation could also be rooted in the use of pre-existing ideas and the inventions of others.

Despite exemplifying the imitative and assimilative tendencies of eighteenth-century letters against which the Romantic author was set, fan fiction was also linked to a concept of genius. But unlike the Romantic genius described by Knigge as someone who “eröffnet sich eine bis jetzt unbetretne Bahn,” the fan fiction genius was one who adroitly walked a pre-existing path and expanded it into new territory. As the publisher of the fan fiction sequel to Die Verirrungen explained, the text was the product of “schöpferisches Genie.” And, recall, that this writing practice was thought to require the distinct “Talent sich in den Geist anderer Schriftsteller hinein zu denken, und da ihr Gewebe wieder aufzuheben und es fortzuspinnen . . .” Authors of fan fiction even used rhetoric of inspiration familiar to discussions of genius. In her sequel to Die Räuber, Wallenrodt explains that her text sprang from her mind as she imagined what Schiller’s Moor

142 Ibid. Studying practices of plagiarism, Mazzeo insightfully analyzes the eighteenth-century culture of imitation and assimilation, reassessing concepts of literary borrowing in British Romantic literature.
143 Knigge, Schriftsteller, p. 124-125.
145 Ibid.
would have done, had he lived: “Aus dieser Ideenreihe entsprang dieses Werk.” The anonymous author of Siegwart und Mariana reports a similar inspiration. The work, he expounds:

ist die unvollkommene Geburt etlicher heiterer Sommerabende, die ich in der meinem Herzen so behaglichen Einsamkeit unter dem erquickenden Schatten einer balsamdustenden Linde, wo mich unerwartet eine wohlthätige ländliche Muse überraschte, die mit ihrem füssen Wonnelächeln Ruhe und Heiterkeit in meine Selle zauberte, verlebte. Wohl euch, ihr Freunde, einer solchen sittsamen ländlichen Muse! - - Dann ergriff ich meine Schreibtafel, und warf diese Gedicht darauf hin.

Although the resulting product is fan fiction, the author and his inspiration closely correspond to the popular image of the genius. In fact, in Miller’s Siegwart, this is precisely the manner in which the sensitive young protagonist writes. “Er hatte keine Ruhe,” the narrator explains, “weil er stets an Marianen dachte, und schlafen konnte er auch sogleich nicht. Er gieng also in den, an das Wirthshaus stossenden, schönen Baumgarten. Der Mond schien trüb; er sah zu ihm auf, und machte folgendes Gedicht, das er nachher auf der Stube in seine Schreibtafel schrieb.” Although inspired by other authors’ texts and dependent on pre-existing characters and narratives, writers of fan fiction cast themselves as talented creators of a unique kind of original work.

But authors of fan fiction openly cited and celebrated their source works, explicitly externalizing the inspiration for their texts. And source authors, too, publicly acknowledged works of fan fiction as their inspiration – or at least the impetus – for their later works. Unger attributes the creation of her sequel to Stutz’s fan fiction. Hermes freely admitted that several of his ideas came from readers. And Nicolai reproduced long passages from works of fan fiction in his own novel. Whereas the concept of the Romantic author denies or obscures the author’s inheritance of ideas and subjects, fan fiction necessitates the

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146 Ibid., p. x.
acknowledgment of those same influences. An assertion of autogenous creation and originality, common to the mythology of the Romantic author, is thus fully incompatible with fan fiction.\footnote{Mazzeo makes a similar argument, though in a different context. Mazzeo, Tilar J. *Plagiarism and Literary Property in the Romantic Period*. Philadelphia: University of Pennsylvania Press, 2007, p. 16.}

Besides acknowledging external sources of inspiration and references, fan fiction necessitates a form of collaborative authorship.\footnote{Works of fan fiction always exist in relation to texts written by other authors, rendering works of fan fiction inherently collaborative. Derived from the Latin for “working” and “together,” the term “collaboration” conjures up an image of authors working in concert, side by side. But as Landow notes in his study of hypertexts, several alternative forms of collaborative authorship are consistently overlooked in literary scholarship. Fan fiction combines what Landow calls “versioning” and the “segmentation model” of authorship. Versioning describes authorship “in which one worker produces a draft that another person then edits by modifying and adding.” Segmentation indicates work in which “individual workers divide the overall task and work entirely independently.” In the eighteenth century, works of fan fiction were usually written independently, but because they form part of an ongoing and constantly evolving narrative, they incorporate elements of versioning as well. Landow, *Hypertext*, p. 137.} By continuing pre-existing narratives, fan fiction authors naturally collaborated with the source authors who inspired them. Together they told the stories of the appropriated characters. But fan fiction also often compelled source authors to collaborate on texts, even unwillingly, as Nicolai’s struggle with Eckermann and Seybold demonstrates. By inspiring Stutz – and then reacting to his intervention – Unger wrote collaboratively with the pastor. Nicolai likewise wrote collaboratively and interactively with authors like Seybold, responding to his interventions in subsequent installments. Consequently, both source authors and writers of fan fiction are far removed from the image of the Romantic author writing in isolation, inspired solely from within.

Nevertheless, scholars of intellectual property, in particular, feel compelled to explain that “collaborative authorship is not an invention of modern times.”\footnote{Zemer, Lior. *The Idea of Authorship in Copyright*. Aldershot, England: Ashgate, 2007, p. 4.} Most carefully note that collaboration was common in the Middle Ages through the seventeenth century. But according to these traditional accounts, collaborative authorship then disappears in the eighteenth and nineteenth centuries, only to re-emerge in the internet era.\footnote{Ibid. Consider Woodmansee’s discussion of electronic texts. After noting the interactive possibilities of an electronic hypertext, Woodmansee argues that the “boundaries between author and reader disintegrate.” Because the reader can add to the text, “the reader becomes an overt collaborator in an unending process of reading and writing which reverses the trajectory of print, returning us to something very like the expressly collaborative writing milieu of the Middle Ages and the Renaissance….” Woodmansee, Martha. “On the Author Effect: Recovering Collectivity,” in: *The Construction of Authorship: Textual
robust practice of writing fan fiction – and responding to it – demonstrates that the tradition of collaborative
writing persisted through the eighteenth century and into the nineteenth century, despite the rise of the
notion of the author “as a self-sufficient original genius.” Indeed, Mark Philp argues that the popular
image of Romantic authors as isolated creators does not always comport with actual practice; they were
not, he says, “the isolated heroes and heroines of Romanticism pursuing a lonely course of discovery; they
were people who worked out their ideas in company.” With fan fiction, this was unambiguously the case,
as various authors took up the threads of the story and continued to weave the narrative of popular
characters.

Fan fiction further demonstrates the tangible limits of an author’s control over her text. By placing the
reader in conversation with the author and inducing a form of collaborative authorship, fan fiction weakens
an author’s exclusive grip on a character’s narrative, exemplifying the destabilizing nature of eighteenth-
century print culture identified by Adrian Johns. Fan fiction diluted authorial control twice over. First, it
limited a fan fiction author’s sovereignty over her own narrative. By electing to write fan fiction, authors
accepted the restrictions that came with it, particularly if they observed the customary norms that dictated
its production. But fan fiction also diminished a source author’s artistic autonomy. Responding to works of
fan fiction, authors like Unger, Vulpius, Hermes, and Nicolai revived dead and lost characters, they added
new backstories, and in some instances penned wholly unplanned sequels. Fan fiction had the potential to

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directly influence an author’s artistic plans, both large and small. Just as Thümmel’s conclusion to Wilhelmine did not guarantee the end of Sebaldus’s story, Nicolai’s readiness to grow the fictional Nothanker family did not reestablish his exclusive control of the Sebaldus character. In the end, Seybold ignored Nicolai’s proclamations about Erasmus and Cyriakus and continued to publish the sermons of Sebaldus Nothanker. The story of a character’s life might therefore be understood not an aesthetic choice made by a single author, but as a feature of reception. Introducing a literary figure into the world may have inherently involved ceding exclusive control, such that the character becomes part of an infinitely-expanding network of texts – no matter the source author’s intent.

Fan fiction required a distinct form of authorship in the eighteenth century, one that was collaborative and dependent on other authors. Correspondingly, it relied on a concept of originality and genius that foregrounded its debt to earlier works and openly cited the external source of its inspiration. Fan fiction thus reveals concepts of authorship and originality that diverge from those traditionally associated with late eighteenth-century literature. Reinterpreting the communication circuit to include fan fiction should therefore change how we read literary works, whether interpreting Unger’s Julchen Grünthal, Zweiter Theil as a rebuttal of Stutz’s novel, analyzing Vulpius’ Rinaldo Rinaldini in light of Brückner’s alternative version in Dianora, or studying Sebaldus Nothanker as part of a larger network of texts and characters. And by complicating narrative forms based on linearity and hierarchy, fan fiction challenges how we read plots and understand character. As Eckermann asked Nicolai: “Nun möchte ich wissen, ob Sie auch ein Privilegium hätten, Nothankers Leben ganz allein zu beschreiben.”


157 Eckermann, D.C. to Nicolai, 22 February 1775. NN 17.
Beyond demonstrating that eighteenth-century texts were “hardly stable artifacts that simply mediated the work of the author and the play of the reader,” fan fiction and its destabilization of authorship highlight the “radical indeterminacy of eighteenth-century literary property.” If, as Foucault argues, the “author-function is tied to the legal and institutional systems that circumscribe, determine, and articulate the realm of discourses [through] a series of precise and complex procedures,” how does fan fiction fit into the system? As scholars like Mazzeo contend that the association of authorship with self-origination is “largely a belated critical invention,” the historical accuracy of its basis as the justification for an exclusive right in the literary text is increasingly under pressure. After all, by working against hierarchies, fan fiction disseminated authorial power at a time when authors claimed increasing ownership over their products. Just when intellectual property rights began to emerge around the concept of the Romantic author and “[o]riginality became the watchword of artistry and the warrant for property rights,” what does fan fiction tell us about the rise of intellectual property?

159 Flint, Appearance, p. 23.
161 Mazzeo, p. xi. Rahmatian, for example, persuasively analyzes the exaggeration of the “Romantic Author-Genius” construct, arguing that most existing scholarship is assumes an oversimplified understanding of authorship and is myopically focused on literature and Western notions of art. Rahmatian, p. 156-162.
Chapter VI: Fictional Characters in the Eighteenth-Century Literary Commons

Frustrated by the prevalence of piracy plaguing the late-eighteenth-century German book trade, the anonymous author of the 1787 essay, “Gedanken über Buchhandlung und Nachdruck,” complained that “Privilegien sind . . . nur Spielwerk,” further lamenting that “es bleibt kein ander Mittel übrig.” Indeed, as chapter two elaborated, the second half of the eighteenth century, situated between the decline of the obsolete privilege system and the rise of copyright, existed in an ostensible legal vacuum with regard to authors’ rights in their literary creations. German authors, publishers, philosophers, and jurists consequently engaged in a “legendary intellectual property debate.” According to Peter Baldwin, German thinkers were breaking new ground compared to the French, British, and Americans, resulting in what Theisohn calls a “quasi-mythischen Epoche” with regard to the rise of intellectual property. In this period, the concept of “intellectual property” first emerged. And by the final decades of the century, German philosophers and jurists sought to define the rights in a literary work as a unique form of property. Göschens asked “unter welchen rechtlichen Bedingunen” authors, publishers, and book dealers “handeln soll[en].” Knigge sought to define the “Pflichten, Vorurtheile und Rechte des Schriftstellers.”

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5 Knigge, Schriftsteller, p. 3.
Mendelssohn contemplated how far “sich das Eigenthumsrecht über die Werke des Geistes . . . erstrecket.”

Others wanted to define “das Verkehr mit Geistesproducten.” And, most famously, Immanuel Kant and Johann Gottlieb Fichte weighed in on the debate. In the process, contemporaries discussed the propriety of a wide variety of writing practices, from piracy and plagiarism to excerpting and translation. As early as 1785, Wieland observed that “[i]n langer Zeit ist wohl keine problematische Materie, wobey es auch Recht oder Unrecht ankommt, genauer und vollständiger untersucht worden als die Frage über das Eigenthumsrecht der Schriftsteller an ihre Werke…” Everyone, it seemed, was discussing intellectual property.

Above all else, the eighteenth-century debate centered on piracy. By 1793 the topic was so widely discussed, one author in the *Braunschweigisches Journal* suggested there was nothing left to say on the matter.

> Die Fragen über Rechtmäßigkeit oder Unrechtmäßigkeit, Billigkeit oder Unbilligkeit, Nützlichkeit oder Schädlichkeit des Nachdruckens vielgelesener Bücher haben seit geraumer Zeit eine so ansehnliche Zahl unserer Philosophen und Rechtsgelehrten beschäftigt, und sind in der That von so vielen Seiten mit einer solchen Vollständigkeit erörtert worden, daß man jetzt wohl ohne irgend einen Vorwurf der Voreiligkeit zu befürchten, die Acten für gechlossen ansehen könnte.

Given the importance of the piracy debate to the development of intellectual property, most scholarly attention has been devoted to this issue. However, in the shadow of the larger debate about what laws should govern the reproduction of literary works, German authors and thinkers engaged in a discussion about fan

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8 Kayser, A. C. *Die Abstellung des Büchernachdruckes als ein in der neusten kaiserlichen Wahlkapitulation der reichsoberhauptlichen Abhilfe eben so nöthig als unbedenklich zu übertragender Gegenstand betrachtet*. Regensburg: Zeitler, 1790, p. 68.
fiction. Studying this ancilliary debate provides an alternative view of the rise of intellectual property in Germany, revealing overlooked ideas about authors’ rights that developed in the eighteenth century.

After briefly discussing the key concepts that emerged from the piracy debate, this chapter argues that fan fiction was treated as a unique issue, the regulation of which compelled a distinct solution. This chapter then analyzes eighteenth-century attitudes toward fictional characters as a special form of communal property, redefining the “literary commons” of eighteenth-century Germany. Finally, it briefly evaluates the ways in which this commons balanced the competing interests at stake in the intellectual property debate. Understanding how fan fiction fits into the history of intellectual property in Germany ultimately allows for a reevaluation of the concept of literary property and the history of moral rights.

**Ideas, Expressions, and the Foundation of Moral Rights**

Although intellectual property was hotly contested in the eighteenth century, several influential ideas were widely accepted by the end of the century. Authors became vested with legal capacity, capable of holding rights based on the creation of a text. And authors’ rights were progressively considered a form of intellectual property right.11 While scholars today dispute the motivation for this shift in the concept of the “author” – variously suggesting political, aesthetic, and economic motives – it is clear that the final decades of the eighteenth century mark an epistemological new beginning for the concept of the author.12

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Conceptualizing the author as the owner of her intellectual effort grew out of the fight of publishers against pirates. But this effort soon gave way to a desire to establish the rights of authors against publishers, well embodied by the Gelehrtenrepublik, in which Klopstock names authors the “Eigenthümer ihrer Schriften.”

Literary scholars and legal historians, like Bosse and Theisohn, have reconstructed the debates led by thinkers like Johann Heinrich Reimarus, Philipp Erasmus Reich, Johann Georg Feder, and Johann Stephan Pütter that resulted in the emergence of the author’s “Eigentumsrecht” which enabled the author to claim legal rights in her literary output. Instead of dwelling on the historical development of these rights, this chapter focuses on how this evolution led to the delineation of distinctive proprietary interests in literature, arguably the most important of which was the differentiation between the physical book from its content.

The influential Göttingen law professor Johann Stephan Pütter argued in 1774 that the purchaser of a book could do anything he wanted with it: “lesen, zur Parade hinstellen, verschenken, verleihen, verpfänden, theurer oder wohlfeiler wieder verkaufen oder vertauschen; ja er mag es zerreissen, zerschneiden, verbrennen, oder sonst anwenden wie er will; so benutzt er die Rechte seines Eigenthums ohne einem andern Rechte Eintrag zu thun.” Pütter emphasizes that the buyer himself holds a property right in the book, but Pütter limits that right to the physical, material object. The distinction became common in discussions of intellectual property rights. Reich formulated it as the “corporelle” (the printed paper) versus the “spirituelle” (the content).

13 As Theisohn observes, p. 265.
14 The evolution of the author’s “Eigentumsrecht” is well summarized in Bosse, Autorschaft, 37-64.
But in his 1793 essay, “Beweis der Unrechtmäßigkeit des Büchernachdrucks,” Fichte goes a step further, offering what Theisohn characterizes as a revolutionary concept. Beyond dividing the physical from the intellectual, Fichte classifies different kinds of “gelehrte Stoff.” Specifically, the philosopher distinguishes the “Geistigen” into “das Materielle, den Inhalt des Buches, die Gedanken, die es vorträgt, und […] die Form dieser Gedanken, die Art wie die Verbindung in welcher, die Wendungen und die Worte, mit denen es sie vorträgt.” By arguing that the physical form of the book carries two distinct kinds of content, Fichte solves the problem of what belongs to the author in what William Beatty Warner considers an “ingenious fashion.” Under this model, Warner notes, “both the physical book and the ideas it transmits pass to the reader. But the particular form within which the ideas are vested, the unique style of thought and language, are as unique and distinct to the author as his or her face.”

Fichte then argues that the form is the author’s “ausschließendes Eigentum.” An idea, in contrast, is not an author’s exclusive property. Consequently, an author might own her particular expression of her idea, but not the underlying idea itself. Instead, it was considered a form of communal property, what Fichte names “gemeinschaftliches Eigentum.” This conceptualization of an idea as communal property was repeated throughout the eighteenth century. In 1791 Johann Albert Heinrich Reimarus had already claimed with confidence that the author “besaß kein ausschließendes Recht über Gedanken, die er bekanntmache.” And Carl Friedrich Bahrdt similarly asserted in 1792 that “die Materie, aus der das Buch besteht, d.h. die einzelnen Gedanken, Säze und Wort, sind ein Gemeingut.” But, Bahrdt continues, “diese Zusammenstellung und Aneinanderreihung der Materien, die Ordnung, die Manier, ist Eigenthum des

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18 Theisohn, p. 269.
21 Id.
23 Ibid. p. 229.
By the end of the century, despite the revolutionary nature of Fichte’s concept, the idea-expression dichotomy (as it is referred to today) was commonly accepted as a way to distinguish what an author possessed and what belonged to the public. Concurrently, another theory of authorial rights evolved in Germany, granting still greater importance to the person of the author as creator. As Stef van Gompel notes, the new abstract distinction between ideas and their expression provided new justification for an exclusive right to be vested in the author. “By assuring protection against any taking of the personal and unique form in which the author had expressed his thoughts or ideas, this new abstract concept linked everything back to the personality of the author.”

According to this theory, elaborated by Kant in his 1785 essay, “Von der Unrechtmäßigkeit des Büchernachdrucks” and and later in his *Metaphysische Anfangsgründe der Rechtslehre*, the form of an expression is so unique to an individual that it warrants protection. Kant viewed an author’s ideas as more important than the text that communicated them. For Kant, ideas could not be taken from their thinker, preparing, as Baldwin notes, “the way for a conception of authors’ rights based on a foundation other than property.” Kant conceptualized the book as a kind of speech, better considered an act than a thing: “daß es keine Sache ist, die dadurch überbracht wird, sondern eine opera, nämlich Rede.” In the context of piracy, Kant argued that the publisher’s delivery of this speech (the book) depended on the author’s permission; consequently, the unauthorized reproduction was wrongful because the pirate spoke on behalf of the author without her authority. For Kant, the author therefore possessed a kind of personal right (*jus personalissimum*) that entitled her speech to be given in her name and as she intended.

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26 Ibid. p. 148-149.
30 Baldwin, p. 77.
Although Kant formulated the right as the publisher’s to disseminate the author’s speech, the publisher was required to act according to the author’s wishes. The publisher was therefore not the autonomous owner of the work. Consequently, scholars like Baldwin argue that “Kant foreshadowed what would later be known as the moral rights of attribution and integrity—the right of the author to be acknowledged as the creator and to control changes to the work.” Baldwin concludes, “Kant here granted the author a control over his work, even after having alienated it, that was not yet foreseen in the Anglophone or French discussion.”

Until Kant’s groundbreaking suggestion, if a work was considered property, alienation of that work meant the new owner could exercise full rights, including aesthetic control. But by defining works as acts, Kant “sidestepped the problem that would bedevil those theorists, jurists, and lawmakers who remained beholden to the idea of works as property.” Together with Fichte’s distinction between idea and form, Kant’s philosophy has been interpreted as providing the basis for moral rights in intellectual property.

As discussed in chapter two, moral rights are understood to protect an artist’s reputation, right to attribution, and the integrity of her artistic vision and intent. The Berne Convention for the Protection of Literary and Artistic Works, an international agreement that governs copyright in 168 counties worldwide, codified the moral rights of attribution and integrity. According to the Convention, “[i]ndependently of the author’s economic rights, and even after the transfer of the said rights, the author shall have the right to claim...

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33 Baldwin, p. 78.

34 Ibid.


authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation.”

A Matter of “Billigkeit”

As eighteenth-century thinkers sought to define the rights of an author in her text, they also debated the best method for securing and enforcing those rights. Summarizing the prevailing question about piracy, the anonymous author of the 1793 essay “Ueber das Eigenthum der Gedanken” asked: “ob es recht und gut sey, daß diese Handlung durch ein positives Gesetz für ein Verbrechen erklärt werde?” The same question was debated with regard to fan fiction, but resulted in a different answer.

Many bemoaned the lack of statutory laws governing the relationship between readers, authors, publishers, and book dealers. “Es gehört unglücklicherweise unter die Mängel unserer Gesetzgebung,” Wieland groused, “daß wir in Deutschland kein allgemeingültiges positives Gesetz haben, wodurch genau bestimmt wäre, was in allen streitigen Fällen, die zwischen Autor und Verleger vorkommen können, Rechtens sein solle.”

Others extolled the absence of a formal law, including Georg Joachim Göschen, who published works by Schiller, Goethe, Wieland, and Klopstock. In his 1802 treatise, Meine Gedanken über den Buchhandel und über dessen Mängel, meine wenigen Erfahrungen und meine unmaßgeblichen Vorschläge dieselben zu verbessern, Göschen argues that “Der Handel muß seiner Natur nach frey seyn,” advocating that the

booktrade remain formally lawless. Knigge adopted a similar position, insisting that the rights and duties of an author are imperfect rights, meant not for the positive law: “diese Pflichten sind, so viel ich es einsehe, nur juris imperfecti; (von unvollkommner Verbindlichkeit.) Ich glaube, daß der Staat weder gerecht handelt, noch wirklich Gutes stiftet, wenn er hierüber Zwangs-Geseze giebt und dadurch den freyen Umlauf der Gedanken hemmt.” Many believed that the State could not properly regulate the rights and interests in the newly emerging concept of intellectual property.

Furthermore, different legal solutions were sought for different literary practices. For instance, many of the same thinkers who argued for statutory laws forbidding piracy insisted that plagiarism should not be subject to formal laws. Others were confused by the separate treatment. Commenting in 1783 on the prevailing opinion not to formally regulate “den gelehrten Diebstahl” and those who thereby “geistigen Eigenthume raubt,” Krause, for instance, exasperatedly asked, “Wie? also bloß, weil es leichter ist, den Nachdruck zu hindern, soll er auch gehindert werden? weil es leichter ist, ein Schaaf zu fangen, als einen Wolf, soll der letztere frei bleiben?” Krause questions why one matter should be left to law and the other to an individual’s honor. Like the specification of the “positives Gesetz” in Wieland’s complaint, Krause’s criticism hints at the existence of multiple regulatory schemes, including both the positive law and customary norms, which could be used to govern intellectual property.

As the century progressed, the relationship between authors, publishers, and readers became increasingly formalized. Where the positive law was not employed to define these new rights, actors in the book trade turned to private contracts and customary laws. In several instances, semi-juridical industry regulations were proposed as an alternative to state-sponsored laws. In 1804, leading publishers created a “Vertrag der

43 Haferkorn discusses the increasing formalization, in: “Der freie Schriftsteller,” col. 631.
Buchhändler über einige Gegenstände ihres Handels,” written and signed by a deputation that included Cotta, Breitkopf und Härtel, Göschens, Vieweg, and Wappler, who claimed to be “von den Buchhändlern aus ganz Deutschland erwählten Männer repräsentiren mit Recht die Vereinigung aller einzelnen Mitglieider des Buchhandels.” The agreement outlined how members “in den erwähnten Fällen handeln wollen” and defined booksellers’ rights and obligations to each other and publishers. Such a contract, however, was exceptional.

Most aspects of the book trade were governed instead by an unwritten customary law, what Bahrdt refers to “dieser stille Kontrakt” and Fichte describes as the “stillschweigenden Vertrag der Schriftsteller.” Unlike the positive law, this silent contract was thought to be implicitly governed by the more general concept of “Billigkeit.”

In the eighteenth century, as today, “Billigkeit” was an imprecise concept related to customary notions of justice and equity. As the 1804 treatise *Ueber Die Billigkeit Bey Entscheidung Der Rechtsfälle* makes clear, legal decisions were to be guided by both the law and “Billigkeit,” but the latter was a separate basis for adjudicating cases that could lead to different results. As a result, eighteenth-century thinkers regularly contrasted the positive law with “Billigkeit” in the debate about intellectual property rights. In the absence of positive law, it was especially common for authors and publishers to appeal to “Billigkeit” as a distinct concept and separate adjudicatory scheme. Discussing piracy, the anonymous author of the essay “Ueber das Eigenthum der Gedanken,” raises “Die Fragen über Rechtmäßigkeit oder Unrechtmäßigkeit, Billigkeit oder Unbilligkeit” of piracy, thus treating “Billigkeit” and “Rechtmäßigkeit” as a distinct concepts.

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45 Ibid.
46 Ibid.
Klopstock similarly appealed to “Billigkeit” as the basis for deciding a contract dispute with the publisher Carl Hermann Hemmerde – despite the positive law – urging that “nach der Billigkeit muß die Sache doch entschieden werden…”52 Discussing piracy in Leben und leben lassen. Ein Project für Schriftsteller und Buchhändler, Lessing exclaims: “Freilich, wenn Deutschland unter einem Herrn stünde, welcher der natürlichen Billigkeit durch positive Gesetze zu Hülfe kommen könnte und wollte!”53 By hoping for a positive law that corresponded with natural justice, Lessing implicitly identifies a potential gap between the norms. “Billigkeit” might justify an outcome that the positive law fails to demand.

In his 1791 essay, “Nachtrag zu der Erwägung des Bücherverlags und dessen Rechte,” Reimarus explains “den wesentlichen Unterschied von Recht und Billigkeit.”54 According to Reimarus:

Das Recht muß, wie gesagt, nach den allgemeinen Verhältnissen der Gesellschaft, ein für alle Mahl, ohne auf jeden besondern, Fall zu sehen, bestimmt werden, weil sonst allgemeine Unsicherheit wäre. Billigkeit aber, da die Grenzen schwankend sind, kann nicht durch Gesetz bestimmt seyn, sondern muß eines Gewissen und feiner Erwägung der Folgen überlassen werden.55

Billigkeit, according to Reimarus, allows for a more nuanced adjudication of cases. Instead of treating every instance the same, resolving a dispute according to “Billigkeit” requires individual circumstances and unique details to be taken into consideration. For Reimarus, this was especially important with regard to literary disputes that involved so many intricacies.

Reimarus’ differentiation of Billigkeit and Recht was widely accepted. Citing Reimarus two years later in 1793, an anonymous commentator summarized the prevailing idea: “Billigkeit nemlich begreift die Beziehung unter einzelnen Personen und in einzelnen Fällen . . . Recht aber ist eine, in Rücksicht auf das

55 Ibid.
allgemeine Verhältnis der Gesellschaft, ein für alle Mahl festzusetzende Regel. – Daher läßt sich erklären, daß etwas Recht seyn kann, was doch höchst unbillig ist, und billig, was dem Rechte zuwider." In addition to underscoring the notion that Billigkeit and the positive law represented distinct normative systems, the author underscores the advantages of Billigkeit as better-suited to regulate the unique relationships among actors in the book trade. The author continues, paraphrasing and expanding Reimarus’ formulation:

die Billigkeit bleibt dem Gewissen der Privatpersonen anheim gestellt, und über Handlungen, wo die Grenzen des Erlaubten oder Unerlaubten so unsicher sind, wie hier auch jeder Vertheidiger des Verlags-Eigenthums in Ansehung der Entlegenenheit oder der Zeit und verschiedener anderer Umstände zugiebt, läßt sich kein allgemeines Gesetz geben.

In particular, Billigkeit was considered useful where the boundary between permitted and forbidden behavior was ambiguous. In such cases, the positive law was thought too blunt an instrument, unable to account for the complexities of literary production. The author concludes by noting that neither Kant nor Pütter thoroughly discussed this question with regard to the “öffentliche Mittheilung der Gedanken.”

In the eighteenth century, the regulation of fan fiction was explicitly left to customary law as a better means of policing authors’ newly emerging intellectual property rights. In the myriad statutory schemes proposed, none suggest that fan fiction should be governed by the positive law. Rather, disputes concerning fan fiction were thought better regulated by “Billigkeit.” This decision is understandable; it is difficult to imagine how a positive law could consistently navigate the murky distinction between acceptable and non-acceptable instances of fan fiction, let alone adjudicate whether a second author portrayed a character

58 Ibid. p. 328-29.
59 The examples are countless. For instance, the anonymous author responding to Lotz’s question acknowledges that this is not a matter of positive law. “So geht es mit vielen andern Rechten, die nicht im allgemeinen anwendbar und durch Local und Privat-Statute beschränkt werden.” But he makes it clear that it is still a matter of “permitted behavior” placing it clearly in the category of customary norms. Anonymous, “Erinnerung,” in: Kaiserlich privilegirten Reichs-Anzeiger. Num. 112. Freytags, den 16. May 1794, p. 1069-71.
60 See, for example, Lotz, “Beantwortung der Frage,” col. 712-718; Rössig, Handbuch, p. 228.
consistent with its initial depiction. For the same reason, copyright law today cannot regulate fan fiction with any predictability. In contrast to piracy cases, which required no literary analysis but only a straightforward judgment of whether a work was reproduced, fan fiction was thought better dealt with through appeals to “Billigkeit” and a system of customary laws, resulting in the creation of a special literary commons.61

Characters as Communal Property

In the final decades of the eighteenth century, German thinkers resolved that ideas were the common property of all and that particular expressions thereof were the property of their authors. When it came to the unauthorized reproduction of entire works of literature, it was eventually settled that a positive law should forbid the practice. After all, piracy resulted in the appropriation not just of an author’s ideas, but also their form. Characters, however, are vexingly situated between an idea and its expression.62 As John Frow describes, fictional characters are “ontologically hybrid beings,” composed “of words, of images, of imaginings.”63 Characters may amount to no more than a stock figure or common trope, but their appearance on the printed page is owed to the specific expression of an author. Yet even the most detailed character is still fleshed out and completed, to some extent, in the mind of a text’s readers, making the character more

51 Fan fiction was not the only aspect of the book trade that was regulated by a system of customary law. Selwyn notes that respectable publishers, those who followed the governing norms, “joined together to fight their less law-abiding colleagues, or members of other branches of the book trade who overstepped legal or customary boundaries, but also took other measures to ensure a certain degree of peace within the trade.” Selwyn continues, “[a]mong respectable booksellers, at least within the same city, it was considered proper to inquire whether one was intruding on any territory before undertaking a project involving works from another publisher’s firm.” As an example, Selwyn cites an incident from 1780, when the author Rudolph Zacharias Becker offered a manuscript answering the Berlin Academy’s essay contest to Nicolai, who refused it. According to Nicolai, because his colleague Voß published the prize essays, it was improper for Nicolai to accept even the revised version offered by Becker. In addition, Selwyn notes that publishers also, for instance, regularly asked each other for permission to print excerpts from works printed by the other publisher, although no statutory law required securing such authorization. Selwyn, Pamela E. Everyday Life in the German Book Trade: Friedrich Nicolai As Bookseller and Publisher in the Age of Enlightenment, 1750-1810. University Park, Pa: Pennsylvania State University Press, 2000, p. 116-17.


akin to an idea. Nevertheless, fictional characters were treated as ideas in the eighteenth century, rendering them common property. But rather than creating a statutory regulation, eighteenth-century thinkers governed the appropriation of pre-existing characters according to “Billigkeit,” that is, according to the customary norms analyzed in chapter three.

In the second half of the eighteenth century, literary characters were treated as a special form of communal property and commonly referred to as such by celebrated critics and little-known commentators alike. Just as an author’s ideas were considered “gemeinschaftliches Eigentum,” over which the author had “kein ausschließendes Recht,” literary characters were understood as belonging to the public, free for anyone to use. Eckermann’s flippant retort to Nicolai: “ob Sie auch ein Privilegium hätten, Nothankers Leben ganz allein zu beschreiben,” underscores the notion that authors did not possess such an exclusive right.

Discussing Nicolai’s appropriation of Sebaldus Nothanker, Blanckenburg cites a dictum from Horace’s Ars Poetica about “proprie Communia” to argue that a fictional character was a public good. In his 1782 translation, Horazens Briefe aus dem Lateinischen übersetzt und mit historischen Einleitungen und anderen nötigen Erläuterungen, Wieland translates the same subject as “Ein Stoff, auf welchen jeder gleiches Recht


67 Eckermann, D.C. to Nicolai, 22 February 1775, NN 17.
68 Difficile est proprie Communia dicere: tuque Rectius Iliacum Carmen deducis in actus Quam si proferres ignota indictaque prius. As Rita Copeland notes, the phrase proprie Communia “has proved one of the most controversial lines in Latin literature, even to modern commentators.” Indeed, throughout history and even today scholars have assigned opposite meanings to this expression. Yet in the eighteenth-century, Blanckenburg made clear how he interpreted the disputed phrase, stating that he was not following Lambin, Dacier, Sanadon, and Griffoli. Instead, he assumed the alternative interpretation, according to which proprie Communia refers to material already treated by another author, later equated with “publica materies.” Blanckenburg essentially argues that Sebaldus Nothanker is a public good. Wieland later follows the same interpretation. Blanckenburg, “Sebaldus Nothanker,” p. 261. Copeland, Rita. Rhetoric, Hermeneutics, and Translation in the Middle Ages: Academic Traditions and Vernacular Texts. Cambridge: Cambridge University Press, 1991, p. 171. Copeland also offers an overview of the various readings and commentaries of the much-disputed phrase.
Similarly, Lessing unquestioningly allows an author to take a pre-existing character, permitting him to “umspringen, wie er will, solange er sie nur nicht mit den Charakteren in Widerspruch setzet.” And Dusch plainly asserts that appropriating pre-existing characters is allowed. Echoing Wieland, he refers to “Charaktere, die bereits vorhanden sind,” as “Ein Stoff, der dem Publiko schon angehöret.”

When a second author used a pre-existing character, contemporaries described the practice using verbs like “benutzen,” “aneignen,” and, most commonly, “bemächtigen.” In a review of the Anhang zur Sophiens Reise, for example, Musäus asks of the fan fiction author: “ob es gleich an diesem sehr zu tadeln ist, daß er sich der Materie seines Meisters bemächtigt, ohne denselben darum zu fragen.” As in Adelung’s 1793 Grammatisch-kritisches Wörterbuch der Hochdeutschen Mundart, the 1854 Deutsches Wörterbuch von Jacob und Wilhelm Grimm offers several definitions for “bemächtigen,” most relating to the taking possession, occupation and usurpation of foreign land: “sich eines landes, reichs, der oberherrschaft, einer stadt, burg, schanze, eines schiffes bemächtigen, sie gewaltsam besetzen, einnehmen; einer person, eines mannes, kindes, flüchtlings, ihn gefangen nehmen.” This understanding would align German accounts of fan fiction with their English counterparts, which frequently described characters as “kidnapped.” German characters, however, were rarely pronounced kidnapped in the sense of being stolen persons. Alternatively,


the *Grimm* dictionary suggests secondary meanings of “bemächtigen,” including the notion “to use or take advantage of,” to “master” material.\(^\text{75}\)

In addition, “bemächtigen” had a distinct legal connotation. Fichte utilizes the term repeatedly in “Beweis der Unrechtmäßigkeit des Büchernachdrucks.” For example, the philosopher asserts: “Was also furs erste durch die Bekanntmachung eines Buchs sicherlich feilboten wird, ist […] der *Inhalt* desselben, für jeden, der Kopf und Fleiß genug hat, sich desselben zu bemächtigen.”\(^\text{76}\) The term regularly comes up in legal treatises, including the 1802 tome, *Das natürliche Privat-Recht*, in which Franz von Zeller analyzes “ob nicht der äusserste Nothfall das Recht ertheile, sich fremden Eigenthumes zur Abwendung der Lebensgefahr zu bemächtigen.”\(^\text{77}\) In his *Wörterbuch zur Erklärung und Verdeutschung der unserer Sprache aufgedrungenen fremden Ausdrücke*, Campe defines usurpation as “die rechtwidrige oder widerrechtliche Besitznehmung” and gives the example “sich mit Unrecht oder ohne Befügnis bemächtigen.”\(^\text{78}\) By noting that something could be *bemächtigt* “mit Unrecht,” Campe leaves open the possibility that something could be “bemächtigt” according to a legal right.

In these cases, “bemächtigen” is treated as a neutral, legal concept akin to “appropriation,” capable of indicating rightful or wrongful behavior. “Der Plagiar,” according to Fichte, is someone who “sich eines Dinges bemächtiget, welches nicht sein ist.”\(^\text{79}\) In this context, the term indicates a dishonorable, if not illegal, instance of appropriation. In contrast, in a letter to Boie about Nicolai’s *Sebaldus Nothanker*, Bürger expressed relief in 1773 that “endlich hat sich denn doch einmal einer eines Originalstoffes bemächtigt.”\(^\text{80}\) Here, Bürger employs the term to laud Nicolai’s use of Thümmel’s *Wilhelmine*. Depending on the specific

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\(^{75}\) The alternate definition also include Schiller’s use of “bemächtigend” as a synonym for “einnehmend” or charming. Ibid.

\(^{76}\) Fichte, “Beweis,” p. 226.


circumstances of the appropriation, “bemächtigen” assumed a positive or negative meaning. As a neutral legalistic term, it appositely describes appropriations in the case of fan fiction, which could be permitted or forbidden, depending on the individual use.

**Conditions on the Commons: Reconceptualizing the Literary Commons**

Following Simon Stern, legal and literary scholars regularly refer to a “literary commons” when discussing the rise of intellectual property rights in the eighteenth century.81 A “commons” refers to a resource held in common, free to be used by anyone within the relevant community.82 As Lawrence Lessig puts it: “no one exercises the core of a property right with respect to these resources – the exclusive right to choose whether the resource is available to others.” Because it is associated with the absence of an exclusive right to exclude, the literary commons is frequently equated with “free culture,” as Jaszi and Aufderheide suggest.83 And the pre-copyright eighteenth-century literary commons, in particular, has been characterized as a free field, open for to all to use however they saw fit.84 Up to the enclosure triggered by the enactment of copyright laws, the literary commons are typically cast as a completely unregulated space.85

81 Stern, Simon. “Tom Jones and the Economies of Copyright,” in: Eighteenth-Century Fiction, vol. 1, issue 4 (1997), p. 429-446, p. 436. As a recent example, Pravilova notes of eighteenth-century Russia that “plots, motifs, and ideas represented the ‘literary commons’.” Pravilova, Eketerina A. A Public Empire: Property and the Quest for the Common Good in Imperial Russia. Princeton, Princeton University Press, 2014, p. 217. Of course, the metaphors we use to discuss intellectual property profoundly shape our thinking. And, as Judge observes, “[t]he land metaphor has had a tenacious stronghold on the discourse of copyright through the current digital copyright debates…. From the eighteenth-century forward to today, there is frequent analogizing, with respect to reader access to original works, to real property with terms such as covenants, easements, trespass, and fences, culminating in the advocacy movement for supporters of a wider public domain finding fertile precedential strategies and resources in the earlier environmental law movement.” Judge, p. 53.


84 Although understanding this writing practice as a “commons” is not the only option, copyright has long been understood through metaphors of land and space. The meaning of this metaphor, however, has been far from stable. Stern skillfully shows
David Brewer’s assessment is typical of scholarship on proprietary attitudes toward characters in the eighteenth century. In his groundbreaking study, *The Afterlife of Character*, Brewer asserts that fictional characters, as part of this “textual commons,” were treated as “the common property of all.” As a result, Brewer concludes, readers could use pre-existing characters however they liked, arguing that they “could feel free to invent whatever additional performance struck their fancy without having to worry that they were being unjust or larcenous.” He contends that such use of pre-existing characters was governed by “no mortal law.”

The only other studies of pre-twentieth-century fan fiction, Jamison’s *Fic* and Judge’s “Kidnapped and Counterfeit Characters,” both follow Brewer’s lead, characterizing the literary commons as entirely unregulated. However, none of these studies relies on substantial empirical work or seriously considers the role of customary law.

Consequently, scholars of the eighteenth century tend to overlook that, even if all were welcome to “hunt on the commons,” there might still might have been rules regulating that use. They regard the absence of a positive law as evidence of a lack of any regulation. Yet, tracing the rise of intellectual property through


Most scholarly accounts of the eighteenth-century literary commons hew closely to the mythologized ideal of the commons as a free space characterized by sharing, access, and collaboration. For example, describing the eighteenth-century “literary commons” more generally, Bannet describes an unregulated space, claiming that “[e]ighteenth-century editors and writers felt free to provide characters in extant narratives with new episodes and adventures, to give their stories a different ending or to reorient the ‘argument,’ as well as to write continuations of other authors’ tales.” Bannet, Eve T. *Transatlantic Stories and the History of Reading, 1720-1810: Migrant Fictions*. Cambridge: Cambridge University Press, 2011, p. 9. For more on the mythologized allegory of the commons, see: Liang, Lawrence. “Beyond Representation: The Figure of the Pirate,” in: Biagioli, Mario, Peter Jaszi, and Martha Woodmansee. *Making and Unmaking Intellectual Property: Creative Production in Legal and Cultural Perspective*. Chicago: University of Chicago Press, 2011, p. 176.

Here, Brewer is discussing Britain, the focus of his study. Geography – and the existing statutory laws of a jurisdiction – likely played a role in shaping customary norms governing intellectual property.

Ibid. p. 11

Ibid.

Ibid.


To borrow a common expression, already used in eighteenth-century descriptions of the literary commons. See: Brewer, p. 12.

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fictional characters suggests that this commons is different than scholarship characterizes. This dissertation has demonstrated that the literary commons – at least in Germany – was regulated by a robust system of customary norms.

The act of writing fan fiction was not itself considered an invasion of an author’s rights in her literary creation, as chapter three elucidated. Using the ideas of another author was permitted, including fictional characters. A character, though, had to be used properly, according to the rules of fan fiction. In his chapter on intellectual property and the “Rechte des Schriftstellers,” Rössig explains that an author can use the “schon bey andern vorhandenen Materialien,” but only if it is “zweckmäßig benutzt[].” Dusch similarly notes that using a pre-existing character presents no problem, “man kann sich einen schon geschilderten Charakter . . . zu eigen machen,” but adds a caveat that only “wenn sie gehörig bearbeitet wird.” Eighteenth-century commentators regularly noted that fictional characters had to be used appropriately.

A clear set of customary norms, delineated in chapter three, regulated the production of fan fiction in the late eighteenth century. Above all, these rules required second authors to portray borrowed characters consistently with their initial depiction. In this regard, writers of fan fiction were obliged to respect the artistic intent of the first author. The norms further required second authors to provide notice of their appropriation and prohibited them from presenting their spin-off texts in a manner that would exploit potential confusion about the author’s identity.

Although these norms were limited to characters invented by still-living, German authors, Virgil is routinely cited as the shining example of how to appropriate a pre-existing character. Blanckenburg, for instance, lauds “die Kunst, mit welcher Virgil, unter andern, die einzelnen Fäden zum Charakter des Aeneas, aus dem großen homerischen Gewebe heraus zu nehmen, und in ein eigenes, gleichfarbiges, dichtes, ganzes Stück

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92 Rössig, Handbuch, p. 89-90.
93 Dusch, Briefe, p. 326.
durch seine Zusätze zu bringen gewu ßt hat, verdient allerdings das größte Lob des prüfenden Kunstrichters.”

To describe Virgil’s craft, Blanckenburg employs the same weaving metaphors common to descriptions of good reading and writing fan fiction. Then, after severely critiquing Nicolai’s portrayal of Sebaldus Nothanker – what Blanckenburg names a “strenge Prüfung seines Charakters” – he offers a final lesson. “[A]n der vorhergegangenen Untersuchung,” Blanckenburg expounds, “mögen junge Romanendichter lernen, mit wie vieler Sorgfalt die Verknüpfung des Ganzen behandelt werde müsse, wie viel Rücksicht auf Charakter und Situation zu nehmen sey…. By citing Virgil as an example to be followed, Blanckenburg not only anticipates such appropriations in the future, he telegraphs their propriety. However, this “genaue Verbindung,” the critic explains, can be demanded “mit Recht.”

If the rules were broken, the offending fan fiction author could be punished with the social enforcement mechanisms discussed in chapter four. Wieland describes one such mechanism in his 1782 translation of Horace’s Ars Poetica, updated for his eighteenth-century German audience. After describing characters as “[e]in Stoff, auf welchen jeder gleiches Recht hat,” Wieland notes that appropriators will follow certain rules, in part, due to their “Furcht vor Tadel.” Merkel also declares that a first author, in the event of improper appropriation, could “vindiciren” the matter, introducing another legalistic term into the discussion about fan fiction. According to Zedler’s Universal Lexikon, “vindicieren”

95 Ibid. p. 278.
96 Ibid.
97 Ibid.
98 Curran makes a similar observation, explaining that “Wieland does not translate [the Ars poetica] word for word or deny himself the freedom to amplify the original in order to emphasize certain points.” Curran, p. 63.
99 Wieland, Horaz, p. 522.
100 Merkel, Briefe, p. 676. The concept of “vindiciren” is connected to property throughout the late-eighteenth century. The 1794 Allgemeines Landrecht für die Preußischen Staaten includes a title “Von Verfolgung des Eigenthums” with a section devoted to “Wer vindiciren könne.”
In the context of fan fiction, “vindiciren” denotes not just punishment, but also protection. The first author can defend (“vertheidigen”) and shield (“beschirmen”) the character from the offending use. Moreover, Merkel’s use of “vindiciren” implies a limitation on the right of second authors; if they misappropriated a fictional character, they could lose their right to that property. Characters, in other words, could be freely used as a “Gemeingut.” But that use was subject to conditions, the transgression of which resulted in sanctioned punishment. With respect to fictional characters, the literary commons was governed by this set of customary norms.

Accordingly, the eighteenth-century German literary commons departs from most scholarly accounts. It is a special kind of commons – one regulated by conditions. Under the system that developed in the late eighteenth century, readers were allowed to write fan fiction using fictional characters invented by other authors; after all, authors did not have an exclusive right to literary figures, which were considered common property. But these fictional characters had to be “bemächtigt” in the appropriate manner, that is, following the rules of fan fiction. Otherwise, the second author could be punished. The extra-legal customary norms regulating fan fiction in the eighteenth century therefore functioned analogously to a limited licensing scheme resembling the creative commons of the internet era.

In the creative commons, a user can exploit “any work that has a Creative Commons license under the terms that the license specifies. The owner has, with that license, given [the user] blanket permission for some

102 Bahrdt, Rechte und Obliegenheiten, p. 148.
uses, and has also usually imposed some limitations.” The twenty-first century creative commons aims to modify the default of intellectual property rights. Instead of granting the author exclusive control, the creative commons permits free use with certain conditions. The literary commons of the eighteenth century made a similar gesture and reached a strikingly similar result, but began from a different starting point because no copyright or exclusive right yet existed. The customary norms of fan fiction transformed the default of the eighteenth-century literary commons. Instead of completely unconstrained use of pre-existing characters, the use was subject to certain conditions. Unlike the creative commons licensing, of course, eighteenth-century authors did not individually specify the terms of those conditions. But, insofar as the rules embody customary norms, they did reflect the literary community’s collective desires.

**Balancing Interests**

Governed by the conditions imposed by the rules of fan fiction, the eighteenth-century literary commons operated as a proto-intellectual property scheme that balanced the competing commercial, artistic, and public interests discussed in chapter two.

While judging the merits or success of this balance is beyond the scope of this work, it is clear that the competing interests were protected in some measure. For instance, by requiring that characters be used in a manner consistent with their initial portrayal, the rules safeguarded the integrity of the first author’s artistic vision, thus protecting what today would be considered the author’s moral rights. The same rule also

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preserved the character’s value as a brand or trademark of the author’s identity. And the rules also required writers of fan fiction to acknowledge source authors and restricted the misleading attribution of their works. The rules therefore further protected a source author’s financial interests, which Bahrdt argued in 1783 was essential to incentivize artistic creation. “Denn wenn dem Menschen über die Produkte seines Geistes gar kein Eigentumsrecht zugestanden würde, so würde aller Antrieb, aller Muth, alle Kraft, unter den Menschen zur Hervorbringung solcher Produkte ersticken: so würde das Glück des Einzelnen so wohl als die Vervollkommnung der ganzen menschlichen Gesellschaft zerstöhret werden.”105 Because the rules afforded moderate safeguards for the artistic and commercial value of a fictional character, authors could profit from their literary creations.106

Simultaneously, the rules left room for downstream artistic creation, enabling second authors to express themselves creatively and profit from their writings, though subject to the limitations that demanded consistency and attribution. With regard to the use of pre-existing characters, the customary norms thereby avoided what the jurist Lotz termed “Geistesdespotie” in 1794.107 Eighteenth-century commentators observed that this system benefited broader society as well. Owing to the freedom to create fan fiction, Lotz envisioned a more perfect German literature, “die Vervollkommnung unserer Litteratur.”108 And describing imitators more generally, Krause identified an additional benefit for the consumer: the second-comer “macht sein Werk entweder sichtbar schlechter, als der Erfinder; dies hebt leztern mehr, als es ihm schadet;

106 Although there were many complaints about the economic harm caused by fan fiction, there was no clear rule that works that caused commercial competition were not allowed. However, the rules collectively mitigated against harms arising from commercial competition and brand dilution. Works of fan fiction that styled themselves continuations as if they were written by the source author were not allowed. And these would have caused the most economic harm by occupying the exact same position on the market. Moreover, the rules about notice and permission meant that authors would have the opportunity to negotiate with fan fiction authors, possibly about retitling works. Additionally, ensuring that attribution was proper and that titles could not falsely style themselves continuations by the same author also protected this interest. In essence the rules forbid fan fiction from appearing under the same title – i.e. from claiming to be a continuation or a “second part” – without additional elaboration or attribution or acknowledgement of new authorship. This prohibition protected the trademark-like value of a work, thus protecting the commercial and reputational value of characters.
108 Ibid., col. 718.
In addition to balancing competing interests, the literary commons was, by all accounts, exceptionally egalitarian in terms of who was protected and who could use the common property of characters. There is no indication that male and female authors were treated differently. Nor were female and male readers subject to different rules when they appropriated fictional characters for use in fan fiction. Amateurs and professionals were also treated alike. Although the rules demanded a nuanced evaluation of fan fiction according to “Billigkeit” to determine whether pre-existing characters were properly used, the status of the creator was evidently immaterial. Instead, the focus seemed to have been on an individual text and the particular instance of fan fiction.

But it was precisely this advantage of the nuance-attuned rules that amounted to a clear disadvantage. Particularly with regard to a character’s portrayal, the standard was subjective and difficult to apply. As eighteenth-century commentators observed the borders of Billigkeit are murky and cannot be determined by positive laws, but rather require a finer deliberation of the circumstances.110

The widely divergent opinions about Nicolai’s appropriation of Sebaldus Nothanker highlight the administrative difficulties. Blanckenburg, for instance, objects that “In dem Charakter des spätern Sebaldus findet sich nicht allein, nicht die entfernteste Aehnlichkeit mit dem Sebaldus der Wilhelmine.”111 Blanckenburg argues that Nicolai’s novel and Thümmel’s work were completely unrelated. But a reviewer in the Neue Critische Nachrichten considered the two works as seamlessly transitioning into each other. “Wer den komischen Roman des Hrn. von Thümmel die Wilhelmine gelesen hat, der hat schon die Ehre

den Herrn Magister Sebaldus namentlich zu kennen. Wo dieser Dichter aufhört zu erzählen, da fängt der Verf. des Lebens und der Meinungen des M. Sebaldus wieder an. . . .”

The fact that the appropriation of a character could be contradictorily interpreted exposes the limitations of the customary norms. Under such a scheme, authors themselves may not have been aware that they were transgressing the rules, even if they acknowledged their existence. This may help explain Nicolai’s otherwise paradoxical creation of fan fiction and simultaneous complaints about it. Blanckenburg even speculates that Nicolai must have believed that he wrote the character consistently: “Warum hat nun der Verfasser des Romans den Charakter des Thümmelschen Sebaldus nicht beybehalten? Vermuthlich, weil er sich seinen Absichten nicht vertrug; den daß Er den Unterschied zwischen seinem Sebaldus und dem Sebaldus der Willhelmine nicht erkenne sole, daran getrauen wir uns nicht zu zweifeln.”

In Blanckenburg’s estimation, Nicolai must have thought he was adhering to the acceptable standards. Despite (or precisely because of) the administrative difficulties, however, contemporaries elected to judge fan fiction according to “Billigkeit,” foregoing a positive-law solution as too blunt an instrument to deal with the intricacies and nuances of appropriating literary figures.

**Rethinking the rise of intellectual property**

Reconceptualizing the literary commons as a regulated space, at least with regard to the appropriation of pre-existing fictional characters, complicates the traditional narrative about the rise of intellectual property rights and challenges common conclusions drawn from that history. By focusing on piracy and the positive law, legal and literary scholars have overlooked noteworthy eighteenth-century attitudes about authors’ rights and literary creation revealed by the customary norms regulating the production of fan fiction.

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An early reflection of moral rights?

According to the prevailing scholarly narrative, eighteenth-century German ideas about authors’ moral rights were not reflected in practice until long after Kant’s philosophy was introduced. Horst-Peter Götting contends in his recent *Geschichte des Persönlichkeitsrechts* that the Kantian-inspired effort to create such a legal right was not achieved until the late nineteenth century with the work of Otto von Gierke (1841-1921).\(^{114}\) Elaborating upon Kantian philosophy, von Gierke asserted that personality rights were distinct from and superior to author’s economic rights, adding to German law the idea that an author could freely attain her artistic intentions.\(^{115}\) As Peter Baldwin notes, “[i]mplicit here were attribution (claim to reputation) and integrity (achievement of goal),” thus reserving for the author the right to retain control over his works *inneren Bestand* as a form of personality rights, even if the author alienated his work.\(^{116}\) Consequently, the late nineteenth century is typically identified as the first time that German thinkers began seriously formulating rules that would allow an author to fully alienate her work without abandoning all aesthetic control.\(^{117}\) But this myopic focus on the positive law has led to a critical oversight.

An early concept of moral rights was already reflected in the rules that governed the creation of fan fiction in the late-eighteenth century. Moral rights protect the author’s right to “object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work.”\(^{118}\) Further, they protect the author against actions that would be prejudicial to her honor or reputation and empower her to claim authorship of her work. The rules governing the production of fan fiction similarly protect a work’s integrity.

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and an author’s artistic intentions by demanding the second user portray characters consistently with their initial depiction. The rules also call for proper attribution and protect against behavior that could harm an author’s reputation. Moreover, although eighteenth-century thinkers elected to use the more nuanced tool of customary laws to decide fan fiction disputes, violations of these rules did not go unpunished. On the contrary, an author’s artistic intent and the integrity of a work were protected by attacking the transgressing work and vindicating the wrongfully-appropriated character. The rules governing fan fiction thus represent a practical manifestation of protections akin to moral rights. Such rights were not merely a philosophical fantasy of eighteenth-century theorists eventually manifested in twentieth-century Continental law. Rather, there has been a long tradition of respecting authors’ moral rights while still encouraging and permitting second-comers to appropriate other authors’ literary works.

Besides demonstrating that a form of proto-moral rights were reflected in customary practice earlier than copyright scholars have identified, examining the history of intellectual property through fan fiction shows that many scholars have an overly-narrow view of the source of these rights. Most claim that such moral rights are rooted in the Romantic notion of the author. As Sonya Bonneau recently put it: “moral rights epitomize the legacy of the Romantic author as a cultural trope embedded in the law.”

Scholars like Lior Zemer similarly link moral rights with twenty-first-century copyright’s “misplaced reliance on romantic authorship rhetoric.” They see the protection of moral rights as premised on the view that art is a reflection of the Romantic author as an individual and solitary genius. Indeed, Kant’s notion of personality rights and the concept of the Romantic author did emerge in parallel. But writing practices in the late eighteenth century were more complicated than most legal scholars acknowledge, as chapter five noted.

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Examining this history from the perspective of eighteenth-century fan fiction tells a different story. The eighteenth-century literary commons suggests that norms respecting the integrity of a work and an author’s reputation are rooted in a robust practice of interactive authorship and borrowing – not in the idea that authors should have exclusive control over their creations and the right to exclude to second users. The customary norms governing eighteenth-century fan fiction did not grant source authors complete control, but rather balanced the competing interests in literary works. The moral rights protected by this system were therefore not based in the concept of the author as a fully original and isolated creator, but were instead built on an understanding that literary works and fictional characters were the property of all.

If the conditions on the literary commons in the context of fan fiction in the eighteenth century represent one of the first instances of moral rights-like protections, this protection is linked to a more complex concept of authorship than the “Romantic” author alone. The motivation for protecting the rights of integrity and reputation may be partially based in the notion that an author put a unique stamp on her work as an individual creator. But the rules governing fan fiction also existed because literary borrowing was freely permitted, expected, and encouraged. Existing scholarship has simply overlooked this practice because eighteenth-century thinkers elected to regulate fan fiction with customary law. Scholars like Woodmansee argue that property rights in literary texts were the invention of avaricious publishers and authors who deployed the new concept of the Romantic author. But studying this history through the prism of fan fiction shows that proprietary interests in literary works – those regulated by “Billigkeit” and not the positive law – were alternatively motivated by a desire to balance the various competing interests in texts while acknowledging collaborative authorship and second uses.

*Challenging copyright today*

In the eighteenth century, as thinkers debated how to allocate and protect rights in literary works, turning to the positive law represented just one solution. The debate about fan fiction shows that eighteenth-century
thinkers embraced a variety of tools for regulating disputed literary practices. Existing studies of literary borrowing and descriptions of the “literary commons” mistakenly conflate the freedom of the commons with unrestricted use. Even scholars who study the history of fan fiction and its related practices have failed to take into account the customary norms that governed the creation of such texts. Studying fan fiction adds new nuance to this history, compelling us to reconsider current claims based on the traditional narrative about the rise of intellectual property rights.

Critics like Lessig claim that the law today, by increasingly interfering with the use of creative works, has diverted wildly far from its eighteenth-century roots. In *Free Culture*, Lessig bemoans the loss of our long tradition of “free culture.” According to Lessig, this free culture aims to guarantee “that follow-on creators and innovators remain as free as possible from the control of the past.” But the norms governing fan fiction in the eighteenth-century did not free follow-on creators from the past. They rather bound them to it. The rules, after all, required fan fiction authors to portray appropriated characters consistently with their initial depiction. In this sense, the eighteenth-century literary commons does not represent the “free” culture Lessig suggests. Instead of supporting claims that we are losing a tradition of free culture by embracing increased moral rights, the history of intellectual property – examined from the perspective of fan fiction – actually suggests the opposite: that we might be returning to an eighteenth-century culture of permissive but conditional borrowing, not departing from it. Contemporary copyright laws that increase protections for authors’ moral rights may not be diverging from their roots, but may be incorporating historical customary practices, like the conditions imposed on the literary commons in the eighteenth-century.

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123 Ibid., p. xiv. Lessig opposes a “free culture” against a “permission culture.” If the same conceptual vocabulary is applied to the eighteenth-century literary commons, it was indeed a “free culture” insofar as second authors were not strictly required to ask for permission. But Lessig’s concept of a “free culture” supports and protects creators while simultaneously guaranteeing that “follow-on creators” remain as “free as possible from the control of the past.” In this latter regard, the eighteenth-century literary commons is less free than most scholars acknowledge.
Understanding the literary commons as a regulated space and customary law as an elected alternative to the positive law further undermines arguments made on both sides of the contemporary copyright debate.\textsuperscript{124} Today, critics argue that copyright is either over- or under-protective of an author’s rights and interests in her literary work. Legal theorists in support of a robust copyright argue that providing such protections incentivizes authorship, echoing claims already made in the eighteenth century, epitomized by Bahrdt.\textsuperscript{125} To dispel this argument, proponents of copyright reform regularly draw conclusions from the history of intellectual property as it is traditionally reported. The German copyright historian Eckhard Höffner, for instance, points to the prolific productivity of German writers in the eighteenth and nineteenth centuries as proof that intellectual property rights are not needed to incentivize literary creation.\textsuperscript{126} According to this argument, because eighteenth-century writers created literary works despite having only minimal intellectual property rights, the incentives created by copyright are unnecessary. But by examining only the positive law, this argument overlooks the fact that authors were afforded protections in the form of customary norms that safeguarded authors’ financial, reputational, and artistic interests. To have persuasive force, such historically-based arguments must be reevaluated in light of the reinterpretation of the commons as a regulated space.

Understanding fictional characters as special form of \textit{geistiges Stoff} and a distinct type of \textit{Gemeingut} also indicates that there are historical alternatives, besides the positive law, to safeguard authors’ financial, artistic, and personality interests while still protecting downstream users and the public. Although in a different time and different context, this history shows that exclusive-use statutory protections were once considered an overly-blunt means of balancing the competing interests at stake. This history suggests that

\textsuperscript{124} Larsson, Stefan. \textit{Metaphors and Norms: Understanding Copyright Law in a Digital Society}. Lund: Lund University, Department of Sociology of Law, 2011, p. 18 discussing contributions to the “copyright debate.”


we might explore how to re-conceptualize characters in the current debate about fan fiction and consider alternative methods of regulating fan fiction. After all, the customary norms regulating fan fiction in the eighteenth century demonstrate that protecting moral rights and second users are not incompatible goals. In this regard, fan fiction also provides a much-needed theoretical framework for understanding intellectual property and proprietary rights in literary works. Piper and Sachs note that the history of print and media is “most often written from either side of an uncrossable fence. Either print is a story of liberation and access OR it is a story of decline and fall. Either print arrests the word and stabilizes knowledge OR it proliferates writing and drowns out authority in a sea of competing voices and versions.”

By allowing multiple authors to write a fictional character’s story – but requiring that it remain consistent with a source author’s vision – fan fiction and the norms governing its production show how both of these phenomena can be co-present.

Ultimately, studying the history of fan fiction adds new nuance to our understanding of the emergence of intellectual property rights in Germany. It identifies the long-overlooked tradition of “sharing and sharedness,” as Piper puts it, and reveals norms that regulated this complex practice. Conclusions about eighteenth-century writing practices and attitudes towards authors’ rights cannot be based on the mistaken belief that literary borrowing was unregulated. The literary commons, it turns out, was less free and more complicated than scholarship has recognized. Copyright scholars and literary scholars of the eighteenth century must take into account these practices when making claims about concepts of authorship, the history of moral rights, and authors’ proprietary interests in fictional texts.

128 Piper, Dreaming, p. 126.
THE STORY CONTINUES: AN INTERLUDE IN LIEU OF A CONCLUSION

Just as fan fiction defies narrative beginnings and endings, this work closes not with a conclusion, but with a sort of interlude. By documenting the widespread practice of writing “fan fiction” in the eighteenth-century, analyzing the competing artistic, economic, and public interests at stake, and identifying the rules governing its creation, this dissertation has hopefully opened new avenues of research in literary and legal studies. After discussing the common legal and aesthetic roots underlying the production and consumption of fan fiction in the eighteenth century, this interlude identifies future literary, legal, and comparative projects derived from this dissertation.

The Law of Good Reading

Legal and literary scholars have long noted that the juridical concept of intellectual property developed in parallel with the novel.¹ This temporal and discursive coevolution has been traditionally interpreted to show how the rise of exclusive rights in intellectual property (e.g. prohibitions against piracy; copyright) uncoincidentally coincide with the emergence of Romantic notions of authorship and originality (used to justify those exclusive rights).² Studying the history of fan fiction, however, offers an alternative view of this intertwined development. This dissertation demonstrates that the notions of reading and authorship that accompanied fan fiction emerged alongside a special form of communal property that made room for second users.

Although examining this history through the prism of fan fiction suggests an alternative conclusion, law and aesthetics remain equally intertwined. This is perhaps best manifest in the overlapping concepts of the

² Late-eighteenth-century aesthetic developments may have been reinterpreted in the mid-nineteenth century to justify copyright. Scholars have increasingly questioned the temporal origins of the idea of the “Romantic” author, suggesting that this concept was formed after the Romantic period and used as a post-hoc justification for exclusive rights in creative works.
proper manner in which to read novels and write fan fiction. After all, to write a work of fan fiction in accordance to the customary laws, writers had to be good readers.

To pick up the threads of a story like Julchen Grünthal and to portray a character consistently, a fan fiction author had to be a good reader. Authors like Stutz, who changed the characters of appropriated protagonists and corrupted the source author’s purpose, were decidedly bad readers. No wonder Goethe’s prescribed remedy for the author of a transgressing work of fan fiction was: “Der lerne besser lesen.”³ As Bergk explains in Die Kunst Bücher zu Lesen, this involved reading through a work, divining the creative intentions of the author, and reworking the material (“es selbst darzustellen, und nach unserer eigenen Weise zu bearbeiten”) until it became their own. “Wir müssen ihn [den Stoff] als Selbstdenker bearbeiten, und ihn als Eigenthum unsres Geistes behandeln.”⁴ Bergk explains: “Sobald wir nun sehen, welche Absicht der Dichter bei seinem Werke hat, so müssen wir dieselbe scharf ins Auge fassen, sie zergliedern, all Fäden, die darauf hinlaufen, die dabei thätig sind, kennen lernen, und uns aller Details zu bemächtign suchen.”⁵ According to Bergk, the reader must master the material in order to study the “die Nebenszenen und ihr Verhältnis zur Hauptrolle” and “die Richtigkeit und Vollendung der Charaktere.”⁶ So following the threads of a story wherever they led, thinking about side scenes, and judging the character, reading should ignite “das Feuer der Einbildungskraft,” awakening the reader’s “Selbstthätigkeit,” which, ideally for Bergk, would result in the production of new texts. Already in Bergk’s description of proper reading, fan fiction seems like the logical result.

It is no surprise, then, that Fichte employs many of the same ideas and vocabulary (durchdenken, mitdenken, bearbeiten, bemächtigen) to explain why a reader may legally use the ideas – including characters – from

⁵ Ibid., p. 214.
⁶ Ibid.
another author’s text. Fichte specifies that “der Inhalt desselben [eines Buches],” is free “für jeden, der Kopf und Fleiß genug hat, sich … zu bemächtigen.”7 The reader of a book, through this effort (“durchdenken”) and the examining the book “von mehrern Seiten […] und so ihn in unsre eigne Ideenverbinding aufnehmen,” earns the “die Möglichkeit, uns die Gedanken des Verfassers zu eigen zu machen.” Fichte also insists that this kind of reading should result in raw material for the reader to use in producing texts of her own.8

The customary laws governing fan fiction grew out of these overlapping aesthetic and legal discussions. Second authors were free to appropriate fictional characters invented by other authors – even living, German authors – but were obligated to portray the characters consistently with their initial appearance. The second author was also required to remain ideologically faithful to the source author. This could be accomplished by thinking on the same wavelength as the source author, understanding her intentions, mastering her material, and following the threads of her story wherever they led, ultimately producing a text in response. To write fan fiction within the bounds of the customary law, authors had to be good readers as described in both the legal and aesthetic debates about intellectual property and the novel. Moreover, bad readers, as chapters three and four have shown, wrote transgressing works of fan fiction and were punished accordingly. The law of fan fiction, in short, was the law of good reading.

Contrary to the dominant scholarly narrative, however, this intertwining of legal and aesthetic discourses did not result in the creation of an exclusive intellectual property right or in a narrow concept of the author as an isolated individual working solely from internal inspiration. Instead, this coevolution manifested as a proto-intellectual property system that marked characters as a special form of communal property,

8 As Erlin explains of Fichte, “To avoid being reduced to mere passive reception, the reader must transform the finished product of the author into raw material for his or her own production process…” Erlin, Matt. “Useless Subjects: Reading and Consumer Culture in Eighteenth-Century Germany,” in: The German Quarterly 80.2 (Spring 2007), p. 158. As Erlin elaborates: this process “can thus be seen to operate on two levels. The reader reproduces the work itself (and something more) in the act of reading, and the act of reading becomes part of the production of the rationally organized self, characterized here in terms of an absolute mastery over the artifactual world.”
Balancing the rights of source authors in their creative output while enabling second authors to make use of their fictional characters. Although the history of fan fiction evidences a familiar entanglement of law and aesthetics in the eighteenth century, it reveals a vastly different story about authorship, originality, and literary property.

**Literary and Legal Continuations**

Exploring this story deserves future attention. Hopefully, by calling new attention to an overlooked genre and the novel concepts of authorship and property that accompanied it, this dissertation “brach eine neue Bahn,” as eighteenth-century commentators might say, opening the way for new analyses of eighteenth-century law and literature. To what extent is there a poetics of fan fiction? What commonalities do works of fan fiction share? As chapter five argued, authors of fan fiction had to graft their works to source texts in a manner that led readers to believe their narratives continued the adventures of the very same characters. In many instances, works of fan fiction employed tropes of discovery, recovery, and false identities. What other narrative strategies and rhetorical techniques unite works of fan fiction, if any?

Future scholarship may also productively analyze the features of source works that made them prone to fan fiction. Each of the source texts in this study were immensely popular and share many literary characteristics of commercially successful works in the eighteenth century: bourgeois German protagonists, an episodic plot structure, and a marked responsiveness to trends in philosophy, language, and aesthetics. To what extent do these works also evidence the textual “roughness” that encourages fan fiction? As Brewer explained: by calling attention to what is not included within the narrative and referencing action outside of the text, source works manifest a distinct “liminal fuzziness” and “porous boundaries” that seemingly invite the reader to use them as springboards for their own fictional continuations. In addition, Brewer

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argues that the “felt iterability” of character – its appearance in multiple texts and contexts – and apparent inexhaustibility further contributed to the reader’s readiness to place the character into new situations and stories. Further work needs to be done to understand what characters inspired fan fiction as well. After all, a variety of literary figures – not just central protagonists – were appropriated for use in sequels, prequels, and spinoffs. Why did characters like *Sophiens Reise*’s Herr Puff and Dianora from *Rinaldo Rinaldini* inspire fan fiction?

To better understand this literary phenomenon, scholars might also study how fan fiction was consumed. Beginning with Star Trek zines in the 1960s, modern fan fiction has been closely associated with communities of readers and writers. Fan fiction, like Nicolai’s *Freuden des jungen Werthers*, was arguably one byproduct of the “Werther-Gemeinde” that sprung up around Goethe’s text. Did other source texts inspire similarly well-defined communities centered on literary characters? How did fan fiction help forge these communities? What role did communities of readers and writers play in the creation and consumption of eighteenth-century fan fiction? In many instances, the creative output of these modern communities is subversive, adding feminist or queer slants to the stories they appropriate. Did the practice of writing fan fiction empower disenfranchised and alternative voices in the eighteenth century?

In *Dianora, Gräfin Martagno, Rinaldo Rinaldinis Geliebte*, Brückner tells the story of the famous robber

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10 Brewer argues that “what readers found attractive about characters was neither their materiality nor their immateriality per se, but rather the ways in which one enabled the other in a perpetual feedback loop.” Brewer, p. 6.

11 As noted in chapter six, Brewer argues that characters were considered an inexhaustible common good because of their “felt iterability,” such that the same character could appear in many different texts and contexts, and their “felt immateriality,” which allowed readers-turned-writers to divorce characters from their original context. Moreover the “rough edges” of texts, as Brewer terms it, invited readers to use source narratives as springboards for their own stories.


14 In the British context, as Brewer notes, readers “seem to have readily imagined themselves as part of larger virtual – and occasionally actual – communities devoted to the sharing and circulation of these further adventures.” Brewer, p. 5.

15 Today, many writers of fan fiction are women. In fact, it is often thought of as a distinctive form of female authorship. As early as the fifteenth century women were writing literary continuations, such as Lady Mary Wroth’s 1621 *The Countess of Montgomery’s Urania* and Anna Weamys’s 1654 *Continuation of Sir Philip Sydney’s ‘Arcadia’*. The relationship between fan fiction and women writers undoubtedly deserves more attention.
bandit’s wife, Dianora. Often retelling events from *Rinaldo Rinaldini*, Brückner adds new insights, describing the characters’ thoughts as they speak dialogue from Vulpius’ source novel. For example, Brückner expands a pivotal scene – in which Dianora reveals she is pregnant with Rinaldo’s child and he admits his true identity – from two and a half pages in Vulpius’ text to more than twenty pages. By adding new psychological depth and focusing on Dianora, Brückner’s story affords the reader an alternative take on the best-selling text of 1800, one that may arguably be “feminist.” To better understand for whom writers like Brückner were writing, who was reading texts like *Dianora*, and what these texts mean, scholars should examine works of fan fiction. Instead of viewing these long-dismissed texts as trivial and imitative, this dissertation has hopefully demonstrated that works of fan fiction offer compelling insights into eighteenth-century writing and reading practices.

Above all, this dissertation opens up rich possibilities for re-readings of texts as the unique products of a system of customary norms, whether they obeyed the rules or transgressed them. In addition to changing how we read a text like Follenius’ *Geisterseher* and offering an explanation for Goethe’s targeted anger at Nicolai for the *Freuden des jungen Werthers*, this dissertation has shown that source texts, through their multiple reprintings and editions, should be read carefully for their responses to fan fiction, even if, like Unger’s sequel to *Julchen Grünthal*, they are silent on the surface about the appropriations. Finally, in light of the concepts of authorship and originality revealed, this dissertation should also challenge the manner in which we read texts. Should Unger’s *Julchen Grünthal* be interpreted together with Stutz’s sequel? If characters are a common good in the literary commons, how do we delimit our own reading of a character’s story?

This dissertation also opens the way for additional legal research. Studying the rise and regulation of fan fiction in the eighteenth century may offer lessons for proponents of copyright reform today, especially

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because the porous borders of eighteenth-century German resemble the increasingly borderless world of cyberspace and the limitations it brings with regard to the enforcement of intellectual property rights.\(^\text{17}\) To what extent do the customary laws governing fan fiction provide an alternative model to copyright? What does the special status of eighteenth century characters in the literary commons tell us about the nature of fictional figures vis-à-vis literary property?

As scholars begin to study the history of copyright from a wider perspective, fan fiction offers another avenue through which to explore the rise of intellectual property rights and the values that underlay early debates about authors’ and readers’ interests in works of literature.\(^\text{18}\) Did the existence of a robust system of customary norms influence the evolution of statutory laws governing literary appropriations? As intellectual property laws were increasingly codified in the nineteenth century, how did fan fiction change?

Although this dissertation analyzes the social, economic, and aesthetic forces contributing to the rise of fan fiction, it did not account for the history of fan fiction after 1820. As the nineteenth century wore on, not only did the existence of fan fiction cease to surprise, it seemed to have become a tiresome product, produced by “mittelmäßige Köpfe.”\(^\text{19}\) Did the quality of fan fiction eventually turn off readers, or did

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\(^{17}\) And studying the history of fan fiction should also tell us about copyright and how to regulated it today, especially as fan fiction continues to be problematic in an increasingly messy borderless world of cyberspace. Because of its political fragmentation and economic and cultural cleavage, the 18th-century German book trade has “particular relevance to the globalizing trend that we are presenting witnessing in information commerce.” Woodmansee, “Publishers, Privateers, Pirates,” p. 182.

\(^{18}\) Increasingly, scholars are examining the history of copyright from a wider perspective, for example, Joanna Kostylo explores copyright history “from a wider perspective of contemporary arts, crafts, music, painting and print making, as well as the aesthetic theories…that influenced these various disciplines.” Kostylo, Joanna. “From Gunpowder to Print: The Commons Origins of Copyright and Patent,” in: Privilege and Property: Essays on the History of Copyright. Eds. Deazley, Ronan, Martin Kretschmer, and Lionel Bently. Cambridge, U.K: OpenBook, 2010, p. 22.

\(^{19}\) For instance, reviewing the 1800 text *Prinzessin Paulina oder Gattin, Mutter und Ursulinernonne zugleich*, which includes Arnold’s *Rinaldo Fortsetzung*, an anonymous commentator in the *Neue allgemeine deutsche Bibliothek* asked, “Wann werden mittelmäßige Köpfe einmal aufhören, zu Schillers Geisterseher, diesem trefflichen, in seiner Gattung noch immer einzig bleibendem Torso, Pendants und Seitenstücke liefern zu wollen?” Continuing to describe Arnold’s work as “ein sehr unglücklich gerathener Versuch, jenes Meisterwerk nachzuahmen,” the exasperated reviewer finally concludes that this is just one of countless “Nachäffern” flooding the book market. Anonymous. “Ursulinernonne, die doppelte,” in: *Neue allgemeine deutsche Bibliothek*. 66.1 (1801), p. 102.
German authors cease writing stories that featured characters like Werther, Rinaldo, Sophie, and Julchen that inspired rapturous readings and devoting followings?\(^\text{20}\)

At the same time, the author as a mythologized figure seems to have replaced the cult of the character. Consequently, as readers became more concerned with authors, their literary inventions may have seemed less detachable from them. The rise of “collected works” in the early nineteenth century reinforces this hypothesis. As Piper notes: “[t]he success of this format [collected works] both derived from, as well as contributed to, the emerging discourse of the heroic author, the organization of textual material around a single individual’s life. […] The format of the collected edition legitimized not only a particular way of classifying literature but also a particular practice of reproducing it as well.”\(^\text{21}\) By contrast, in the eighteenth century, it was not unthinkable to organize literature around a character. Bundled works, like the combined *Wilhelmine/Sebaldus Nothanker* edition, were indifferent to authorial identity. The organizing principle was the fictional character. By reorganizing texts around authors and changing the reproduction practice, collected works likely changed how readers read; after all, when organized around an author, only a portion of a character’s narrative is told to the exclusion of fan fiction. Changes in publishing practices, publishers’ rights, and authors’ intellectual property likely converged to change the course of fan fiction in the nineteenth century.

Ideally, this dissertation has demonstrated that literary and legal scholarship should more often come together. Although historians of intellectual property have borrowed insights from literary criticism to reevaluate the concept of the authorship, they have devoted insufficient attention to literary practices beyond piracy. And literary scholars, while increasingly attentive to the mutual influence of literary and legal discourses, have been myopically focused on the positive law. Deploying insights from both

\(^{20}\) Hadley remarks of novels written in 1790 that most show “little literary concern for development of plot and character, or for coherent presentation of ideas and themes,” concluding that “most novels strike one as factory-products” which I would argue don’t make for good fan fiction. Hadley, Michael L. *The German Novel in 1790: A Descriptive Account and Critical Bibliography*. Bern: Herbert Lang, 1973, p. 231.

\(^{21}\) Piper, *Dreaming*, p. 81.
disciplines, however, has uncovered a rich history of the rise and regulation of fan fiction. This dissertation compels us to reinterpret the eighteenth-century literary commons as a regulated space and literary borrowing as a circumscribed writing practice, further forcing us to reevaluate concepts of authorship, originality, and proprietary interests in literary works in the eighteenth century. Bringing law and literature together is especially important as we continue to study fan fiction. After all, this study has shown that fan fiction and the extralegal customary norms governing its production are rooted in shared literary and legal ideas about the proper way to create and consume a text.

**Future Spinoffs**

The eighteenth century “abounded in appropriative texts,” as Daniel Cook recently observed.\(^{22}\) Characters like Werther were neither limited to the pages of prose fiction nor confined to the geographic borders of Germany. Eighteenth-century readers across Europe appropriated popular characters for use in a variety of creative works, from poems and plays to Singspiele and operas. Accordingly, this dissertation looks forward to future comparative projects that examine works of fan fiction in a variety of media.

Did different norms apply to fan fiction written in other media? A sequel to *Die Räuber*, Isabella von Wallenrodt’s 1801 play, *Karl Moor und seine Genossen nach der Abscheidszene beim alten Thurm*, begins with the last-minute pardoning of the condemned Karl Moor.\(^{23}\) Before continuing to narrate their further adventures, Wallenrodt explains that Karl Moor had simply fallen unconscious and Amalia merely wounded by his dagger. Wallenrodt relied on the same tropes of recovery employed by fan fiction authors like Stutz and Arnold for what she names this “Widerherstellung,” for which her readers would thank her.\(^ {24}\)


\(^{23}\) For more on the novel, see: Beaujean, *Der Trivialroman*, p. 137-138.

The narrative strategies and rhetorical tropes employed in fan fiction may therefore transcend genre and medium. Wallenrodt’s motivation for writing her sequel, moreover, parallels that offered by countless fan fiction authors, described in chapter one. Explaining “[e]s that mir daher leid, den großen Karl Moor, nach Endigung des Stücks, entweder für immer verschwunden oder auf eine niedrige, ihm ganz unähnliche Art aufhören zu sehen,” Wallenrodt expounds, “Ich dachte oft daran, wie er, nachdem er beschlossen hatte, zur Tugend zurückzukehren, gehandelt […] würde, um seine Wiederkehr zur Tugend aller Welt zu zeigen. […] Aus dieser Ideenreihe entsprang dieses Werk.” Wallenrodt was self-reportedly motivated by the same forces cited by countless other authors of prose fan fiction. Wallenrodt also appears to follow many of the same rules. After listing the long title of her play, stating her authorship (“von Frau von Wallenrodt”), and naming the place and year of publication, the second title page of Wallenrodt’s text reads: “Friedrich Schiller, Die Räuber, Trauerspiel in fünf Akten. Fortgesetzt von der Frau von Wallenrodt.” Her text unambiguously acknowledges Schiller as the source author and makes clear that her sequel is written by another author. And describing Schiller’s characters, Wallenrodt insists: “Ich betrachte sie so, wie das ganze Personal im Werkchen, mit Grunde als Ihre Bekannten, und wem irgend eins davon fremd worden wäre, wird durch das nochmalige Lesen des Schillerschen Stücks, auf welches es gegründet ist, die Bekanntschaft leicht erneuern.” Wallenrodt clarifies that she sought to portray the characters consistently, achieved through re-readings of Schiller’s text, much like the diligent good reader. Stage works of fan fiction may therefore have been governed by comparable customary laws.

25 Ibid. p. ix-x.
26 Ibid. p. x.
27 With the subtitle, Wallenrodt’s text was titled: Karl Moor und seine Genossen nach der Abscheidszene beim alten Thurm. Ein Gemälde erhabner Menschennatur als Seitenstück zum Rinaldo Rinaldini. At the time of its publication, in 1801, Rinaldo Rinaldini was the undisputed bestseller, making Wallenrodt’s allusion to Vulpius’ work a savvy and common sales strategy, as discussed in chapter one.
28 Ibid. p. xii.
29 This may also help to explain why there is little mention or criticism about Wallenrodt’s text, even though Schiller himself contemplated writing such a sequel.
There is similar evidence that spectators wrote libretti using characters from *Singspiele* and operas according to the same rules. Goethe began work on a sequel to *Die Zauberflöte* in 1794, the same year he brought Mozart’s Singspiel to Weimar. Just one year later, composers, writers, and publishers were talking about Goethe’s *Der Zauberflöte zweyter Theil*, conjecturing that Goethe was inspired by the great financial success of the source opera. Indeed, Goethe himself saw a clear commercial demand for the *Zauberflöte* and its continuation. In a letter to Wilmans, Goethe explained: “Die Personen dieser märchenhaften Oper sind jedermann bekannt, und ich sollte glauben, dass sich das Publikum auch für die ferneren Schicksale seiner bisherigen Lieblinge interessieren dürfte.” Just as readers wanted more of Sophie, Siegwart, and Julchen, spectators hoped to watch the further adventures of Tamino, Pamina, and Papageno. Goethe’s justification for his sequel is the same as that offered by countless authors and publishers who penned works of fan fiction – whether motivated by his enthusiasm for the characters, financial gain, artistic desire, or a combination thereof. In his letter to Wilmans, Goethe goes on to explain that in his sequel, all the characters are the same as in Mozart’s opera and that the same settings and costumes could even be used, suggesting a close correspondence of characters across the libretti, despite the change in authorship. The discussions about Goethe’s *Der Zauberflöte zweyter Theil* also resemble contemporary conversations about fan fiction. On one occasion Goethe was asked to change the names of the characters in his libretto so that the piece, if staged in the Austrian capital, would not compete with Schikaneder’s production of *Die Zauberflöte* and

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30 Meanwhile, Emanuel Schikaneder, the well-known librettist of *Die Zauberflöte*, was busy writing his own sequel. *Das Labyrinth oder Der Kampf mit den Elementen. Der Zauberflöte zweyter Theil*, composed by Peter von Winter to a libretto by Schikaneder, was first performed in 1798. Like many sequels, *Das Labyrinth* begins where its predecessor left off: having fought the fire and water, Pamina and Tamino must now defeat the air and earth. In light of Schikaneder’s widely-known plans to write *Das Labyrinth*, it is surprising that Goethe endeavored to write his own sequel.

31 In fact, based on Goethe’s multiple attempts to sell his libretto, money does seem to have been a significant factor in Goethe’s decision to write the sequel. In 1795 Wranitzky, a prominent Viennese composer and director of the Wiener Hofoper, asked what Goethe expected in return for his sequel. In reply, Goethe forecasted his piece as a certain “Erfolgsstück” and asked for 100 Dukaten. Surprised, Wranitzky explained that the Hoftheater would pay the going-rate of 25 Dukaten (the same it paid Iffland and Kotzebue, the most popular librettists of the day). Goethe, though, declined the counteroffer and the deal fell apart. Nevertheless, Goethe continued to find a composer and a theater to stage his *Singspiel*.

his sequel *Das Labyrinth*, recalling Nicolai’s negotiations with Eckermann to change the names of the characters in his sequel to *Sebaldus Nothanker*.\(^{33}\)

The examples of Wallenrodt’s *Karl Moor* and Goethe’s *Zauberflöte* hint that the same customary norms applied to fan fiction in different genres. But as chapter two described, different rules seem to have applied to work of fan fiction that transposed a character from one medium into another. More work needs to be done to understand different genres of fan fiction and the rules that governed their production, whether characters moved from novels to plays or from poems to operas.

The limited research on eighteenth-century fan fiction written outside Germany suggests further similarities as well as marked differences. Did fan fiction take different forms in different parts of Europe? Is there a larger shared poetics of fan fiction? In many cases, the motivation to write fan fiction, and the responses to it, appear to be the same. Just as Unger wrote her sequel to *Julchen Grünthal* to recapture the protagonist Stutz had appropriated for his own use, Richardson authored his sequel to *Pamela* to regain control over his text.\(^{34}\) And like Nicolai referred to the “wahrer and “falscher” Nothanker, Bunyan warned his readers of a “counterfeit” pilgrim.\(^{35}\) Richardson similarly protests that the publisher of fan fiction based on his *Pamela* “should have it publish’d under some other Title, and not infringe upon my Plan or Characters,” further arguing that “[b]ly these I saw my Characters were likely to be debased, & my whole Purpose

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\(^{33}\) Goethe even seems to hint that something like moral rights might have applied in the case of libretti, at least in the context of the relationship of the librettist and composer. “Der Dichter eines musikalischen Stückes,” Goethe explains, “wie er es dem Komponisten hingibt, muß es ansehen, wie einen Sohn oder Zögling, den er eines neuen Herren Diensten widmet.” (The poet of a musical work [libretto or individual song], when he gives it to the composer, must look to the work as a son or a pupil, who is given to a new master. By using the word “Zögling” (pupil, boarding pupil) and analogizing a libretto to a son, Goethe – who was a trained lawyer – implies that certain rights are afforded the original creator – the father – and are retained even when the creative work, the son, is given to a new master. In the eighteenth century, laws strictly regulated the relationship between apprentice and master. For example, a master could physically punish his apprentice, but only to the extent to which the father himself would physically punish the son. Accordingly, this principle, understood as an underlying rule or agreement between creative parties, suggests that even if an original author gave up his work, he retained some rights.


inverted.”36 anticipating future disputes like Nicolai’s with Eckermann and presaging the norms about ideological faithfulness and the portrayal of characters governing the production of German fan fiction later in the century.37

Despite exhibiting similar interests of the authors involved, English fan fiction may have implicated different economic and legal stakes, resulting in a dissimilar regulatory scheme governing its production. Already in the eighteenth century, Pütter observed the singularity of the German book trade. Unlike the trade in the Netherlands, England, France, and Italy, where bookshops typically traded only with their own publishing firms and books were less widely circulated, any work that appeared at the Frankfurt or Leipzig fairs was “within a matter of weeks circulated through all Germany, listed in numerous printed catalogues, and announced in many journals . . . .”38 As a result, works of fan fiction had the potential to gain enormous readerships, sometimes eclipsing the source works on which they were based. In England, in contrast, many works of fan fiction seem to have been privately circulated and confined to known reading circles. Although there is plenty of evidence that fan fiction was written across Europe in the eighteenth century, how widely published and consumed were these works? Relatedly, what laws or norms governed their production? Judge argues that the appropriation of fictional characters in England was treated by source authors as “akin to legal wrongs against a person – ravishing, counterfeiting, and kidnapping – and treated analogously to the word-for-word copying of entire works that was condemned as ‘pirating’.”39 All eighteenth-century English fan fiction, Judge suggests, was considered a violation of a source author’s rights and interests in her text.40 In Germany, however, fan fiction was treated as a distinct issue from piracy and one that necessitated its own solution. If Judge’s account is correct, eighteenth-century fan fiction in England would

37 Moreover, Judge recognizes similar demands by source authors from English authors for attribution and requests concerning the presentation and titling of works of fan fiction. Judge, p. 56.
40 There are many reasons why these norms may have been different. Judge suggests that the interest in characters largely corresponded with an author’s moral rights, and not economic interests. Judge, p. 43.
have been governed by an alternative set of extralegal customary norms, which may have been influenced by the existence of an early intellectual property law, the 1710 Statute of Anne.\footnote{An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, During the Times therein mentioned, 1710, 8 Anne, c.19.} How did the existence of a statutory law, in comparison to German’s legal vacuum, influence the norms that governed the production of fan fiction?

A comparative study of eighteenth-century fan fiction would offer new insights into the nuanced variations in European conceptions of originality, authorship, and the proprietary interests in texts, as well as the different ways in which readers consumed and produced literature around 1800. Just as Stutz found Julchen and Arnold revived Rinaldo, I hope that others will discover this work, take up the threads of the projects laid here, and keep telling the story of fan fiction in the eighteenth century and beyond.
APPENDIX

EIGHTEENTH-CENTURY FAN FICTION

This dissertation examines more than sixteen works of fan fiction based on eleven source texts, listed in the catalogue, below. If serialized novels are divided into separate parts and planned and unplanned sequels are counted separately, the number grows still larger. This catalogue is by no means exhaustive. These source works studied here likely inspired other works of fan fiction. And other source works certainly did, as well. But these texts generated considerable discussion, offering special insight into contemporary attitudes about fan fiction. While this dissertation does not purport to discern a poetics of fan fiction, some commonalities and distinguishing features are worth highlighting.

What works inspired fan fiction?

Fan fiction proliferated as a distinctly German literature emerged in the second half of the eighteenth century. Instead of copying English and French works, German authors began to write stories featuring German characters, who faced distinctively German problems in contemporary German settings, and reflected German values, style, and humor. In his 1798 Entwurf einer Theorie der schönen Wissenschaften, Johann Joachim Eschenburg remarks that “In Deutschland haben wir erst seit den letzten funfzehn bis zwanzig Jahren verschiedene Originalromane erhalten.” In Eschenburg’s estimation, “Die vornehmsten darunter sind von Haller, Wieland, Göthe, Nicolai, Frau von la Roche, Hermes, Dusch, Miller, Meißner, Wezel, Schummel, Jung, Müller, Musäus….” Eschenburg’s list includes many of the authors whose works inspired fan fiction.

Like many novels in the second half of the eighteenth century, the texts that inspired fan fiction often featured German protagonists. Thümmel’s Wilhelmine was lauded as one of the first recognizably German characters. But she was soon followed by others, for instance: Fritz; Sophie; Cornelius Puff; Siegwart; Karl

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von Rosenhain; Werther; Sebaldus; Julchen. (There are, of course, exceptions; Rinaldo Rinaldini is an Italian bandit.) Many of the characters were also bourgeois. Sebaldus Nothanker is a country pastor, and although Wilhelmine comes from the court, they settle in the country together. Sophie is firmly middle-class, as is Julchen, who is sent to a boarding school in Berlin. Siegwart, the son of a hunter, enters a monastery. And though Werther rejects bourgeois values, he is firmly entrenched in a bourgeois milieu.

As a result, the texts are mostly set in Germany and showcase issues familiar to contemporary Germans. Sophie travels across Germany, as the title suggests, from Memel to Sachsen, stopping in Königsberg and Dresden, where she has decidedly middle-class adventures. Siegwart begins his journey in Oettingen in Bayern, Werther is set in the idyllic fictional town of “Wahlheim.” And Lafontaine’s Karl “lebte an dem Hofe eines deutschen Fürsten, in dem gläzenden Posten eines Ministers, und sie brachte meistens den Sommer auf einem Landgute.”² According to a reviewer in the Allgemeine deutsche Bibliothek, Unger’s Julchen Grünthal “hat gleich bey seiner ersten Erscheinung eine gewisse Sensation gemacht” because the novel “Scenen des bürgerlichen Lebens nach ihren wahrscheinlichen Ursachen und Fortschritten, nach sehr richtig gezeichnete Charaktern der handelnden Personen, ohne unnatürliche Sprünge einer wilden Einbildungskraft, so schildert, wie sie sich alle Tage in der wirklichen Welt zutragen.”³

Indeed, by depicting Julchen’s move from the countryside to a French Pensionat in Berlin, Unger stepped into a popular debate about “the fashionable practice” of sending middle-class to boarding schools.⁴ Hermes and Nicolai similarly question the disputed Erziehungsmethode in Sophiens Reise and Sebaldus Nothanker. Conversely, some source works may have enjoyed immense popularity and inspired fan fiction precisely because they did not reflect bourgeois German values and problems. The robber-bandid Rinaldo arguably tapped into the dreams and fantasies of readers, capturing their imaginations in a manner distinct from a

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⁴ As Kontje put it, p. 52.
text like *Julchen Grünthal*. Regardless of the issues depicted, most of the source works are also united by their episodic plot structures and memorable characters. Sophie, Sebaldus, Julchen, Siegwart, and Rinaldo are each entangled in a web of misadventures, irrespective of whether they were featured in serialized novels.

The most obvious similarity uniting nearly all of the source works included in this dissertation is their overwhelming popularity and commercial success. Although *Werther* is best remembered for launching the impassioned *Wertheriad*, Goethe’s text is not unique in this regard. As discussed more extensively in the brief biographies that follow, many of the works in this study inspired similar trends; for instance, Miller’s *Siewart* inspired a *Siegwartiad* that arguably surpassed that of Werther. *Rinaldo Rinaldi* was turned into a ballet in England. Nearly all of the works inspired stage adaptations, song books, pictures, and a variety of spinoff stories and products. And most of the texts were bestsellers of their day.

Other commonalities are difficult to identify. Most of the works purport to narrate a true story and nearly all of the works examined in this dissertation are novels, a form which was likely fit for inspiring fan fiction by virtue of its portrayal of characters. According to Blanckenburg, at the center of the novel stands “der Mensch” – the private person along with his private feelings, sensations, and actions. And many of the works are epistolary novels. In addition to granting more immediate access to characters and offering greater psychological insight, this form arguably creates a stronger connection with the reader. Otherwise, the works fall into a number of genres and styles. Some of the works are explicitly didactic, like *Sophiens Reise*, while others are pure entertainment, such as *Rinaldo Rinaldi*. Miller’s *Siegwart* is considered the height of German *Empfandsamkeit*; Vulpius’ *Rinaldo Rinaldi* is an archetypal *Räuberroman*; Schiller’s

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Der Geisterseher is a gothic novel; Unger’s Julchen Grunthal is arguably a Bildungsroman; Thümmel’s Wilhelmine is a mock epic; and Nicolai’s Sebaldus Nothanker is typical Enlightenment literature.

There is also notable (relative) heterogeneity among authors whose works inspired fan fiction. Although many texts were published anonymously, an author’s identity was usually confirmed within months of publication. When Friederike Helene Unger published Julchen Grünthal, for instance, it was widely rumored that a woman penned the Pensionsgeschichte and Unger’s authorship was recognized by 1787 at the latest. Accordingly, when Johann Ernst Stutz wrote his fan fiction sequel, Julchen Grünthal, Eine Pensionsgeschichte Zweiter Theil, he would have known that he based his text on a woman’s novel. Indeed, there is no evidence that a female authorship acted as an extra catalyst or deterrent to the creation of fan fiction. Similarly, there is no indication that the celebrity of an author played an influential role in determining which texts inspired fan fiction. Unger was completely unknown when Stutz appropriated Julchen. But when several readers borrowed Sebaldus for use in fan fiction, Nicolai was one of the best-known authors and publishers in Germany. There is likewise no sign that anonymously-published works or those published under an author’s name inspired more or less fan fiction.

Works of fan fiction were also written by men and women, professionals and amateurs. Some, like Stutz, wrote for financial gain, but others claim to have written out of a genuine furor poeticus and desire to tell the further adventures of beloved characters. Many likely wrote out of a combination of such motives, as chapter one explains. Like most authors in the second half of the eighteenth century, writers of fan fiction were middle class; they were lawyers, pastors, teachers, officials, doctors, students, tutors, and book dealers.

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6 For more on the publication history of Julchen Grünthal, see: Giesler, p. 45-46.
### CATALOGUE OF EIGHTEENTH-CENTURY FAN FICTION

#### Goethe, Werther


#### Hermes, Sophiens Reise


#### Jünger, Fritz


#### Lafontaine, Neubeck; Verirrungen


#### Lichtwer, Fabeln


#### Miller, Siegwart


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Johann Timotheus Hermes (1738-1821), *Sophiens Reise*

Johann Timotheus Hermes, a protestant theologian, educator, and court preacher in Breslau, was among the most widely-read and well-known authors of the eighteenth century. In a chapter on “Unsre Romanenschreiber” in his 1795 *Appell an meine Nation*, Johann Georg Heinzmann groups Hermes with Goethe, Miller, and Nicolai as the authors who ushered in “die Romanen-Epoke in Deutschland.”\(^1\) In 1807, Karl Heinrich Jördens remarked that Hermes “besitzt Genie, Laune, Lebhaftigkeit, Empfindung,” but acknowledged that “[s]eine Romane gehören zwar nicht zu den romantischen Dichtungen vom ersten Range…”\(^2\) Indeed, Hermes was subject to mockery by the likes of Goethe and Schiller, who denigrated the author in their *Xenien* as hackneyed and overly moralistic.\(^3\) Hermes was the author of several works, including: *Geschichte der Miss Fanny Wilkes* (1766); *Für Töchter edler Herkunft* (1787); *Manch Hermäon im eigentlichen Sinn des Wortes* (1788); *Für Eltern und Ehelustige* (1789); *Zween literarische Märtyrer und deren Frauen* (1789); *Anne Winterfeld* (1801); *Verheimlichung und Eil oder Lottchens und ihrer Nachbarn Geschichte* (1802); *Mutter, Amme und Kind in der Geschichte Herrn Leopold Kerkers* (1809).

Hermes’ most popular work was *Sophiens Reise von Memel nach Sachsen*, which became a “Hausbuch,” as Ward explains, “that no middle-class home of the eighteenth century could afford to be without.”\(^4\) As late as 1862, nearly a century after its first publication, Prutz could claim of *Sophiens Reise*, “wer hätte nicht von ihr gehört?”\(^5\) An epistolary novel in the style of Richardson, *Sophiens Reise* narrates the interwoven stories of several characters, told through letters, mostly by Sophies’ hand, but also from Cornelius Puff, the Widow E., and others. Through a series of episodes, Hermes’ novel provides ample

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\(^1\) Heinzmann, *Appell*, p. 140.


\(^4\) Ward, *Book Production*, p. 46.

social, moral, religious commentary, above all, on the theme of marriage. Set at the end of the Seven Years War in 1762, *Sophiens Reise* relates the journey of Sophie from Memel in East Prussia to Dresden on an errand for her foster-mother. Along the way, Sophie encounters mysterious figures, Russian agents, and love interests. After falling for Herr Less, only to be separated from him and rescued from a seducer by the virtuous Herr Puff, Sophie ambiguously commits herself to Puff. When Sophie remains indefinite, however, Puff marries another woman. Less, frustrated by Sophie’s flirtation with Puff, renounces his proposal, leaving Sophie unmarried and unhappy at the novel’s conclusion (at least, as told in the first edition).

The first edition of *Sophiens Reise* was published in five parts from 1770 to 1773. A second edition, expanded to six parts and with new engravings by Chodowiecki, appeared in 1776, and a third edition was published in 1778. By the time the second edition appeared in 1776, a pirated edition was already on the market, and several additional pirated editions in Carlsruhe, Schaffhausen, and Vienna followed. Both the second and third editions were pirated as well. In 1787, a 10-volume pirated edition was printed in Vienna. The popular novel was also quickly translated into French, Dutch, and Danish. In addition to pirated editions, several stage adaptations and works of fan fiction were written. An *Anhang zu Sophiens Reise* was published in 1776, and the prequel, *Einer jüngern Sophie Reise, aber nicht von Memel nach Sachsen* was published in 1780. Several other works centered on Herr Puff were written in the final decades of the eighteenth century. A book of “Lieder und Arien aus Sophiens Reise” set to music by the popular composer Johann Adam Hiller was published in 1779.

Critics gave *Sophiens Reise* mixed reviews. Many considered it “der erste deutsche Familieneroman,” and, as Johanna Schopenhauer did, grouped it with Gellert’s *Das Leben der schwedischen Gräfin von G...* (1746) as one of the first German novels appropriate for female readers. Others condemned the novel, primarily

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criticizing Sophie’s changing character.\(^8\) Blanckenburg famously criticized *Sophiens Reise* in his *Versuch über den Roman*, censuring the absence of plausible psychological motivation, using Hermes’ novel as one of his main counter-examples to his ideal, Wieland’s *Agathon* (1766-67).\(^9\) Nevertheless, given its commercial success, there is no doubt that the public was enthralled with *Sophiens Reise*, prompting Hermes to continually revise and expand his novel.

**Johann Friedrich Jünger (1756-1797), *Fritz***

Although forgotten today, Johann Friedrich Jünger enjoyed popular success as a dramatist and novelist in his own time. His 34 comedies were particularly well received and published as a collected work in 13 volumes shortly after his death. Goethe even wrote positively of Jünger’s theater works in his 1792 prosework *Kampagne in Frankreich*, commenting that Jünger “[gibt] anspruchslos einer bequemen Fröhlichkeit Raum.”\(^10\) The one-time Schiller collaborator also penned various poems and stories, which were featured in Schiller’s *Thalia* and Becker’s *Erholungen*, among other literary journals. From 1787 to 1794 Jünger worked as the court theater poet in Wien; thereafter, he survived solely on the earnings from his writing.

Jünger’s last novel, *Fritz, ein komischer Roman*, was published by Carl August Nicolai in Berlin. Released in four parts over a two-year span from 1796-97, it garnered both critical and popular acclaim. *Fritz* tells the story of a travelling comedy troupe that becomes embroiled in a sequence of humorous and sometimes surprising situations. The second part ends with the protagonist in police custody. According to an anonymous reviewer of the first and second parts in the *Neue allgemeine deutsche Bibliothek*, the novel’s

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continuation and resolution “sieht gewiß jeder Leser mit gespannter Erwartung entgegen.” The review of Parts 3 and 4 the following year is terse but similarly positive; it names the text a “deutschen Gilblas” and refers back to the first review, repeating the expectation that the public will be excited for the novel’s continuation, in part because Part 4 leaves the novel’s central plot unresolved.

Before he could finish his novel, however, Jünger died in 1797 at the age of 41 (from *Nervenfieber*). Nevertheless, the public’s desire for the resolution of *Fritz* was satisfied. Parts 5 and 6 of the comic novel were published in 1798 and 1799, also by Carl August Nicolai. The new parts were published under Jünger’s name, but were not posthumous publications; instead, they were composed by an altogether different author, likely a hired writer (*Lohnschriftsteller*) contracted to continue the novel. Although the continuations were approved and commissioned by the publisher, as works by a second author that use pre-existing characters created by a contemporary author, they amount to a form of fan fiction.

Literary critics judged the continuation less favorably than the original. The *Neue allgemeine deutsche Bibliothek* review of the fifth and sixth parts was tepid, noting that Jünger’s style and tone had changed for the worse. The reviewer also casually questions the novel’s authorship, explaining that the text “führt zwar Jüngers Namen an der Stirn; aber seine Laune und Jovialität fehlt ihm ganz.”

The public was apparently less concerned with the stylistic transformation of the fan fiction. *Fritz* remained a commercial success, warranting a second printing of all six parts from 1807-1810. Moreover, at least one

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more Fritz story was published after Jünger’s death. In 1798, Fritz der Schwabe und seine Basen was published in two small volumes.15

**August Heinrich Julius Lafontaine (1758-1831), Die Familie Neubeck, Die Verirrungen**

August Heinrich Julius Lafontaine was one of the most commercially successful authors around 1800.16 His oeuvre, comprising more than 120 novels and short stories, consists mostly of sentimental narratives describing bourgeois domestic life in contemporary Germany. Also an active journalist, Lafontaine contributed regularly to newspapers and periodicals.17

After working as a house tutor, Lafontaine became a field chaplain in the Prussian army in 1792 before devoting himself fulltime to his writing in 1797. The undisputed “Lieblingsschriftsteller” of the Goethezeit, Lafontaine’s popularity easily surpassed that of Goethe, Schiller, and Jean Paul.18 His notable enthusiasts included Napoleon, Friedrich Wilhelm III, and Queen Luise of Prussia, who granted Lafontaine a canonicate in recognition of his talent.

Despite his popularity, however, Lafontaine was not uniformly esteemed by the literary establishment. In Weimar, Wieland and Herder admired Lafontaine.19 Karl August Böttiger – a fixture of Weimar society

17 Sangmeister notes that there is little one can say with certainty about Lafontaine’s activity as a journalist and contributor to newspapers and periodicals, but that he did supplement his income with writing for such publications. Sangmeister, p. 264. For a list Lafontaine’s potential contributions, see: Estermann, Alfred. Die deutschen Literatur-Zeitschriften 1815-1850. Bibliographie, Programme, Autoren. 10 Bde. Nendeln 1877-1981. Estermann estimates that Lafontaine contributed to no fewer than 25 periodicals, but Sangmeister questions this count. Sangmeister, p. 264, n. 277.
19 For more on the contemporary reception of Lafontaine, see: Sangmeister, p. 375-81.

Goethe, though, was more circumspect, treating Lafontaine as a curiosity. In 1802 Goethe visited Lafontaine in Halle, but mumbled his name and introduced himself as a merchant from Hamburg (only later revealing his identity). About Lafontaine’s writing, Goethe explained that “[i]ch will [Lafontaines Arbeiten] nicht schelten, weil sie Verdienste haben, aber es geht doch durch alle etwas Tristes hindurch, das einen gewissen gedrückten Zustand andeutet und den Leser wo nicht niederzieht, doch gewiß nicht erhebt.”

The Romantics, by contrast, despised Lafontaine. August Wilhelm Schlegel had initially praised Lafontaine’s novels as among the best in Germany, but he quickly reversed his opinion, later showing nothing but contempt for the “Modeerzähler.” In the May 1798 edition of *Athenaeum*, A.W. Schlegel conceded of Lafontaine, “Lieblingsschriftsteller ist er dennoch gewesen,” but quickly qualified his statement: “Mehr kann Lafontaine auch nicht werden; das ist wenig genug, aber immer zu viel für die im Ganzen so herabziehende Tendenz seiner Produkte, denen es an Poesie, an Geist, ja sogar an romantischem Schwunge fehlt.”

Lafontaine was the regular target of mockery and contempt in both literary journals and fictional texts. Ludwig Tieck, in particular, considered Lafontaine a miserable author, underserving of popular acclaim.

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22 Cited in: Neumann, p. 83.
Tieck attacked Lafontaine directly in several texts, including his novel *Die sieben Weiber des Blaubart*, in *Prinz Zerbino*, in *Das jüngste Gericht*, in the journal *Berlinischen Archiv der Zeit und ihres Geschmacks*, and in Cotta’s *Taschenbuch auf das Jahr für 1798 für Damen.* Others also criticized Lafonatine’s lack of originality and tendency to “Selbstkopie.” In his treatise *Die Kunst Bücher zu Lesen*, Bergk praised Lafontaine, but noted that “Er wird viel gelesen, und dies scheint ihn zu dem Fehler der Vielschreiberei verleitet zu haben. Er wiederholt sich daher oft in seinen neuern Schriften: seine Charaktere und seine Personen haben fast stets einerlei Gestalt und einerlei Gesicht.” Tieck was more explicit, complaining that Lafontaine “wiederholt sie in allen seinen Büchern auf die weitläufigstige Art.” The result of Lafontaine’s self-borrowing, as A.W. Schlegel drolly put in in the first volume of the *Athenaeum*, was “daß er dem geübteren Leser die Hälfte der Zeit erspart, obwohl dem Verleger nichts an der Bogenzahl.”

Lafontaine’s tendency to Selbtkopie is partially explained by his rate of production, which is likely attributable to his financial situation. As a chaplain, Lafontaine began writing to supplement his modest income. Lafontaine reports having written up to “17 Studen täglich” out of financial necessity. Eventually, Lafontaine realized his earnings as a writer could far exceed his income as a chaplain and he decided to dedicate himself full-time to his writing as a “freier Schriftsteller.” Sangmeister calculates that in Lafontaine’s 33 years of literary activity, he wrote an average of 1531 pages a year (or slightly more than a two-volume work). In one year, 1810, when he was in especial need of money because of the war, French occupation of Prussia, and the decline of Sander’s publishing house, Lafontaine wrote 10 volumes of 5 different novels, totalling 3,436 pages.

25 Sangmeister, p. 373-374.
26 Sangmeister, p. 383.
30 Sangmeister attributes the rate of Lafontaine’s literary production with his financial situation. Sangmeister, p. 213ff.
31 Lafontaine to Christian Friedrich Voß. 5.6.1793. Historical Society of Pennsylvania, Philadelphia, Ferdinand J. Dreer Autograph Collection (Collection 175), German Prose Writers Section, Box 220.
32 Sangmeister, p. 261.
Given Lafontaine’s popularity and the enormity of his output, it is unsurprising that his works were translated into several languages and subject to countless piracies. His texts were also frequently adapted for the stage and inspired works of fan fiction, like the anonymously authored 1799 novel *Die Verirrungen des menschlichen Herzens: oder, So macht es die Liebe, Zweiter Theil*, which continued Lafontaine’s identically titled novel from 1792. Under these circumstances, one might fairly expect Lafontaine to have been fiercely protective of his writing. Yet, Lafontaine’s attitude toward his own work was largely dismissive. Shortly after the publication of *Klara du Plessis und Klairant* (1795) and the first volume of *Leben und Thaten des Freiherrn Quinctius Heymeran von Flaming* (1795-96) (two of Lafontaine’s best-selling works), Lafontaine’s publisher Johann Daniel Sander wrote to Böttiger of Lafontaine that “Nach seiner gewöhnlichen Bescheidenheit setzt er Alles, was er geschrieben hat, sehr tief herunter, u. meint, nichts daran werde auf die Nachwelt kommen. ‘Was ich bis jetzt geschrieben habe,’ sagte er mir in Berlin, ‘ist nichts; ich will einmal etwas Besseres bringen, das mir Ehre machen soll…’”33

Lafontaine’s attachment to his work seemed commerical at most. As Sangmeister notes, the author early abandoned any literary ambition, instead quickly learned the finer points of the book market and popular taste to quickly churn out bestsellers.34 Lafontaine admitted to Garlieb Merkel: “Das Schreiben […] macht mir keine Mühe. Den Plan zu einem Romane ersinne ich in einer Viertelstunde, und wenn ich mich an’s Pult setze, sind ein paar Druckbogen geschrieben, ehe ich aufstehen mag.”35

Lafontaine’s indifference to his own work is exemplified by his own forgetfulness about what he had written. For instance, for a 1810 story written for Cotta’s *Taschenbuch für Damen auf das Jahr 1811*, Lafontaine chose the title *Liebe um Liebe*, apparently, as Sangmeister notes, without remembering that he

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33 Letter from 23 August 1796; quoted in: Sangmeister, p. 244.
34 Sangmeister, p. 245-46.
35 Quoted in: Sangmeister, p. 246.
had chosen this exact same title for a story included in his 1793 collection Die Gewalt der Liebe. Further evidence of Lafontaine’s personal disinterest in his works is apparent in his work with Sander, specifically the editing process. Whereas other authors maintained considerable control over their texts, Lafontaine did not concern himself with what and how much Sander cut, changed, or added to his works.

Magnus Gottfried Lichtwer (1719-1783), Fabeln

Trained in law at Leipzig and Wittenberg, Magnus Gottfried Lichtwer is best remembered for his collection of fables. First published in 1748 under the title Aesopische Fabeln in vier Büchern, Lichtwer’s text was riddled with lexical and orthographic mistakes. Despite the book’s title, Lichtwer wrote the fables himself, many in the style Christian Fürchtegott Gellert. According to Lichtwer, he had been working on the fables since his “jungen Jahren.” Owing in part to the careless errors in the text, Lichtwer’s Fabeln were not particularly well received. Nevertheless, ten years later, a second edition was released in 1758. The so-named “2te verbesserte Ausgabe” included an additional 8 Lieder, but was otherwise published without change. The fabulist later explained that he had “weder Muße noch Lust” to improve his text for the second edition. Lichtwer’s career as a civil servant and judge (variously serving as Regierungsrat, Konsistorialrat, and Strafrichter) left little time for writing and revision.

This changed in 1761, when a new and expanded edition of Lichtwer’s fables was published by Johann Jacob Weitbrecht. Titled Herrn M. G. Lichtwers, Preußischen Hof- und Regierungsraths im Fürstenthume Halberstadt, auserlesene, verbesserte Fabeln und Erzählungen, in zweyen Büchern, the edition included a selection of 65 fables from Lichtwer’s more than 100 originals, condensing the text from four volumes to

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36 Sangmeister, p. 248.
38 Ibid. iv.
two. In addition to revising the selected fables to correct the errors and improve the prosody, the anonymous author also added new verses and, in some cases, changed the moral lessons imparted by the fables. Although this dissertation is not interested in examining works of fan fiction that appropriate characters from mythology or fairy tales, Lichtwer’s text represents an exception. The appropriating author intended the characters to be understood as precisely the same characters as in Lichtwer’s text. Moreover, the author kept many of the stories intact, adding sequel-like verses to them. Finally, Lichtwer did not regard his characters as communal property, but treated them in a manner analogous to other author’s whose characters were appropriated for use in fan fiction.

The response to the additions was mixed. An anonymous reviewer of the re-working in the Bibliothek der schönen Wissenschaften und der freyen Künste warmly welcomed the changes and additions. Moreover, the reviewer predicted that the unauthorized edition would help popularize Lichtwer’s work, arguing that Lichtwer should be grateful to the anonymous author and concluding that the re-working should be seen as an honor. Lichtwer, however, saw the matter differently. According to his grandson, Lichtwer claimed: “Sollte ich meine Fabeln, wenn ich sie wieder geheilet, einmal herausgeben, so werde ich mich in einer besondern Vorrede über dies unverantwortliche Beginnen eines sässischen Buchführers und des viehischen Correctoris… vor den Ohren der ganzen gelehrten Welt beschweren. Ich kann vor Aerger nichts hinzusetzen….”

Indeed, Lichtwer published polemical attacks in several newspapers throughout Germany, including the Hamburgische Correspondent. And in 1762 Lichtwer published a third edition of his Fabeln. In an extensive foreword documenting the work’s publication history and the author’s motivation for writing the

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41 Lichtwer, Schriften, p. xvii.

The re-worked version of Lichtwer’s text incited considerable debate among literary critics and authors about the proper bounds of such re-workings and the appropriateness of Lichtwer’s response. In addition, the incident inspired widespread speculation about the identity of the anonymous second author. Karl Wilhelm Ramler (1725-1798), the so-called “German Horace,” was quickly presumed to be the anonymous author of the unauthorized *Auserlesene, verbesserte Fabeln und Erzählungen, in zweyen Büchern*, even though the poet consistently denied his participation. Still today, Ramler is widely considered the author of the 1761 edition, in part because he contemplated possible changes to Lichtwer’s *Fabeln* well before 1761. In a 1754 letter to the poet Johann Wilhelm Ludwig Gleim (1719-1803), Ramler expressed his admiration for Lichtwer, naming the original author “ein Genie, ein Erfinder.” In the same letter, however, Ramler explained, “Ich critisire immer ungeheißen um eine schöne Sache noch schöner machen zu helfen,” finally asking Gleim “ob er [Lichtwer] die Veränderungen billigt.”

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44 Quoted in Kertscher, p. 113

It was not uncommon for Ramler to rework other author’s poetry - what Zelle names Ramler’s “Editionspraxis.” Usually, these “[e]ingriffe in fremde Texte” involved small tweaks to language and tinkering with syntax and grammar. But Ramler’s changes to Lichtwer’s Fabeln seem to have exceeded his typical practice. Instead of just tweaking Lichtwer’s language, Ramler also added new material. By adding verses, Ramler expanded the fables well beyond the original texts, telling the stories beyond the original plotlines in what might be understood as a miniature sequel. In this sense, Ramler’s reworked version of Lichtwer’s fables can be understood as a kind of fan fiction, in which the second author retained Lichtwer’s original characters, but added plot points and sometimes reinterpreted them. Ramler, in his Lyrische Bluhmenlese, makes clear that he sees no problem using the works of others. In many cases, the original poets did not seem to mind. But his changes to Lichtwer’s Fabeln seem to have crossed a line in 1761, beginning a discussion that would last for the rest of the century about what rules governed a second author’s use of a first author’s literary creation.

Johann Martin Miller (1750-1814), Siegwart

As a student in Göttingen, the theologian and author Johann Martin Miller co-founded the Göttinger Hainbund in 1772. Through the literary group, Miller met Klopstock and collaborated with other young writers, including Johann Heinrich Voß and Ludwig Christoph Heinrich Hölty. Though the group disbanded in 1775, Miller continued writing novels, folk songs, and Lieder, several of which were set to music by Mozart.

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47 Ibid.
48 While it is fair to question whether a fable has a plot, or a story, which may be required for a sequel, fan fiction that appropriates characters does not necessarily necessitate a plot. Dithmar, Reinhard. Die Fabel. Geschichte, Struktur, Didaktik. Paderborn: Schöningh Verlag, 1974.
In 1776 Miller published the novel *Siegwart. Eine Klostergeschichte* in two parts with Weygand, the publisher of Goethe’s *Werther*. *Siegwart* narrates parallel love stories: one happy, one tragic. After visiting a monastery and joining its orders, Xaver Siegwart abandons his novitiate and falls in love with Mariane Fischer. But Mariane is sent to a convent by her father, leaving the lovers to die apart. Meanwhile, Xaver’s friend Kronhelm, counterbalancing Xaver’s emotional volatility, successfully courts Therese.

Like Goethe’s novel, *Siegwart* became an instant bestseller, inciting a *Siegwartfieber* arguably more virulent than the *Wertherfieber* that preceded it two years earlier.\(^{49}\) An imitation of *Werther* but in a novel medieval setting, *Siegwart* revived the fading fashion for sentimentalism and spawned a series of its own literary imitators, fervent readers, and commercial spinoffs, launching an equivalent “Siegwartiaden” as contemporaries dubbed it.\(^{50}\) In addition to translations into French, Polish, Hungarian, Danish, Italian, and Latin, passages of *Siegwart* were set to music by Daniel Gottlob Türk in 1780 and a collection of “Arie aus dem Siegwart” was published in the *Deutsche Museum* in 1779. Predictably, *Siegwart* was also subject to piracy, which further helped spread the work throughout Germany.

Owing to its popularity, *Siegwart* received a second printing just one year after its initial publication. The 1777 *Zwote, rechtmäßige und verbesserte Auflage* included six engravings by Chodowiecki and several expanded and reworked sections. The primary changes were to the cloister scenes, which Miller modified (in response to reader feedback) to more realistically portray life in a medieval cloister, particularly the vestments worn by his characters.\(^{51}\)

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By many accounts, Siegwart was more popular than Werther. In 1792, writing in the Journal des Luxus und der Moden, Karl August Ragotzky describes changing literary tastes and the now-unfashionable “weinerliche Epoke” by suggesting that “Eine Dame mit dem Siegwart in der Hand und Thränen im Auge, würde jetzt in einer Gesellschaft eine… lächerliche Figur machen.” That Ragotzky chose Siegwart and not Werther for his example makes clear the vaunted status Siegwart had achieved among contemporary readers. By the end of the century, literary encyclopedias were referring to “die Siegwartische Periode,” as a way of capturing the prevalence of the “Siegwartsfieber, Siegwartsthränen, [und] Siegwartsstimmungen” of the late 1770s.

Following Siegwart’s second printing, the Allgemeine deutsche Bibliothek predicted the work’s enduring popularity, promising that there would be countless imitations. Indeed, in addition to a host of imitative cloister-set love stories, Miller’s Siegwart also spawned works of fan fiction. As early as 1777, the writer and satirist Friedrich Bernritter anonymously published Siegwart, oder der auf dem Grab seiner Geliebten jämmerlich verfrohrene Kaupciner. And other works, like Siegwart und Mariana and Buri’s “Kronholm an Sophien (nach Siegwarts Tode)” soon followed.

Moritz August von Thümmel (1738-1818), Wilhelmine

Trained as a jurist in Leipzig, Moritz August von Thümmel held various offices in the ducal court of Saxe-Coburg, eventually becoming Kammerjunker, Geheimer Rat, and a Minister of State. He was also one of the most famous authors in eighteenth-century Germany.

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53 See: Jäger, p. 36.
Through Christian Felix Weisse (the librettist for most of Johann Adam Miller’s *Singspiele*, including Goethe’s favorite, *Die Jagd*), Thümmel was introduced to a circle of young writers, including Lessing, Mendelssohn, Nicolai, and Ramler. Thümmel’s magnum opus was his ten-volume *Reise in die mittäglichen Provinzen von Frankreich im Jahre 1785–1786*. Although Schiller criticized its lack of aesthetic dignity (“ästhetischer Würde”) in *Über naive und sentimentalische Dichtung*, he conceded that “ein aufgeweckter, feiner Verstand macht [Thümmel’s *Reise*] schätzbare.”

Although the so-called “sentimental Journey” was Thümmel’s most popular work, his first success was the 1764 prose-epic *Wilhelmine: oder der vermählte Pedant*. Narrating the love story of a noble girl and the sometimes asinine pastor Sebaldus Nothanker, *Wilhelmine* had an initially small print run. But after a round of revisions overseen by Weisse and a second printing, *Wilhelmine* became a bestseller and a “Lieblingsbuch des deutschen Publikums,” making Thümmel famous throughout Germany.

Although *Wilhelmine* was published anonymously, by 1765 Thümmel’s authorship was widely known. In a letter to Johann Peter Grötzner, for instance, the poet Johann Peter Uz explained, “Ich schätze ihn [Thümmel] seit langer Zeit unendlich hoch, und seine Wilhlemine ist in meinen Augen eines der witzigsten Producte. Ich weis schon lange, dass er Verfasser ist. Es verdient eine neue Auflage...” As Uz hoped, *Wilhelmine* was printed a third time in 1767. A sign of the work’s continued popularity, the third edition included several engravings. Further, it was translated into French, Dutch, Italian, and Russian and pirated editions were also printed regularly until 1804.

59 For a discussion of the various pirated editions, see: Gruner, p. 64-65.
Critics responded equally well to *Wilhelmine*. In his 1767 review of *Wilhelmine* in the *Deutsche Bibliothek der Schönen Wissenschaften*, Friedrich Heinrich Jacobi praised Thümmel for portraying an original, German character – the pastor Sebaldus – with whom readers could relate.\(^60\) Years later, in *Dichtung und Wahrheit*, Goethe also wrote favorably of the text, speculating on the basis of its popularity: “Thümmels ‘Wilhelmine’, eine kleine geistreiche Komposition, so angenehm als kühn, erwarb sich großen Beifall, vielleicht auch deswegen, weil der Verfasser, ein Edelmann und Hofgenosse, die eigene Klasse nicht eben schonend behandelte.”\(^61\) In 1769, Nicolai wrote a belated review of *Wilhelmine* in the *Allgemeine deutsche Bibliothek*. Explaining that *Wilhelmine* was already “in jedermanns Händen,” Nicolai affirmed that “es verdient den Beyfall, den es seit der ersten Erscheinung erhalten hat.”\(^62\) Nicolai’s high estimation of Thümmel’s work is perhaps best evidenced by his creation of *Sebaldus Nothanker*.

**Friederike Helene Unger (1751-1813),**\(^63\) **Julchen Grünthal**

Friederike Helene Unger was a prolific author and among “den ersten vollprofessionellen Schriftstellerinnen Deutschlands.”\(^64\) In addition to eight novels, Unger wrote countless stories and essays covering a broad range of topics from theology and natural history to economics and poetry. Unger also wrote a popular cookbook, a reader for military schools, a calendar, and like many women writing around 1800, worked as a translator. Her noteworthy translations include the first German-language edition of Rousseau’s *Confessions* as well as Rousseau’s *Reveries d’un promeneur solitaire*.\(^65\)

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\(^63\) Although the year of Unger’s death is known, her birth year has been variously listed as: 1711, 1741, 1751, and 1753. As Giesler notes, Friederike Helene Unger’s biography has proven difficult to reconstruct because of the scarcity of material letters and documents remaining. Mark Lehmstedt’s study is the most comprehensive. He hypothesizes that Unger was born the daughter of a Prussian General and a French noblewoman in 1751. Giesler, Birte. *Literatursprünge: Das Erzählere Werk Von Friederike Helene Unger*. Göttingen: Wallstein, 2003, especially p. 54. Lehmstedt, Mark. “‘Ich bin nun vollends zur Kaufmannsfrau verdorben.’ Zur Rolle der Frau in der Geschichte des Buchwesens am Beispiel von Friederike Helene Unger (1751-1813),” in: *Leipziger Jahrbuch zur Buchgeschichte*. Jahrgang 6 (1996), p. 81-154.

\(^64\) Lehmstedt, p. 99.

Unger’s first novel, *Julchen Grünthal. Eine Pensionsgeschichte* was published anonymously in 1784 by her future husband, Johann Friedrich Gottlieb Unger, in Berlin.66 Because of her husband’s publishing activities (he published *Wilhelm Meisters Lehrjahre* in 1795-96), Unger had contact with many luminaries of the German writing scene including Goethe, Schiller, the Schlegel brothers, Tieck, and Wieland. She also proved a vital part of her husband’s publishing business and regularly advised him on matters of taste. She was hostess of one of the most sought-after Berlin salons. Consequently, Unger was a fixture of Berlin society, but a controversial figure, due in part to her ostensible anti-Semitism and conservative social mores. As a result, Unger grew increasingly apart from the Berlin Romantics despite their initial friendship, resulting in a vehement feud.67 Nevertheless, Unger wielded considerable public influence and her power. Following Johann’s death in 1804, Unger took over the publishing house, overseeing daily operations and management all while continuing her writing.

*Julchen Grünthal* was Unger’s most popular novel. It tells the story of a country girl, Julchen, who is sent to Berlin to attend a French boarding school, where she is corrupted by urban life and bad education. Julchen’s troubles begin, as in so many novels of the period, with her reading novels – a practice actively encouraged by the school’s headmistress. In the course of the novel, Julchen finds herself in various romantic predicaments, eventually falling in love with her cousin Karoline’s husband Karl Falk. Although he divorces Karoline and marries Julchen, Falk soon takes up with his maid and flees with her to escape his gambling debts. Julchen, meanwhile, begins an affair with a Russian nobleman and at the close of the novel disappears with him to Russia, never to be seen again. In an extensive frame narrative, the unhappy story is told by Julchen’s father to his neighbors, whom he means to warn against making the same mistake by

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highlighting the dangers of Julchen’s schooling. As a result, Julchen Grünthal has been widely interpreted as a polemic against urban boarding schools and the popular French Erziehungsmethode.

According to Kontje, part of the novel’s success is owed to its topicality. By attacking “the fashionable practice of sending middle-class girls from the country to French boarding schools in Berlin,” Kontje explains that Unger was stepping into a popular debate, joining the likes of Hermes and Nicolai, who criticized the same schooling methods in Sophiens Reise and Sebaldus Nothanker. But Unger’s novel amounts to more than a polemic against urban boarding schools. It has also been read as an expression of fear stemming from the dissolution of the traditional paternalistic order and as a “psychodrama about Oedipal desires and female adolescence.” Unger’s novel defies easy generic classification. Scholars have variously classified Unger’s work as a “rationalistische deutsche Frauenroman,” a didactic family novel, a sentimental novel (much like Hermes’ Sophie, Julchen delays answering her initial suitor), and as an early attempt to write a Bildungsroman with a female protagonist.

Contemporaries responded well to Unger’s novel and critics were consistently positive. At the time, it was not considered a “Frauenroman,” but was recommended reading for men, women, and children alike. An anonymous reviewer in the Allgemeine deutsche Bibliothek explained: “Dieser Roman hat gleich bey seiner ersten Erscheinung eine gewisse Sensation gemacht.… Der größte Theil unser Lesewelt gab ihm seinen

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68 Kontje, p. 52.
69 Zantop, p. 369.
70 Kontje, p. 53.
72 See, for example, Giesler, p. 127-30; Kontje, p. 52.
According to the reviewer, the novel was successful because “es Scenen des bürgerlichen Lebens nach ihren wahrscheinlichen Ursachen und Fortschritten, nach sehr richtig gezeichnete Charaktern der handelnden Personen, ohne unnatürliche Sprünge einer wilden Einbildungskraft, so schildert, wie sie sich alle Tage in der wirklichen Welt zutragen.” The Schlegels, too, lauded the realistic moments in the novel.

Unger’s identity as the author of the anonymously-published Julchen Grünthal was at first unknown. The earliest reviews in the Göttingischen Anzeigen von gelehrten Sachen, in the Berlin Litteratur- und Theater-Zeitung, the Jenaischen gelehrten Zeitung, and the Allgemeine deutsche Bibliothek did not attribute the text to any particular author. In fact, as Giesler observes, the early reviews make clear that reviewers assumed Julchen Grünthal was written by a man. Nevertheless, Unger’s authorship was not a secret for long. By 1787 her literary activity was well known and she was even included in contemporary encyclopedias, for instance, in Knüppeln’s 1787 Büsten berlinischer Gelehrten und Künstler mit Devisen, which referred to Unger as Frau Buchdruckerin Ungern” and attributed to her translations of Rousseau and the novel Julchen Grünthal. Unger’s later novels also appeared anonymously, but often with the pseudonym, “von der Verfasserin der Julchen Grünthal.”

The reviewer in the Litteratur und Theater-Zeitung claimed that Unger’s novel would not be quickly forgotten: “Ein solches Schicksal kann den Verfasser vorliegender Schrift nicht treffen…. Auch haben sehr viele unsere Kollegen ihm bereits den vollsten Beifall gewidmet, und die günstige Aufnahme von Seiten des Publikums, die wahrscheinlich eine neue Auflage bald nothwendig machen wird, bestätigt die Wahrheit dieser Aussprüche.” And a second printing did follow in 1787. And a third in 1798. Chodowiecki also...

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76 Ibid.
77 May, p. 135.
78 Giesler, p. 45-46.
completed four engravings for the original edition of *Julchen Grünthal*, which were later reprinted in the *Berlinischen Damenkalender auf das Jahr 1800*. The third edition was also supplemented with a sequel, which appeared without a subtitle appended to the first part of *Julchen Grünthal*. This part, too, was well received. And among others, August Wilhelm Schlegel lauded the work.

Given its widespread popularity, it is perhaps no surprise that others turned to Unger’s text for inspiration. A stage adaptation appeared less than one year after the novel’s publication. Called, *Julchen Grünthal oder die Folgen der Pensionsanstalten und die Gefahr der großen Stadt*, by Karl Christoph Nencke, the play uses many direct quotes from Unger’s novel. And *Julchen Grünthal* also inspired fan fiction. Johann Ernst Stutz (1733-1795), a pastor in Anhalt-Zerbstischen and author of several novels (mostly *Familienromane*), wrote a sequel to Unger’s novel, titled *Julchen Grünthal. Eine Pensionsgeschichte. Zweiter Theil*. Published in 1788, Stutz’s novel does not announce its new authorship, but does purport to be a continuation of Unger’s story, notably written ten years before Unger released her own sequel.

**Christian August Vulpius (1762-1827)**

Best remembered today as Goethe’s brother-in-law, Christian August Vulpius was among the most popular authors writing around 1800. After switching his studies from jurisprudence to literature and history, Vulpius began writing out of material want and personal interest, as Goethe put it: “aus Neigung und Noth.”

With Goethe’s assistance, Vulpius worked for the book publisher Göschen in 1789 and then as a librettist and dramaturg for the theater in Weimar. In 1797, Vulpius became a registrar for the Weimar library and

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81 Vulpius also wrote under the pseudonyms “Anshelmo Mercello Thuring” and “Tirso de Milan.”
by 1800 was appointed *Bibliothekssekretär*. In constant financial hardship, in part because he supported his mother and sisters, Vulpius wrote a variety of texts to supplement his income and also worked as a contributor and editor of several newspapers and magazines.⁸³ Vulpius regularly shopped his manuscripts, searching for the publisher who would pay him the most and consulted with authors (including Schiller) about the price he could demand.⁸⁴ Indeed his private correspondence, Vulpius constantly refers to his pecuniary concerns.⁸⁵ In total, Vulpius is thought to have written seventy-seven prose works and forty-three plays, in addition to poems and essays, most of which were critically ignored or reviled.⁸⁶ In particular, the Weimar society never accepted Vulpius as a writer. As Simanowski notes, the borrowing records of the Herzoglichen Bibliothek in Weimar indicate that neither Kirms, Schopenhauer, Goethe, Schiller, Wieland, nor the Herzog, Frau von Stein, or Major von Hendrich borrowed any of Vulpius’ myriad works.⁸⁷ Unsurprisingly, perhaps, Vulpius has been characterized by contemporary scholars as a “hack among geniuses.”⁸⁸

Vulpius did, however, enjoy fantastic recognition for his most popular work, which was possibly the most commercially successful novel in the second half of the eighteenth century: *Rinaldo Rinaldini, der*  

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⁸⁷ Simanowski, p. 183.

⁸⁸ Hart, p. 324-325.
Räuberhauptmann, eine romantische Geschichte unseres Jahrhunderts. Published in 1798, Rinaldo Rinaldini tells the story of the eponymous robber bandit. Throughout the novel, Rinaldo is entangled in various adventures, battles, and love affairs, mysteriously guided by the powerful leader of a secret society, the Old Man of Fronteja. Eventually, Rinaldo seeks refuge in the country, where he meets the Countess Dianora, his great love. Their happiness, however, is interrupted by a surprise attack by Sicilian troops. But when Rinaldo seems to escape the danger, the Old Man of Fronteja stabs the robber bandit and leaves him for dead.89

Following its initial publication, Rinaldo Rinaldini was printed again in 1799. The following year, Vulpius published a sequel, Fernando Ferrandino, Fortsetzung der Geschichte des Räuberhauptmanns Rinaldini, which was also published as the tenth, eleventh, and twelfth books of a third edition Rinaldo Rinaldini. The novel was printed again in 1802 and in 1824 a fifth “ganz neu von dem Verfasser bearbeitete Auflage” with engravings was published. Posthumous editions followed in 1843, 1857, and 1858. In addition to Ferrandino, Vulpius published additional “Fortsetzungen,” including the 1821 novel Lionardo Monte Bello, Oder, Der Carbonari-Bund: Fortsetzung Der Geschichte Der Räuber-Hauptmanns Rinaldini, which was also published as the seventh and eighth parts of Rinaldo Rinaldini. Rinaldo Rinaldini remained popular through the nineteenth and twentieth centuries. Dostoevsky even references the novel in his 1848 short story, “Another Man’s Wife and the Husband under the Bed.” And Rinaldo Rinaldini was broadcast in 1968 by ARD as a 13-part TV series.

Beginning in 1800, Rinaldo Rinaldini was translated into several European languages, including: Danish, English, French, Dutch, Russian, Swedish, Polish, and Hungarian.90 As it spread across Europe, Vulpius’ novel was pirated on multiple occasions and adapted for the stage, including musical dramatizations by

89 There is some debate over the date of the novel’s initial publication. Although some date Rinaldino Rinaldini to 1799, most scholarship claims 1798. Yet, as Meier notes, the 1798 edition has not been found. For a further discussion, see: Heiderich, Manfred W. The German Novel of 1800: A Study of Popular Prose Fiction. Berne: P. Lang, 1982, p. 131; Meier, Korrespondenz, vol. I, p. CXXIII.
90 Simanowski notes that Wolfgang Vulpius also claims that there were translations in Swedish and Hebrew. Simanowski, p. 335.
composers including Joachim Perinet, Ferdinand Kauer, and Ignaz Seyfried, a pupil of Mozart’s who would later conduct the premiere of Beethoven’s *Fidelio*. A collection of songs featured in the novel was also published by Vulpius’ publisher, Heinrich Gräff, in 1802: “Canzonetten und Romanzen aus dem Romane *Rinaldo Rinaldini* mit Begleitung des Gitarre und des Pianofort’s von J.H.C. Bornhardt und J.P.C. Schulz.” Various scenes from *Rinaldo Rinaldini* were also illustrated and offered for sale well into the nineteenth century. *Rinaldo Rinaldini* was even turned into a ballet in England in 1801: *Rinaldo Rinaldini; or, The Secret Avengers.*

*Rinaldo Rinaldini* also inspired countless imitations of similar robber stories, such as Ernst Theodor Jünger’s *Carolo Carolini, der Räuberhauptmann*; Friedrich Bartel’s *Concino Concini*, Bornschein’s *Rocco Roccini*, Heidemann’s *Florens Florentini*, Frohreich’s *Don Cäsario Cäsarini*, Leibrock’s *Quorato Orsini*, Schöpfer’s *Rolando Rolandini*. Characters from *Rinaldo Rinaldini* were also appropriated for use in several works of fan fiction. Just one year after the initial publication of Vulpius’ best-selling novel, Johann Jacob Brückner published *Dianora, Gräfin Martagno, Rinaldo Rinaldini’s Geliebte*. Self-styled as an “Anhang zu Rinaldo Rinaldini,” Brückner’s novel tells the story of the Countess Dianora, including many overlapping scenes with Vulpius’ text. In 1800, Ignaz Ferdinand Arnold published a straightforward sequel, *Der Graf Rinaldo zur Fortsetzung (Aus seinen Papieren)*, that continues the story where Vulpius left off. And Moritz Richter published a sequel as late as 1828: *Nikanor, der Alte von Fronteja: Fortsetzung der Geschichte des Rinaldo Rinaldini*.

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93 For a more complete list and bibliographic information, see: Dainat, Holger. *Abaellino, Rinaldini Und Konsorten: Zur Geschichte Der Räuberromane in Deutschland*. Tübingen: Niemeyer, 1996, p. 29.
Although the public loved *Rinaldo Rinaldini*, evidenced by what could be considered a “Rinaldiaden,” eighteenth-century critics were less enthusiastic. One reviewer in the *Neue allgemeine deutsche Bibliothek* panned Vulpius, christening him “der geistlose Verfasser des geistlosen Räuberromans Rinaldo Rinaldini” and a “sogenannte[r] Schriftsteller.”\(^97\) Heinrich Gräff, the publisher of *Rinaldo Rinaldini*, noted the chasm between the public and critical reception, explaining that, “Was Siegwart erfuhr, erfuhr auch Rinaldo; denn *Recensent und Leser* gehen selten einen und denselben Weg.”\(^98\)

Despite the critical disdain, Vulpius remained personally invested in the novel and characters. He married his wife Helene De Ahna, thanks to her serendipitous citation of *Rinaldo Rinaldini* in Vulpius’ *Stammbuch*, before Vulpius’ authorship was revealed.\(^99\) And the couple even named their first son Rinaldo.

\(^{97}\) Quoted in Simanowski, p. 190.


RELATED LITERARY PRACTICES AND LITERARY GOOD MANNERS

In the second half of the eighteenth century, authors wrote within a normative framework of “literary good manners” or a “literary ethics” that demarcated acceptable and unacceptable behavior. As a result, although the rights of authors and publishers with regard to literary texts were legally unsettled, several practices were governed by largely agreed-upon rules. In other cases, however, literary practices were disputed, resulting in often heated debates about their propriety, as was the case with borrowing pre-existing characters invented by contemporary authors.

The goal here is not to fully reconstruct the dominant literary ethics guiding eighteenth-century writing habits; the discussion below comprises neither a comprehensive list nor an exhaustive account of these practices. Instead, the diverse attitudes toward select literary practices are briefly analyzed to distinguish the debate about fan fiction and at the end of the eighteenth century.

Stage and Musical Adaptations

Stage adaptations of popular texts were common in the second half of the eighteenth century. Dozens of Lafontaine’s works, for instance, were transformed into plays. Although such stage works used pre-existing characters invented by other authors, they differ from fan fiction because they used the characters to retell the original story told, just in a new genre. Most did not add new stories, new perspectives, or rewrite the original story told.

Third-party stage adaptations did not seem to tread on the perceived rights of authors or publishers of the underlying work. Most were published and performed without protest from either party. In the eighteenth

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century, the *Verlagsrecht* was not considered to have granted publishers an exclusive right to publish plays based on the manuscripts they purchased. Gräff, for instance, published *Rinaldo Rinaldini* in 1798, but he did not publish the five-act *Rinaldo Rinaldini* play three years later (even though it was written by Vulpius).101 Authors also did not register stage works as infringements – even when the adaptations used direct quotes from the original text. Karl Christoph Nencke’s play, *Julchen Grünthal oder die Folgen der Pensionsanstalten und die Gefahr der großen Stadt*, appeared the same year as Unger’s novel and incorporated substantial excerpts from the original. But neither Unger, her publisher, nor reviewers seem to have criticized Nencke’s work. Moreover, there is little evidence that authors of adaptations asked for permission from the original author or publisher.

Adapting popular texts to song was also likely within the bounds of acceptable behavior. Although authors sometimes collaborated with composers on vocal arrangements based on their works – as Lafontaine and Schiller did with Johann Rudolf Zumsteeg on musical settings for *Der Mohrin Gesang* and *Die Räuber* – songbook adaptations were often written by third parties without the author’s explicit permission. This, too, elicited few complaints from authors and publishers, even when these works competed with similar products produced by the publishers of the underlying work.

Generally, when the genre of a story was changed, authors and publishers did claim a violation of their rights and interests by third-party adaptations, nor did critics register a misdeed. After Störchel expanded Lafontaine’s short story, *Die Familie Neubeck*, into a full-length novel in 1802, the writer Garlieb Merkel condemned the fan fiction. In the process, though, Merkel distinguishes fan fiction from adaptations. “Hätte der Verfasser aus Lafontainens Erzählung . . . ein Schauspiel oder ein Gedicht gemacht, so möchte es

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hingehen, - aber ein Werk derselben Gattung, das nur zu einem größern Umfange angeschwelt wurde, -
das ist arg.”

Compared to fan fiction, writing adaptations was a more generally accepted literary practice.

Imitations

Imitations are distinct from fan fiction because they do not use pre-existing characters. Rather, imitations
use pre-existing character types and borrow settings, plots, and ideas from pre-existing works. The
Robinsonade are paradigmatic eighteenth-century imitations. Daniel Defoe’s 1719 novel The Life and
Strange Surprizing Adventures of Robinson Crusoe was translated into German in 1720 and became one of
the most popular texts of the century, inspiring a series of imitations, the so-called Robinsonade, which
inundated the German-book market until the 1780s. Typically, these imitations did not purport to re-tell or
continue to narrate the adventures of the very same Robinson Crusoe from Defoe’s novel. Instead, they told
similar stories with similar characters in similar circumstances.

In the second half of the eighteenth century, German literature had emancipated itself from French and
English influence, but literary imitations did not stop. Instead of imitating popular foreign novels, German
authors began copying successful German works. The practice consequently became a much-discussed
subject among literary circles.

Although there were many terms for “imitation” and “imitator,” Nachahmung and Nachahmer were among
the most common. The terms, though, caused some confusion. Noting “eine Verwirrung der Bedeutung des
Wortes Nachahmer,” Krause attempts to elucidate the term in a 1783 essay in the Deutsches Museum.

He turns to visual arts for an example, explaining that the term imitation is used in two senses, one correct
and one incorrect. “Man nennt Nachahmer eben sowol, den, der ein vorliegendes Kunstwerk ganz genau

vol. 1, p. 241.
nachmacht, als den, der nur die Idee davon nimmt, und sie nach seiner Art bearbeitet. Nur der letzte solte Nachahmer heisen.” Krause argues that the first, akin to piracy or exact reproduction, was ethically and juristically questionable, whereas the imitation of an idea and its reworking it in a new manner, was unquestionably allowed and legally incontestable.

Imitative works generally did not announce themselves as “Nachahmungen” on their title pages, but instead designated themselves “Seitenstücke” or “Gegenstücke.” Although the labels could indicate fan fiction, they typically signaled that a work was written in the manner or style of a popular novel, or that its themes or subject were the same. Seitenstücke and Gegenstücke only rarely borrowed pre-existing characters. In his study of popular literature, Dirk Sangmeister notes that even a casual glance through the Leipzig book catalogues reveals the overwhelming presence of works with these subtitles. Such imitations seem to have been accepted fixtures of the book trade.

Although any work was subject to imitation, Hochliteratur (to import a distinction contemporaries were not making) was rarely imitated unlike Unterhaltungsliteratur, which was generally far more successful on the book market. According to Sangmeister, the most imitated works in the second half of the eighteenth century were Goethe’s Werther (1772), Wilhelmine Karoline von Wobeser’s Elisa oder das Weib wie es seyn solte (1795), and Vulpius’ Rinaldo Rinaldini (1798). Each generated dozens of imitative works. The response to Wobeser’s didactic novel is exemplary: within five years (1795-1800), her text was printed five separate times (not including piracies) and inspired some 30 diverse imitations. The imitations included the prosaic: Robert oder der Mann, wie er seyn sollte. Ein Seitenstück zu Elisa oder das Weib wie

104 Ibid.
105 Sangmeister names these “die betrügerischen Seitenstücke.” Sangmeister, p. 544.
106 Sangmeister, p. 538.
107 Ibid.
es seyn sollte (1799-1802);\textsuperscript{109} Anton, oder der Knabe und der Jüngling, wie er seyn sollte (1800);\textsuperscript{110} Der Privaterzieher in Familien, wie er seyn soll (1800);\textsuperscript{111} Stephan, oder der Handwerker, wie er seyn soll (1804).\textsuperscript{112} But some were slightly more creative: Das Weib wie es ist (1800);\textsuperscript{113} Henriette, oder das Weib, wie es seyn kann (1800);\textsuperscript{114} Louise, Ein Weib, wie ich es wünschte (1802);\textsuperscript{115} Der Philosoph oder Weise, wie er seyn und nicht seyn soll, muss, darf und kann (1800).\textsuperscript{116} Elisa imitations appeared in such an overwhelming quantity, they inspired Johann Ernst Daniel Bornschein to satirically remark in 1803: “Unsere Fabrikanten haben sich beinahe müde gesollt. Es giebt einen Knaben, wie er seyn sollte, einen Prediger wie er seyn sollte, einen Offizier, wie er seyn sollte, die Kleinen, wie sie seyn sollten. Nichts fehlt, als die Schriftsteller, wie sie seyn sollten.”\textsuperscript{117}

Although some critics were tolerant of imitations, most, like Bornschein, adopted a position characterized by wariness and disapproval.\textsuperscript{118} Because they were incontestable as a matter of law, few complained about imitations as a matter of justice. And authors rarely named imitations a violation of personal or economic interests. In Über Deutschlands Litteratur und Buchhandel, Mallinckrodt names imitations “ein unverzeihlicher Unfug.”\textsuperscript{119} Knigge, similarly describes the practice as “Nachahmer-Unfuge” in Über Schriftsteller und Schriftstellerey.\textsuperscript{120} The common terminology highlights the unique status of imitations.


\textsuperscript{110} Kerndörffer, Heinrich August. Anton, oder der Knabe und der Jüngling, wie er seyn sollte. Leipzig: Linke, 1800.

\textsuperscript{111} Heydenreich, Karl Heinrich. Der Privaterzieher in Familien, wie er seyn soll. Leipzig: Martini 1800.


\textsuperscript{114} Ludwig, Christiane Sophie. Henriette, oder das Weib, wie es seyn kann. Leipzig: Gräff 1800.


\textsuperscript{116} Werneburg, Johann Friedrich Christian. Der Philosoph oder Weise, wie er seyn und nicht seyn soll, muss, darf und kann. Leipzig: Joachim 1800.


\textsuperscript{118} Others were neutral or dismissive. In the estimation of Johann Jacob Dusch Dusch, the average reader is not equipped to read theories. Consequently, he offers instead a primer that explains the basic concepts, terms, and rules (“Die allgemeinen Begriffe, Eintheilungen und Grundregeln”) of writing in his multivolume primer. Dusch, Johann Jacob. Briefe zur Bildung des Geschmacks an einen jungen Herrn von Stande. Gänzlich umgearbeitete Auflage. Erster Theil. Leipzig and Breslau: Meyer, 1773, p. iv.


\textsuperscript{120} Knigge, Schriftsteller, p. 266.
“Unfug” is not a juridical category, but the term telegraphs an unmistakable belief that imitations amount to a transgression of sorts.

Indeed, critics and authors pilloried imitations as a form of creative malfeasance. Such works conflicted with emerging aesthetic norms that celebrated originality and, in the eyes of many, did little to advance German literature. Mallinckrodt explains that “Insbesondere machen wir Deutschen eines Fehlers sehr häufig uns schuldig, welcher der Litteratur äussert nachtheilig ist. Kommt irgend ein gutes Buch heraus, welches Beifall findet, gleich wird von vielen andern über denn nemlichen Gegenstand nachloboriret, und man findet in einer Messe bis zu 20 und mehr in der nemlichen Idee und Manier, vornemlich im Romansache.”

Knigge echoed the complaint, asserting that imitations harmed the development of literature by preventing young authors from trying new things. According to Knigge, young authors imitated because they believed it was the only way to achieve success. “Von einer andern Seite aber hält diese Nachahmungssucht auch oft junge Leute von den besten Ansagen ab, in einer bekannten Gattung von Schriftstellerey groß zu werden; Denn da sie glauben, sie könnten nicht gefallen, wenn sie nicht mit neumodischen Sprüngen aufträten; fällt fast aller Wetteifer auf der gelehrten Laufbahn des ächten Geschmacks weg, wo doch noch so viel zu erringen wäre.”

Even more than works of fan fiction, imitations the expected byproduct of a commercially successful novel. In his review of Miller’s *Siegwart*, the physician and author Heinrich Matthias Marcard lauds Miller’s originality (ironically, failing to interpret *Siegwart* as an imitation of *Werther*). “Ein Verdienst noch hat unser Verf., das jetzt auch selten ist, er ist original, er schreibt in seiner eigenen Manier, und das Sujet gehört ihm selbst. Das ist sonst in unserm deutschen Vaterlande sehr erbärmlich, daß unter funfzig Werken des Witzes und Unwitzes, immer nur zwey sind, denen man nicht ganz deutlich ansieht, daß Copeyen

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121 Mallinckrodt, p. 9-10.
122 Ibid., p. 124-125.
sind.”

Marcard does not anticipate appropriating characters, but rather borrowing ideas. “Original ist der Verf., aber dafür wird er auch sicherlich die Freude haben, in den nächsten Messen sich tapfer nachgeahmt zu sehn, das will ich ihm versprechen, und Kloster geschichten und Klosterscenen werden sich künftig, wie die jedesmaligen Modeverzierungen an allen Rutschen, fast in jedem Roman finden.”

Marcard, though, has strong feelings. “Es ist unbegreiflich, wie ein Mann, der sich zum Schriftsteller aufwirft, so wenig Stolz und so wenig Delicatesse haben könne, öffentlich aufzutreten, und seine Blöße mit Lappen zu bedecken, die seinen sämmtlichen Nachbaren abgestohlen sind, die jedermann kennt und weiß, woher er sie stahl, und auf die jedermann mit Fingern weiset…. “

Marcard’s use of the word “steal” puts imitations closer to a crime. And his suggestion that imitating authors should feel ashamed makes clear that he considers imitations an ethical, if not artistic, transgression.

In practice, many authors expressed anxiety and even felt shame with respect to imitations. In his 1802 novel *Der Todtengräber*, Ludwig Franz von Bilderbeck goes to great lengths to clarify that he has not written an imitative *Seitenstück*. Bilderbeck’s defensive posture divulges his belief that such imitations have less aesthetic merit and value. In the preface to the fourth part of his novel, Bilderbeck asserts, “denn ich beschreibe keine Banditengeschichte…. “

In an extensive footnote stretching several pages, Bilderbeck elucidates the origins of his text, which he fears the public will interpret as an imitation of Vulpius’ *Rinaldo Rinaldini*. “Ich schrieb im Jahr 1798 die Urne im einsamen Thal [the novel in which the protagonist of *Der Todtengräber*, Waldmann, first appears]. Der Plan zum Todtengräber war damals schon (wie es leicht zu ersehen ist) entworfen…” Then, Bilderbeck explains, “trat der Banditenheld Rinaldini auf und eroberte alle Herzen, wie es Herr Heinrich Gräf in Leipzig uns versichern will…” But Bilderbeck insists that he

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124 Ibid., p. 50.
125 Ibid.
127 Ibid.
128 Ibid., p. 16.
was far away at the time, isolated and removed from German society while serving on the border to France. As a result, Bilderbeck claims, “kam dieser favorit du jour erst sehr spät….” “Als ich die Ehre hatte seine Befangenheit zu machen,” Bilderbeck asserts, he had already written a good portion of his novel.  

Bilderbeck then reports assuming such a principled aesthetic stance against imitations that he nearly ceased work on his novel, “der Todtengräber ging beinahe selbst zu Grabe, und, um ihn nicht in der Wiege sterben zu sehen, habe ich mich genötigt, den ganzen Plan umzuschmelzen – denn ich have mir ein für allemal fest in den Kopf gesetzt, daß ich keine Seitenstücke als zu meinen eigenen Gemälden liefern will.” For Bilderbeck, it was especially important to convince reviewers that he had not written an imitation: “so bin ich völlig entschuldigt, und will nun den Rercensenten sehen, der mir nachsagen könne, ob hätte Rinaldinis Biograph nachgeschrieben.” Bilderbeck, in short, wanted credit for not copying Vulpis. Imitations thus implicated artistic interests, in this case, as a matter of aesthetic pride.

Unlike Bilderbeck’s unintentionally imitative work, an author could not accidentally write a work that would be confused for fan fiction. Fan fiction, after all, requires an intentional choice to use pre-existing characters. Accordingly, authors of fan fiction rarely expressed the same aesthetic anxiety as Bilderbeck. But fan fiction raised similar issues of artistic vision.

Imitations and fan fiction also shared much in common where specific character-types were borrowed. Hermes contemplates such imitations in the twelfth letter of *Sophiens Reise*, in which the eponymous protagonist writes to her mother to report on a conversation with Herr Selten. As the author freely admits in a parenthetical subtitle, the chapter belongs “mehr zur gelehrten Geschichte, als zur Erzählung der

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129 Ibid.
130 Ibid. Bilderbeck, though, names his principled position “sonderbar.”
131 Ibid., p. 17-18.
Sophie.”¹³³ The letter, a didactic recounting of Sophie’s questioning of Herr Selten, amounts to a long meditation on what constitutes an imitation. In an attempt to answer how a German author can write an original German novel, Herr Selten addresses the possibility of borrowing elements from English novels, namely style and characters-types. “Ich glaube also dem das Original nicht absprechen zu können, der Charactere schildert, welche schon Andre gezeichnet haben.”¹³⁴ Presenting similar characters, according to Herr Selten, does not disqualify a work from claiming originality, “denn ist die Natur nicht allenthalben dieselb?”¹³⁵

**Parody, Travesty, Satire, Pasquil**

In the second half of the eighteenth century, authors commonly used other authors’ texts to make a comment about a specific person, aesthetic or political movement, or society more broadly. If the second author used a popular character to make the comment, the resulting text might be considered a work of fan fiction. But the forms are not coextensive: many works of fan fiction are not parodies or satires, and many parodies and satires are not works of fan fiction.

“Parodie” according to August Wilhelm Schlegel, “ist… der scherzhafte Gebrauch einer Form bey einem mit ihr contrastierenden Stoffe.” Travesty, conversely, “ist nämlich das Entgegengesetzte von Parodie; dort wird der Inhalt beybehalten, aber durch eine verdrehte Behandlung ins lächerliche gewandt.”¹³⁶

Parodies, in a variety of forms, were a staple of the book market in the eighteenth century. August Wilhelm Schlegel, for example, parodied Schiller’s odes and Clemens Brentano parodied August von Kotzebue’s

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¹³⁴ Ibid., p. 119.
¹³⁵ Ibid., p. 119-120.
play *Gustav Wasa*.\textsuperscript{137} For the Romantics, as Gabrielle Bersier notes, parody was not just the byproduct of literary polemics, but was a key feature of the new aesthetics of romantic literature and theory.\textsuperscript{138} Typically, writing and publishing parodies was not considered a literary transgression.

Travesties were also generally received without problem. The 1793 text, *Virgils Aeneis travestiert von Blumauer*, is representative. It begins:

\begin{verbatim}
Es war einmal ein großer Held
Der sich Aeneas nannte:
Aus Troja nahm er’s Fersengeld,
Als man die Stadt verbrannte.
Und reiste fort mit Sack und Pack:
Doch litt er manchen Schabernack
Von Jupiters Xantippe.\textsuperscript{139}
\end{verbatim}

Travesties commonly borrowed subjects from antiquity; it was far less common for travesties to borrow characters from contemporary authors for their subjects. Friedrich Bernritter’s travesty, *Siegwart oder der auf dem Grab seiner Geliebten jämmerlich verfröhrene Kapuciner*, is a rare example where travesty and fan fiction might overlap in the second half of the eighteenth century. But just as travesties were generally accepted, Bernritter’s text did not raise any known criticism from Miller, his friends, or critics. In fact, Bernritter’s travesty was openly celebrated.

In his review of Miller’s *Siegwart* in the *Allgemeine deutsche Bibliothek*, Heinrich Matthias Marcard anticipated and preemptively bemoaned the spate of base imitations to follow Miller’s novel. Although Marcard made plain his negative attitude toward *Siegwart* imitations, just a few months later in another review in the *Allgemeine deutsche Bibliothek*, Marcard lavished praise on Bernritter’s text. Marcard even

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named it more enjoyable than the original on which it comments: “Wir können versichern, daß uns dieses kleine Product mehr Vergnügen gemacht habe, als die Geschichte selbst.”\(^{140}\) Marcard further recommended that all readers of *Siegwart* read Bernritter’s travesty. “Wir wünschen indessen, daß alle eifrigen Leser, die auf Siegwarts Geschichte etliche Wochen verwandt haben, auch diesen wenigen Stepheh eine halbe Stunde schenken mögen; sie werden darinn manchen heilsamen Wink wegen jenes Buchs finden.”\(^{141}\) For Marcard, fan fiction, when in the form of a travesty, was fully acceptable, even if a regular imitation or non-parodical work of fan fiction were something to deplore.

In the eighteenth century, the precise boundaries of satire were harder to define.\(^{142}\) In particular, satire shared much in common with the pasquil, polemic, and invective.\(^{143}\) Already in 1706, the Leipzig Professor and trained jurist Johann Bruckhard Mencke sought to distinguish satire in a treatise, *Scherzhaffte Gedichte*. According to Mencke, the satire endeavors “die Eitelkeit der Welt zu belachen, und die allgemeinen Irrthümer und Fehler, so fern sie wieder die Vernunft selber streiten . . . .” The goal of the satire, to improve its object through criticism, made it the “aufklärische Gattung par excellence,” as Regine Seibert claims.\(^{144}\)

But throughout the course of the century, the genre became increasingly disputed. In his foundational work on eighteenth-century satire, Schönert describes its changing place in the literary landscape following the decline of theologically-oriented literature in the eighteenth century. With the rise of the Enlightenment, Schönert explains, satire “hat sich mit den Vorwürfen der persönlichen Rachsucht, der ungerechten Kritik,

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\(^{141}\) Ibid.


der Unwahrheit und der hemmungslosen Negativität auseinanderzusetzen.”

Together with the rise of the novel and the expansion of a larger reading public, the good faith criticism of the satire become more difficult to discern, especially because the German public lacked a tradition of aggressive social satire. And satires became a disputed genre when they veered into the domain of personal polemics.

Satirists were consequently obliged to distance their works from pasquils, which Mencke defined as a genre that simply, “tastet die Leute an ihrem ehrlichen Nahmen an” without a broader social-improvement project; in contrast to satire, the pasquil was merely a form of personal attack. In 1763, the satirist Gottlieb Wilhelm Rabener (1714-1771) echoed the claim, advancing the thesis that the satire was distinguished from the pasquil precisely because it avoided personal attacks while still managing “die lächerlichen Fehler der Menschen verächtlich vorzustellen” as a “Stück der Sittenlehre.”

Although satires may have formally claimed a high-minded purpose, they, too, were often personal and savage attacks on a targeted person or object. As Combe and Connery describe, eighteenth-century satires were frequently motivated by private disputes and feuds, covered by only by a “thin veneer of civilized behavior.” But that veneer kept satire within the bounds of accepted literary behavior. In the eighteenth century, authors were therefore particularly defensive about being named Pasquillants, as Kämmerer notes.

Unlike satires, which were often unhappily received but widely allowed, pasquils were often seen as a transgression of proper behavior. And because pasquils were flagrant personal attacks, like Kotzebue’s Doktor Bahrtd, they risked perpetrating a reputational injury (Eheverletzung) against the target, and were

145 Schönert, Roman und Satire, p. 53-54.
146 Ibid. p. 62, describing the German tradition of public satire, or lack thereof.
thus potentially punishable under the law. The ALR, for instance, even articulated punishments for authors of pasquils under the rubric of *Verbalinjurien*.\(^{151}\) Authors may have complained about satires, and conservative censors may have raised obstacles to certain satires, but they were generally not seen as transgressions, even if they were considered offensive and rude.\(^{152}\) In 1742 Zedler offered one measure in his *Universal-Lexicon*. According to Zedler, with a satire “man erweckt damit Zänkerey, Verbitterung, und indem sich allezeit Leute finden, die sich damit kützeln, so kann darüber in einer Republik grosse Unruhe entstehen. Es würde dahin stehen, ob die Beleidigung, die der andere an seiner Ehre bekäme, nicht mehr auf sich habe, als der bermeynte Nutzen, den man damit zu stiggten vermeynet.”\(^{153}\) The difficulty, of course, was determining when a satire crossed the line.\(^{154}\)

“We müssen aber auch die Moralität der Satyren untersuchen,” Zedler argued, “und also fragen: Ob er erlaubt ist, Satyrische Schrifften zu verfertigen, und die Laster der Menschen auf eine zwar sinnreiche, aber doch beissende Art durchzuhecheln?”\(^{155}\) Zedler specifically uses the language of permissibility (“erlauben”) even though satires, unlike pasquills, were on safe legal ground. The debate, then, was about the propriety of satire as a matter of literary ethics. Unhelpfully, Zedler concluded, “Die Meynungen der Gelehrten sind davon unterschieden.”\(^{156}\)

The question of satire’s permissibility persisted until the late eighteenth century. In 1787, Christoph Meiners argued, for instance, “Die Frage, ob es erlaubt sey, gute Satiren zu schreiben, kömmte mir eben so seltsam vor, als wenn man fragt, ob es erlaubt sey, seine Neben-Menschen von gefährlichen Krankheiten


\(^{152}\) Schönert, *Roman und Satire*, p. 61.


\(^{156}\) Ibid.
oder andern Uebeln zu heilen?” Although Meiners may have adopted a clear stance, his contention reveals that the genre was still the subject of ongoing disagreement.

In the landscape of literary commentary, the spectrum of propriety may have been capped by the parody and the travesty at the pole of acceptability while the pasquil occupied the pole of unacceptability. Satire thus fell somewhere between, as did fan fiction, which could also take the form of satire, like Nicolai’s *Freuden des jungen Werthers*.

**Deceptive Titles**

Deceptive titles were the frequent target of criticism from authors, publishers, and critics because they resulted in the public’s mistrust of the book trade. The author of the waggish *Steckbrief auf Spitzbart den Zweiten* (1787) captured the prevailing attitude toward the practice, narrating the plight of a man writes a book but cannot come up with a title:

> Auf schöne Titel, die das Publikum verführen:  
> Er griff sich tapfer an, und mühte sich recht sehr.  
> Doch blieb der Kopf an Witz und an Gedanken leer

Then, after cursing the gods and the silent muses:

> Die Wände zitterten und rollten,  
> Als ob sie straks einstürzen sollten:  
> Beelzebub stand plötzlich da,  
> Wie Doktor Faust ihn öfters sah…

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159 *Steckbrief auf Spitzbart den zweiten. Ein Gedicht, Allen, die es lesen wollen, zum Neujahrgeschenschen gewidmet*, included in: Kosmann, Johann W. A. *Satirische Skizzen*. Frankfurt am Main: n.p., 1787, p. 91. Kosmann claims not to have written the Steckbrief, but insists he is merely reviewing the “Knittelvers.”  
160 Ibid.
Beelzebub next all but suggests the deceptive title *Spitzbart den Zweiten*, promises the author fame, and assures that his book “wird aufgegriffen, fast verschlungen.” The doggrel’s condemnation is unambiguous: deceptive titles are so wicked, the devil suggests them.

By the end of the century, book titles had become a fraught subject. There was even an industry-wide attempt to regulate titles. In 1804, a deputation of leading publishers, including Cotta, Göschen, Breitkopf und Härtel, convened to produce a convention to regulate the book trade. The members were elected by bookdealers across Germany and represented “mit Recht die Vereinigung aller einzelnen Mitgleider des Buchhandels.”¹⁶¹ The resulting pact, the “Vertrag der Buchhändler über einige Gegenstände ihres Handels,” was accordingly meant to function as “ein Vertrag aller Mitglieder unsers Handels anzusehen, darnach sie in den erwähnten Fällen handeln wollen.”¹⁶² Tellingly, several of the provisions relate to titles. Among them, Article XIII states that “[e]in altes Buch unter einem neuen Titel zu verkaufen, wird als Betrug angesehen…” and prohibited the practice.¹⁶³ Although the “Vertrag” did not prohibit misleading titles generally, by forbidding repackaging it thwarted the practice at one of its primary sources while leaving little doubt that such titles were highly contentious.

Countless reviewers criticized works with misleading and deceptive titles. A reviewer in the *Allgemeine detusche Bibliothek* cautioned against *Spitzbart der Zweyte*: “Niemand lasse sich doch ja durch den Namen Spitzbart . . . irre führen: das sind blos Kunstgriffe eines elenden Schriftstellers, um seiner Waare Abgang zu schaffen.”¹⁶⁴ The reviewer disappointedly reported that, instead of telling the story of Spitzbart, “[d]er

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¹⁶² Ibid.
¹⁶³ Ibid.
Verf. erzählt vorgeblich seine eigne Geschichte.”

The reviewer, in other words, was upset that *Spitzbart der Zweyte* was not fan fiction. Although his disappointment may not necessarily indicate approval of fan fiction, it is clear evidence that fan fiction, in this case, would have been more welcome than a deceptively titled story.

The anonymous author of the *Anhang zur Sophiens Reise* also implied that a deceptive title was considered a greater offense than fan fiction. In the foreword, the author discusses his troubled choice of title, explaining that *Beitrag zu den Leben und Meinungen des Herren Cornelius Puff van Vlieten* “würde ein schicklicher, und weil jetzt Leben und Meinungen wie baare Münze umher treiben, für den Verfasser und seinen Herren Verleger ein einträglicher Titel gewesen seyn…” But, the author explains, such a title would have been misleading because the text does not really tell the “Leben und Meinungen” of Herr Puff. The author’s anxious confession about his choice of title highlights his comparative calm about writing fan fiction. In the foreword, he never considers that it might have been considered improper to use Herr Puff in his own story.

**False Attribution**

Using another author’s name was an indisputable artistic and ethical transgression. In the preface to his *Familie Neubeck* fan fiction, Störchel maintains, “Zwar hätte ich, wie ohnlängst ein Author, mein Kind mit dem erborgten Vatersnamen: Lafontaine: in die Welt schicken können…” But, the author explains, “allein dieses wäre Betrug . . .” so he decided against it. Störchel’s assessment suggests that he may have been technically able to use Lafontaine’s name, but that it would have nonetheless been a bad practice. In identifying false attribution as a transgression, however, Störchel implicitly sanctions fan fiction. Despite

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165 Ibid.
his strong stance on the propriety of using Lafontaine’s name, there is little evidence Störchel hesitated to use Lafontaine’s characters.

Störchel’s position was widely shared. After winning popularity with Wilhelmine, Thümmel found cause to complain in a letter to Weisse that his name had been exploited by an enterprising publisher. In 1768, Philipp Erasmus Reich published a novel, Louise, in the same style and format at Thümmel’s beloved text. Although Louise appeared anonymously, the preface was signed “v.T.” so that “alle Welt Thümmel für den Verfasser hielt.” In reality, however, the work was written by the Dresden Hofrat Hans Ernst von Teubern, causing Thümmel to protest (at least privately) about the gimmick. Langbein, in the foreword to his Neue Schriften, similarly complained that texts were wrongfully published under his name. But this time, the texts appeared unambiguously as Langbein’s own. To counter the fraud, Langbein provided a list of all of the works he had actually written, “Damit mir jedoch das Publikum, durch sie irre geleitet, nicht fremde Sünden aufbürde, so will ich hier alles genau verzeichnen, was ich geschrieben habe.” Any other text, Langbein declared, “das sonst noch unter meinem Nahmen erchienen ist, geht mich nichts an.”

In some cases using another author’s name led to legal difficulties. August von Kotzebue, one of the most popular playwrights of the period, authored a lubricious satire in 1790 but falsely named Knigge on the title page. The work, Doktor Bahrdt mit der eisernen Stirn, was composed as a response to the feud between Kotzebue’s friend Johann Georg Zimmerman and leaders of the Berlin Enlightenment. The obscene lampoon links Zimmerman’s adversaries to various sexual perversions. Even Luther’s ghost makes an appearance among the whores and orgies featured in the four-act play. Unsurprisingly, the text caused a scandal.

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For months, Kotzebue refused to acknowledge his authorship and even asked friends to lie on his behalf – despite Knigge’s continuing protests that he was not the author of the infamous text. Owing to Kotzebue’s silence, speculation about the play’s author grew rampant and suspicion was wrongly cast upon several prominent authors, further stoking the scandal. Eventually the police intervened to prevent the further circulation of the text and an official investigation was launched, resulting in the commencement of multiple judicial proceedings. Facing a likely indictment, Kotzebue finally admitted his authorship and fled Germany for Russia, where Catherine the Great granted him asylum. With Kotzebue outside of German jurisdiction, the legal proceedings stopped, but Kotzebue was punished by the literary establishment. After the Doktor Bahrdt scandal, Kotzebue earned a lasting reputation for dishonesty and lewdness. And critics never again positively reviewed his texts.⁷⁰ The authors of fan fiction, in contrast, while occasionally reviled and chastised by literary critics, rarely faced such enduring punishment.

**Plagiarism**

In the eighteenth century, plagiarism was not a juridical offense.⁷¹ The author of a 1764 article in Der Gesellige noted that “Allein, es gibt eine Art der Dieberey, welche durch keine bürgerlichen Gesetze verboten, und von keinem weltlichen Richter bestraft wird:” plagiarism. He continues, naming plagiarism, “ein ungemein ungeselliger Fehler” and “gelehrte Dieberey,” making clear the practice, even if legally permitted, was an ethical and social transgression.⁷²

“Plagiarius Litterarius, der gelehrte Dieb,” according to the 1732 edition of Zedler’s Universal-Lexicon “wird unter den Gelehrten derjenige geheissen, der eines andern Sachen ausschreibet, und vor seine eigene Arbeit ausgiebet, anbey aber den rechten Autorem, woraus er seine Nachrichten und Künste gezogen, nicht

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⁷¹ But there was a widespread dispute about how best to deal with it. For a discussion of plagiarism in Germany, see: Theisohn, Philipp. Plagiat: Eine Unoriginelle Literaturgeschichte. Stuttgart: Kröner, 2009.
Later in the century, Knigge echoed Zedler’s definition: “Man nennt das ein Plagiat, zu teutsch, einen gelehrten Diebstahl;” and Fichte defines “der Plagiar” as someone who “sich eines Dinges bemächtiget, welches nicht sein ist.” Plagiarism was widely understand as the use of another author’s ideas or language without attribution and thus wrongful appropriation.

In the eighteenth century, plagiarism was considered both a personal and property injury. In the Rechtslehre, Kant names plagiarism “Menschenraub” and discusses it under reputational rights, or the “Right to a Good Name.” Elucidating Kant’s philosophy in a 1797 treatise, the Halle professor Johann Heinrich Tieftrunks explained that even plagiarizing from a dead author “ist Verletzung derselben. Denn es befleckt zwar die Ehre des Verstorbenen nicht, aber entwendet ihm doch eine Ehre, welche er sich rechtlich erworben hat, und die sich kein Anderer zueignen kann, ohne in das Eigenthum desselben eigenmächtige Eingriffe zu thun.” Tieftrunks qualifies the offense, though, elaborating that use of another author’s ideas is not plagiarism per se – even if the second author does not name his source. According to Tieftrunks, if the true “Urheber bekannt und die Gedanken, ihrer Quelle nach, kenntlich genug sind, als daß man immer sie anzuführen nöthig hätte. . . .” But where the second author uses the first author’s ideas or language with the “Absicht nur dahin, sich die Ehre der Erfindung anzumaßen, welche einem Andern gehört, so ist es Menschenraub, der Urheber mag noch im Leben oder todt seyn.” Because it was considered taking credit for another author’s work and thereby stealing his or her honor, plagiarism was thus condemned both as a personal injury and unmerited windfall.

174 Knigge, Schriftsteller, p. 123.
176 Kant argued that this right to a good name survives death because it “is at least ungenerous to spread reproaches against one who is absent and cannot defend himself, unless one is quite certain of them.” Kant, Immanuel. The Metaphysics of Morals. Mary Gregor, eds. And trans. Cambridge: Cambridge University Press, 1996, p. 76.
178 Ibid., p. 478.
179 Ibid.
Fichte was less concerned with honor than about property. Fichte discusses why it is OK to use another’s ideas, but not his expression of those ideas: “Warum denkt man nun über den Gebrauch der eigenen Worte eines Schriftstellers ganz anders, als über die Anwendung seiner Gedanken? Im letzteren Falle bedienen wir uns dessen, was unser mit ihm gemeinschaftliches Eigenthum seyn kann, und beweisen, dass es dieses sey, dadurch, dass wir ihm unsere Form geben; im ersten Falle bemächtigen wir uns seiner Form, welche nicht unser, sondern sein ausschliessendes Eigenthum ist.” Fichte focuses on appropriation, suggesting that the use of a particular expression of an idea is a greater offense than using the idea itself, regardless of attribution.

Knigge offers a potential explanation for the apparent leniency with regard to plagiarizing ideas. According to Knigge, “allein unwissend und unvorsetzlich kann es auch dem besten Schriftsteller begegnen, in seinen Gedanken und in der Einkleidung derselben mit einem Andern zusammentreffen, auch wohl etwas, das sein Gedächtnis sich aus fremden Werken zu eigen gemacht hat, wieder anzubringen…” Knigge leaves room for the possibility of accidental plagiarism, “wer kann sich immer erinnern, ob er das, was er in diesem Augenblicke denkt, nicht auch irgendwo einmal gelesen habe?” But Knigge does qualify his assertion, “Doch darf das freylich nicht zu oft kommen.”

Authors in the second half of the eighteenth century regularly expressed concern about inadvertent plagiarism – on memorable display in Karl Philipp Moritz’s Anton Reiser (1785-86). Carl Wezel, in his 1784 text Versuch über die Kenntniß des Menschen highlights the anxiety. Describing the process of identifying with a text – of being the good reader – Wezel clarifies how an author can confuse another’s writing for his own in physical terms.

180 Ibid.
181 Knigge, Schriftsteller, p. 123.

Fan fiction and accidental plagiarism seem to share a common origin in good reading. Moreover, contemporaries used the same language – “bemächtigen” – to describe both acts. And fan fiction tracked many of the criticisms levied against plagiarism. Because novels routinely appeared anonymously in the eighteenth century, fan fiction regularly implicated many of the same concerns regarding attribution. Works like Olearius’s \textit{Sebaldus Nothanker} sequel were passed off as the next installment and were often assumed to have been written by the same author as the first part, as with Stutz’s \textit{Julchen Grünthal}. Akin to \textit{Menschenraub}, such fan fiction sequels potentially robbed the source author of the honor he or she was rightly due. As a result, fan fiction inspired similar anxiety. The author of the \textit{Anhang zur Sophiens Reise}, for instance, was eager to let the reader know that he was not fraudulently hoping to be taken for Hermes. “Man wälte also die vorstehende Aufschrift, nicht etwa, um das Publikum zu hintergehen, und es glauben zu machen, daß Herr Hermes Verfasser des Werkchens sei, sondern weil es ohnstreitig die angemessenste war.” Nevertheless, the author still willingly wrote the fan fiction. It seems, then, that fan fiction was on comparatively safe ground. So long as the author went to lengths to ensure that the same concerns raised

\footnote{183} Ibid.
about plagiarism were not raised with his fan fiction, the practice was considered a lesser offense than plagiarism.
WHY “FAN FICTION”? AN EXTENDED DISCUSSION

The Introduction elucidates the advantages of applying the anachronistic term “fan fiction” to the literary works studied in this dissertation. The term, however, was far from the only available choice. This section explores alternative terms, including those suggested by literary theory and legal studies, and argues that they prove unsatisfactory, even if less jarringly anachronistic than “fan fiction.”

Fan fiction closely tracks the work of Gérard Genette on “literature in the second degree,” which provides a helpful foundation for rigorously discussing the subgenre of sequels and prequels. In his structuralist poetics, Genette specifies five different intertextual relationships, including “hypertextuality,” which describes texts derived from pre-existing texts. According to Genette, text B (the hypertext) is derived from text A (the hypotext) without text B being a commentary on text A. As an example, Genette describes both Virgil’s *Aeneid* and Joyce’s *Ulysses* as hypertexts to the *Odyssey*, the hypertext. Based on the mood of the hypertext and its relation to the hypotext, Genette then distinguishes six “hypertextual practices:” parody, travesty, transposition, pastiche, caricature, forgery. In Genette’s ecology, fan fiction could be a parody, travesty, transposition, or forgery. But, in many cases, works of fan fiction in the eighteenth century were too complex to be reduced to a specific type, or even a certain relationship (imitation or transformation). Fan fiction is therefore best understood at the broadest level – as a “hypertext” – and the work from which it is derived a corresponding “hypotext.” In addition, Genette contends that hypertexts can become hypotexts, like Nicolai’s *Sebaldis Nothanker*. Genette’s vocabulary thus seems to track fan

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184 To avoid the risk that the term would subsume all of literature, Genette decides that hypertextuality is more limited than the broad definition of texts that evoke other texts. Instead, Genette focuses on the “sunnier side of hypertextuality: that in which the shift from hypotext to hypertext is both massive (an entire work B deriving from an entire work A) and more or less officially stated.” Genette, Gérard. *Palimpsests: Literature in the Second Degree*. Lincoln: University of Nebraska Press, 1997, p. 9.
185 Genette gives structure to the field of hypertexts, distinguishing between several “hypertextual practices” based on the mood of the hypertext (playful, satirical, serious) and its relation (transformative or imitative) to the hypotext.
fiction, particularly because Genette describes “amplifications” in which hypotexts go through the process of extension, contamination, and expansion.\(^{186}\)

Yet, for the purposes of this dissertation, Genette’s model is overly hierarchal. To best understand eighteenth-century ideas about fan fiction, this dissertation begins from a position that no such hierarchy exists between texts. Further, this project does not presuppose that a hypertext automatically transforms or completes its hypotext. Although Genette concludes by admitting that every hypertext “can be read for itself,” the hierarchal relationship is ingrained in the terminology of hypo- and hyper-text.\(^{187}\) Moreover, hypertextuality is bound with a specific intertextual reading of texts; Genette nearly frames the reading of a text as a choice between reading a text for itself or in terms of its intertextual relationship, but this approach creates an artificial division in the text.\(^{188}\) And there is ample evidence that some readers of eighteenth-century fan fiction were unaware that the texts they were reading were derived from a source text. Genette covers precisely this possibility, but at the expense of a neutral perspective. Genette, for instance, describes the problem of the missing or forgotten hypotext. In this case, Genette argues, the status of the hypertext changes, such that the hypertext becomes an autonomous text. The hypertext becomes merely a text, a non-relationtional, non-transformational work. But this characterization foregrounds the reader’s reception of the (hyper)text, discounting the attitudes of the hypotext author on which the hypertext was derived. This terminology therefore undermines the goal of this dissertation to equally identify the attitudes of eighteenth-century authors and readers. Beyond ideological concerns, the term “hypertext” has taken on new meaning since Genette first coined it. In light of the dominant internet-culture and pervasiveness of a new kind of hypertext, using this term here risks becoming misleading, particularly because hypertexts are so closely

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\(^{186}\) One of the transformations produced by amplification, according to Genette is “transmotivation” – in which hypertexts give a character motivations lacking in the hypotext (or suppress or elide a motive). Genette, p. 324-25.

\(^{187}\) Ibid., p. 397.

associated with electronic, non-linear, non-sequential writing – like the works of fan fiction proliferating on the internet today.\textsuperscript{189}

A distinct alternative to hypertext and hypotext is the term “archontic” literature, based on Derrida’s \textit{Archive Fever}.\textsuperscript{190} Derrida describes the archives as never complete and never closed, but always open to new entries such that it there is no claim to absolute or metatextual authority.\textsuperscript{191} The term “archontic,” as Abigail Derecho observes in her study of contemporary fan fiction, is “not laden with references to property rights or judgments about the relative merits of the antecedent and descendent works.”\textsuperscript{192} However, according to Derrida’s theory, an archontic literature has a tendency toward enlargement and accretion. Derecho notes that “Archontic texts are not delimited properties with definitive borders that can be transgressed. So all texts that build on a previously existing text are not lesser than the source text, and they do not violate the boundaries of the source text; rather, they only add to the text’s archive, becoming a part of the archive and expanding on it.”\textsuperscript{193} This helpfully solves the hierarchy problem inherent to the concept of hypertext and hypotext, but this stance is too indifferent to eighteenth-century (and contemporary) attitudes of source authors, many of whom felt like their texts did have definitive boundaries and that they could be transgressed, particularly by works of fan fiction. The concept of a “transgressing archontic” work is consequently unworkably oxymoronic. Furthermore, one goal of this dissertation is to discern what rules governed the production of fan fiction, if any. Accordingly, this project declines to use terminology that implies normative boundaries.

\begin{itemize}
\item Derecho, p. 64.
\item Ibid., p. 64-65.
\end{itemize}
Alternative terms based on ideas of “intertextuality” and “allography” are also problematic. Barthes provides the concept “intertext,” but this proves too broad and indeterminate with regard to its relation to other texts. According to Barthes, the origin of intertextuality is difficult to locate; intertextuality is the condition of all texts such that intertextuality cannot be reduced to a problem of sources or influences.194 But works of fan fiction explicitly connect themselves to pre-existing texts as prequels, sequels, continuations, and rewritings.195 The distinction between “allographic” and “autographic” texts is similarly promising, but ultimately flawed. Whereas “autographic” authorship consists of a literary continuation written by the original author, “allographic” authorship indicates a continuation written by another author. But the concept of “allographic” sequels and continuations is similarly problematic, even though these terms have been recently used to describe literature across a wide geographic and chronological range. Martin Huang, for instance, uses the expression to describe the work of the seventeenth-century Chinese writer Li Yu.196 And in The Invention of the Sequel, William H. Hinrichs applies the term to literary continuations produced as early as 1499 in Spain.197 The concept of “allographic” authorship has come to be associated with “unauthorized” authorship. Relying on Genette, for instance, Huang refers to allographic works as “unauthorized” sequels.198 And, again, this dissertation does not assume that works of fan fiction were authorized or unauthorized. Rather it is interested in determining what practices rendered works of fan fiction acceptable or unacceptable.

More familiar terms, like “continuation” and “sequel” prove similarly problematic. Genette, for instance, distinguishes continuations and sequels, arguing that “the continuation is in principle an allographic completion and the sequel an autographic prolongation.”199 According to Genette, a sequel continues a work

195 As Derecho argues that this “annunciation is a convention” of fan fiction. Derecho, p. 66.
198 Huang, p. 256-57.
199 Genette, p. 207.
not to conclude it, but to merely take it beyond what was initially considered the end. A continuation, in contrast, is a work by another author that completes a work that is otherwise incomplete. Genette also imposes additional constraints on the continuation, demanding stylistic and thematic faithfulness. Otherwise the sequel is better understood as an “unfaithful” continuation. Since this dissertation does not assume that a text is finished or unfinished, or that a work of fan fiction completes its source, the terms Genette offers seem inappropriate. Hinrichs attempts to clarify the matter by referring to all allographic literary continuations as “sequels.” But the resulting nomenclature Hinrichs develops is confusing when applied to the works studied in this dissertation. Hinrichs classifies these works in morphological terms, naming them: the prefix, in-fix, and suffix. “The first form precedes the lived time of the originating text’s imaginative world, the second expands it from within by extending an episode or adding details to it, and the third and most common kind adds on at the chronological end.” Although this neatly tracks the range of potential types of fan fiction, the term “sequel” is difficult to uncouple from its association with what Hinrich terms a “suffix” especially given the prevalence of the term “prequel” as its counterpart. Anyway, Genette himself later acknowledged that these terms are problematic. This dissertation will therefore ignore the distinction Genette makes and decline to follow Hinrich’s alternate classifications. Instead, following current scholarship on fan fiction, this dissertation uses the terms “sequel” and “continuation” interchangeably.

Just as literary discussions of fan fiction offer few unencumbered options, legal literature’s terminology is similarly unsuitable for this dissertation. Fan fiction has been variously described as “derivative” or “appropriative” literature. While both of these terms helpfully imply intertextuality, these descriptions

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200 Ibid., p. 206.
201 Ibid., p. 198.
202 Hinrichs, p. vii.
203 Ibid., p. ix.
204 Genette acknowledges that “there is no law that a sequel should be necessarily self-written” and later admits that “the theoretical distinctions are often at odds with the facts.” Genette, p. 207.
“announce property, ownership, and hierarchy.” Like “hypertext,” the term “derivative” connotes a ranking, as Derecho observes, implicitly classifying the secondary text as the lesser text. Moreover, the term “appropriative,” while arguably an accurate description of fan fiction, signals a taking that is often inflected to mean stealing. These terms further imply judgments about the merits of works based on antecedency and imply certain property rights and interests.

In his 2005 study, *The Afterlife of Character 1726-1825*, David Brewer uses the term “imagine expansions” to describe what this dissertation considered fan fiction. Brewer’s starting point for “imaginative expansions” are readers who desire “to see more” of a literary character. As Brewer explains: imaginative expansion is “an umbrella term for an array of reading practices [in the eighteenth century] by which the characters in broadly successful texts were treated as if they were both fundamentally incomplete and the common property of all. Far from being the final word on the subject, the originary representation of these characters was, for readers engaged in these practices, merely a starting point – a common reference, but one perpetually inviting supplementation through the invention of additional details and often entirely new adventures.” This term aptly avoids many of the pitfalls associated with other theoretical terms. Moreover, as Brewer acknowledges, the term “imaginative expansion” encompasses a variety of forms, providing a sufficiently capacious concept to describe the works in this dissertation. However, as explained in chapter six, Brewer describes “imaginative expansions” as an unregulated form of literature, but this dissertation demonstrates that the production of eighteenth-century German works of fan fiction was not unregulated. Adopting a term invented by Brewer only to contradict and complicate the notion therefore proves counterproductive.

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206 Derecho, p. 64.
207 Ibid.
208 Derecho makes this argument, p. 64.
210 Brewer, p. 1.
211 Ibid., p. 2.
212 Ibid., p. 6.
Consequently, this dissertation employs the term “fan fiction.” To describe the texts from which the characters of fan fiction are drawn, this dissertation uses the term “source text” and the corresponding term “source author.” In contrast, Brewer uses the expression “originary text” to describe the works on which his “imaginative expansions” are based. Oliar and Sprigman similarly use the term “original author” or “originator.” The term “originary,” though, is potentially misleading. Olenius’ *Sebaldus Nothanker*, for instance, is based on Nicolai’s *Sebaldus Nothanker*. Under Brewer’s classification, Nicolai’s text would be considered the “originary text.” But Thümmel invented the character of Sebaldus Nothanker, whom Nicolai later appropriated for use in his own novel. To designate Nicolai’s text the “originary text” therefore falsely casts Nicolai as the originator of the character. The term “source text” indicates the same relationship between the work of fan fiction and the text that inspired it without communicating potentially problematic connotations of creation and origination. Accordingly, this dissertation uses the terms “source text,” “source author,” and “second author” or “fan fiction author.” Increasingly, scholarship on fan fiction is using the designation “source text.” In this regard, this project more closely matches eighteenth-century commentators, who described source texts as the “Fundament” or “Grund” of fan fiction. Lastly, as understood by literary scholars today, the author of fan fiction is not necessarily a “fan” of a work of literature. The relationship is not necessarily one of uncritical enthusiasm; rather, the appropriating author often stands in a complicated relationship to the text. But “fan fiction author” and “source author” provide

213 Oliar and Sprigman, p. 1811.
217 A “fan work” according to Schwabach, is “any work by a fan, or indeed by anyone other than the content owner(s), set in such a fictional world or using such pre-existing fictional characters. Fan works may be fiction or nonfiction, and may be created in any medium. When such works are fictional, they are ‘fan fiction.’ Fan fiction includes all derivative fiction and related works created by fans, whether authorized or unauthorized by the author of or current rights-holder in the original work.” Schwabach, p. 8.
adequately neutral terms, allowing eighteenth-century commentators to speak for themselves to the greatest extent possible without importing problematic concepts and notions of hierarchy, law, ownership, or origin.
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