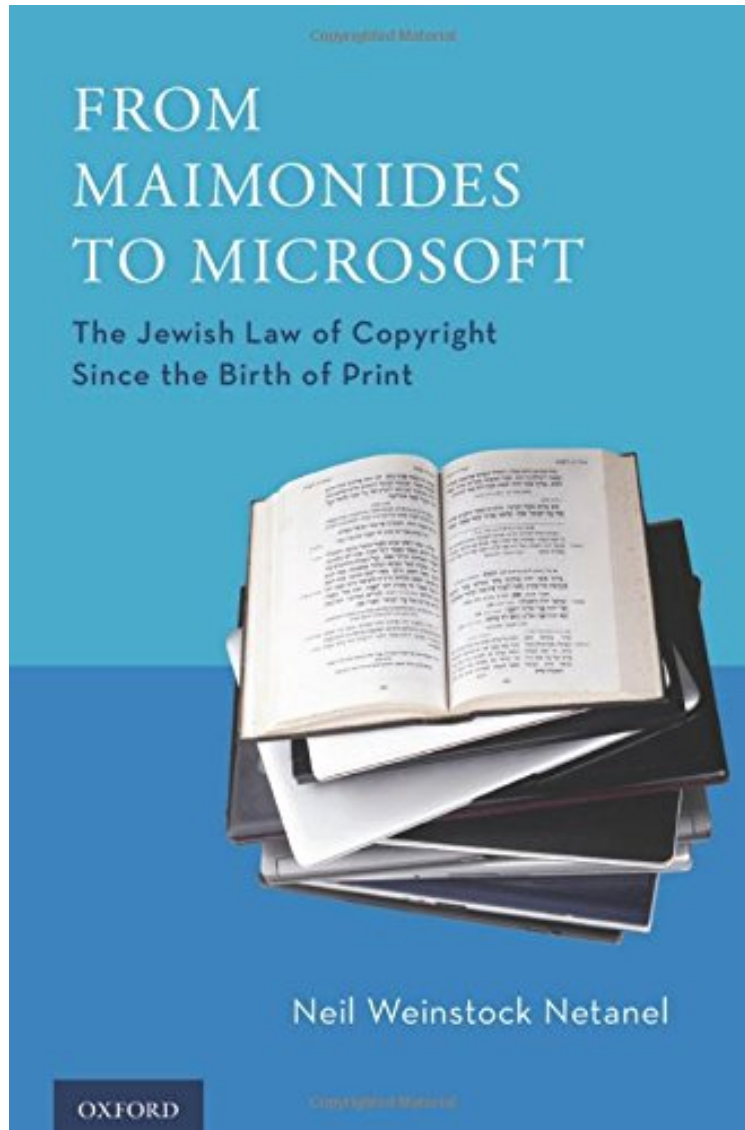


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# From Maimonides to Microsoft: The Jewish Law of Copyright Since the Birth of Print

Neil Weinstock Netanel

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Neil Weinstock Netanel : **From Maimonides to Microsoft: The Jewish Law of Copyright Since the Birth of Print** before purchasing it in order to gage whether or not it would be worth my time, and all praised From Maimonides to Microsoft: The Jewish Law of Copyright Since the Birth of Print:

Jewish copyright law is a rich body of jurisprudence that developed in parallel with modern copyright laws and the book privileges that preceded them. Jewish copyright law owes its origins to a reprinting ban that the Rome rabbinic court issued for three books of Hebrew grammar in 1518. It continues to be applied today, notably in a rabbinic ruling outlawing pirated software, issued at Microsoft's request. In *From Maimonides to Microsoft*, Professor Netanel traces the historical development of Jewish copyright law by comparing rabbinic reprinting bans with secular and papal book privileges and by relaying the stories of dramatic disputes among publishers of books of Jewish learning and liturgy. He describes each dispute in its historical context and examines the rabbinic rulings that sought to resolve it. Remarkably, the rabbinic reprinting bans and copyright rulings address some of the same issues that animate copyright jurisprudence today: Is copyright a property right or just a right to receive fair compensation? How long should copyrights last? What purposes does copyright serve? While Jewish copyright law has borrowed from its secular law counterpart at key junctures, it fashions strikingly different answers to those key questions. The story of Jewish copyright law also intertwines with the history of the Jewish book trade and with steadfast efforts of rabbinic leaders to maintain their authority to regulate that trade in the face of the dramatic erosion of Jewish communal autonomy in the eighteenth and nineteenth centuries. This book will thus be of considerable interest to students of Jewish law and history as well as copyright scholars and practitioners.

"Neil Netanel's *From Maimonides to Microsoft* is a masterful, rigorous exploration of Jewish copyright law. Netanel weaves past and present, history and theory, into an intricate socio-legal fabric, as he unearths the making of rabbinic copyright law. The book meticulously traces the complex interactions of a community's law with external authorities, framed as a dynamic process of legal transplantation. The result is the intriguing case of Jewish copyright, and this engaging book." -Michael Birnhack, Professor of Law, Tel Aviv University "Neil Netanel follows Jewish copyright law from the very advent of print to the digital age. His contextualization of developments in terms of history and the laws of the societies in which Jews lived make this an exceptionally rich and rewarding read. Enviably well-versed in the language and debates of modern copyright law, Netanel contrasts and compares Jewish and secular jurisprudence through the ages and ultimately offers conclusions about changes in traditional Jewish life that make this much more than just a legal history." -Edward Fram, Solly Yellin Chair of Lithuanian and East European Jewish Culture, Ben-Gurion University of the Negev "A fascinating archeological journey revealing how 'the People of the Book' came to balance protection for printers and authors with competition. Netanel has unearthed, made accessible, and illuminated a trove of rabbinic materials tracing moral, human, religious, and economic foundations of a Jewish law of copyright. This remarkable scholarly achievement, decades in the making, delivers rich source material and insight for historians, comparative law scholars, and copyright theorists for decades to come." -Peter S. Menell, Koret Professor of Law, University of California at Berkeley School of Law "From Maimonides to Microsoft is an outstanding achievement, drawing on recent advances in the history of printed books, the academic study of rabbinic law, and comparative legal studies to present a comprehensive overview of the development of a Jewish law of copyright. Netanel offers the first thorough discussion of key concepts in Jewish discourse that emerged to contend with the new technology and business of print, which differed so dramatically from the world of manuscript production. His account of contemporary rabbinic debates regarding new digital media further illuminates how rabbinic traditionalists have grappled with rapid technological change." -Adam Shear, Associate Professor, Department of Religious Studies, and Director of Jewish Studies, University of Pittsburgh, and Founding Convener, Lillian Goldman Scholars Working Group on the Jewish Book, Center for Jewish History "From Maimonides to Microsoft is a meticulously researched and artfully presented account of the history of copyright law as it has developed under the watchful eyes of rabbinic authority. Netanel's treatment, which continually underscores the importance of historical circumstances and environmental context, is undoubtedly useful to copyright and comparative-law scholars. But it is foremost a contribution to our understanding of halakhah, both in theory and practice. Netanel is to be commended for mining a rich yet largely unexplored vein in Jewish law. Both Netanel's efforts and those of the rabbis he writes about are sure to increase in value." -Roberta Rosenthal Kwall, *Commentary Magazine* "To say that Netanel's book is a work of substantial historical scholarship is an understatement... This is an excellent and enjoyable read, and it is proof that scholarship and pleasure can go hand in hand." -Jeremy Phillips, *IPKat Blog* "Netanel's thought-provoking work, which richly contextualizes Jewish and secular copyright law within their historical and philosophical bases, is a compelling read for students and scholars of copyright law, Jewish law, and Jewish history." -Harvard Law "Unlike a number of very recent authorities who were unable to conceptualize copyright law, Netanel does not fail his readers. He succinctly posits two basic schools of rabbinic thought concerning the nature of copyright law and translates the language of classical Jewish law into modern legal terms... Netanel takes the reader on a long and fascinating journey through the early modern period to the present." -Edward Fram, *Jewish History* "This well-written and enjoyable book shows an impressive familiarity with classical Jewish texts, rabbinic responsa, secular copyright law, European and Jewish history and the development of the printing industry." -Michael Factor, *Journal of Intellectual Property Law Practice* "It is highly recommended and should be a crucial resource for anyone interested in rabbinic law and its European context, in addition to those more specifically interested in the "evolution" (Netanel's term) of Jewish law

regarding intellectual property." - Gabriel Levy, Numen, Norwegian University of Science and Technology "This reviewer came away enriched from Netanel's discussion, both in terms of the historical narrative presented and the analysis of 'copyright' in a comparative law context. Readers are urged to have their encounter with Netanel's text; you will not be disappointed." Neil Wilkof, *The Trademark Reporter* About the Author Neil Weinstock Netanel is the Pete Kameron Endowed Chair in Law at the University of California at Los Angeles School of Law where he writes and teaches in the areas of copyright, international intellectual property, and media and telecommunications. Prior to joining UCLA, Netanel served for a decade on the faculty of the University of Texas at Austin School of Law, where he was the Arnold, White Durkee Centennial Professor of Law. He has also taught at the law schools of Harvard University, Haifa University, the Hebrew University of Jerusalem, Tel-Aviv University, the University of Toronto, and New York University. He authored *Copyright's Paradox* (Oxford, 2008; Paperback, 2010); and he edited *The Development Agenda: Global Intellectual Property and Developing Countries* (Oxford, 2008).