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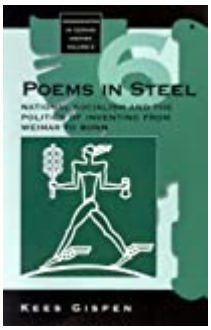

Kees Gispen. *Poems in Steel: National Socialism and the Politics of Inventing from Weimar to Bonn.* New York: Berghahn Books, 2002. xvi + 356 pp. $75.00 (cloth), ISBN 978-1-57181-242-1; $27.50 (paper), ISBN 978-1-57181-303-9.

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If you liked Tracy Kidder's *The Soul of a New Machine*, then you might enjoy Kees Gispen's *Poems of Steel.* In this book, Gispen tells the story of a victory: the victory of professional inventors over industrial employers–in Germany in 1936.

Of course, Gispen has not written a novel. Gispen does not strive for effects, action, or dramatics, but he nonetheless tells a story, and it is a compelling one. Gispen lays before his readers how German engineers tried to change the German law relating to inventions: the German Patent Code of 1877. He relates how they set out to do this–and how they finally succeeded in the third decade of the twentieth century. Although this could have been a boring topic, it is not, as narrated by Gispen. Gispen's tale gains interest for the reader through his presentation of the background of the struggle, with all of its (not always obvious) implications.

Patent law–as Gispen points out–may be governed by one of two principles: it can follow the "first-to-file" principle or the "first-to-invent" principle. Thus patent law prioritizes either the invention or the inventor. Which decision a legal system makes has, as Gispen reminds the reader, far-reaching consequences: if a patent is given to the inventor, it is he who is initially in charge. If the inventor is an employee, his employer (who may have funded the invention, provided the assets and supplied the environment necessary for the invention) will have to negotiate with him in order to be allowed to use it. Under the "first-to-invent" system, there can be no such thing as a "company invention," because the law will always insist that a human has used his or her creativity to solve a problem. Also, under this system, inventors who delay publishing their invention do not run much risk as long as they can prove that they were the first to invent it. Consequently whoever uses an invention runs the risk that–unknown to him–somebody else (the "real inventor") had invented it first. On the other hand, if the first filer is given the patent, the right to file becomes overwhelmingly important. Under this system a patent may be given to anyone who is allowed to file, which may well be a company. If an invention has been made because an employer has hired qualified personnel and provided the necessary means for research and laboratories to search for a solution, the company can easily be given the patent and the company will then be in an excellent position to collect the profits. The "first-to-file"-principle furthermore encourages the publication of invention. It may not, however, encourage the employed inventor to become active in filing, because he will not, or at least not necessarily, gain financially; nor will he see his inventiveness honored socially.

Both systems have economic consequences. Under

the "first-to-invent" principle, the inventor will (at least in principle) be the one to gain financially, under the "first-to file" principle revenues tend to go to companies. Companies may even feel tempted, once a technological solution has been established, to keep a new technology under the carpet. If a country aims to make the best possible use of its intellectual prowess, it will try to encourage inventors.

In Germany, the Patent Code of 1877 followed the "first-to-file" principle. This state of affairs was due to the strong influence of Werner von Siemens, who thought primarily in economic categories. In time, this system led to an international preeiminence of German industry. But it also led to friction between companies and the inventors they employed; it also led to the strong opposition of free inventors and of smaller companies, who found that they were treated unfairly in a system that relied largely on having money already, because money was needed to file for and exploit a patent. The inventor–or so it seemed from this perspective–was subjected to capitalist exploitation and needed to be protected.

Reforms of the Patent Code had been discussed even before World War I and were were eagerly discussed throughout the Weimar Republic. It became apparent that inventors employed by companies worked under different conditions depending on the type of industry in which they were employed. Engineering companies busied fewer academics than the chemical industry. Inventions in the field of engineering tended to be extremely composite in origin, as one invention was often the result of the combined labor of several individuals, whose individual contribution might not easily be identified in the final result. Chemical inventions, on the other hand, did not present such problems. Reform discussions continued actively under National Socialism, by which time such plans had already taken the shape of proposals for a bill. Gispen details the ways in which National Socialism took advantage of this situation. The focus on the inventor and, especially, the image of the inventor as a genius or as an artist appealed to Hitler and he referred to it in *Mein Kampf*. After 1933, the Nazis encouraged the plan for a reform–not least because the introduction of pro-inventor elements would encourage inventors to become active, thus ensuring that a maximum of creative energy would be set free for the benefit of the people and the National Socialist state.

In 1936 a new Patent Code became law. It introduced the principle of the inventor's right, but it did abandon the "first-to-file" principle. The 1936 Patent Code was a combination: a "first-to-file" Code, which nevertheless gave the inventor a central role. The regime took great pride in it: "The Patent Code of 5 May 1936 is eloquent testimony to the high value and the encouragement that the National Socialist State gives to the creative individual and achievement," wrote Hans Frank, one of its leading exponents. "The underlying idea," Gispen concludes, "was to revitalize Germany's economy and technology by unleashing the creative genius of industrial scientists and inventors from the shackles of capital" (p. 6).

The National Socialist State unwillingly did more, however. Reform elements inherent in the 1936 Patent Code, proved to be forward-looking. After 1945, its positive elements survived. The Patent Law was stripped of its National Socialist elements, and laid the ground for more stable relations between inventors and companies. Ultimately, the new law allowed for a more dynamic technological progress. Patent Law–adapted to changed conditions–became a positive legacy, influencing West Germany's political and technological culture.

Gispen describes the whole development: the Code of 1877, the discussions and plans for a reform, the Code of 1936, and the aftermath. Extensive research in relevant archives, both governmental and industrial, allows him to quote heavily from minutes and other hitherto unknown documents. His bibliography leaves nothing to be desired as far as secondary literature goes, either. He has written a well-researched study–combining legal, social, economical, and political history–of a struggle between employers and employees, between lobbyists and legislatures, between academical and practical lawyers. His study which provides insight into the strategies of all its combatants, whose innermost thoughts and aims Gispen can sometimes reveal.

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