Publishers, "Pirates," and the Formation of Regency Authorship

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The author's right to intellectual property is both historically conditioned and highly qualified by the interests of others. In common with most laws, those governing intellectual property necessarily entail a balancing of competing rights, specifically the claim of publishers to a fair return on their investment on the one hand and, on the other, the benefit to readers from open access to and enjoyment of printed materials. Furthermore, the right to intellectual property is not absolute. Its development is enmeshed with the history of print culture and the growing dissemination of books in Britain and abroad, and it was far from uncontested. Although London publishers were the first to lay claim to intellectual property rights, their exclusive control over printed matter was challenged by "pirates," independent reprint publishers who acted to break a monopoly that distorted the literary marketplace. Assertions of authors' rights came comparatively late in this process. An author's claim to ownership over the fruits of his or her labours began to be conceptualized only after the middle of the eighteenth century, and only in the first decades of the nineteenth century did authors attempt to implement it. Our modern conception of authorship was formed within the relationships among publishers, the changing literary marketplace, and Regency

ESC 38.2 (June 2012): 29–48

writers like Byron and Jane Austen. It was constructed at the intersection of socio-economic practices and artistic creativity.

The Romantic construction of the author as autonomous genius has been called into question by study of the social and economic contexts in which the real "work" of art was actually done. Jerome McGann long ago warned against accepting Romanticism's self-representations at face value and elsewhere draws attention to the distortions inherent in "a Romantic conception of literary production" (*Critique* 8). Pointing the way to "a socialized concept of authorship," he argues that a literary work of art is "fundamentally social rather than personal," a process that inevitably entails interchanges with other writers, with editors and publishers, and ultimately with readers and the institutions that support their activities (*Critique* 8, 44). McGann's views have a strong kinship with D. F. McKenzie's reinscription of bibliography as a "sociology of texts," in which a book is not merely an object but a social product whose history must include both its making and use.[1] Authorship in the Romantic era was formed within these exchanges, and its genius in large measure was subject to material conditions. Any adequate understanding of authorship, then, must take into account the commercial environment in which it operates, because the circulation of texts occurs within a literary economy governed by structures of law, financial interests, and social practice.

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Copyright vs. Authors

For much of the Restoration and the eighteenth century, the firm of Jacob Tonson was one of the foremost publishers of literary texts in England.

1 Jerome McGann in *A Critique of Modern Textual Criticism* advances "a fully elaborated argument for a socialized concept of authorship and textual authority" (8). It was of course in *The Romantic Ideology* that he challenged our "uncritical absorption in Romanticism's own self-representations" (1). With respect to readers, McGann maintains that "the collaboration of the author with the institutions of publishing is an activity which cannot be adequately understood if we focus merely on the textual evidence of such co-operative processes. Because literary works are fundamentally social rather than personal or psychological products, they do not even acquire an artistic form of being until their engagement with an audience" (*Critique* 43–44). D. F. McKenzie in *Bibliography and the Sociology of Texts* states that "bibliography is of its nature … concerned specifically with texts as social products" (62) and remarks that "the vital interests of most of those known to me as bibliographers are no longer fully served by description, or even by editing, but by the historical study of the making and the use of books and other documents" (11). D. C. Greetham in *Theories of the Text* elucidates contrasting attitudes between "the analytical bibliographers of the Greg-Bowers school" and "those who see it as a mode of cultural interpretation (McKenzie, McGann, and the social text critics)" (419).

Asked which author had earned him the greatest profits, Tonson replied without hesitation, "Milton."[2] But at the time authors seldom enjoyed the economic benefits of their work to the same extent that the booksellers did. Copyright began as a legal device to protect the interests of those involved in the book trade and to provide printers and publishers with a return on their capital investment. Authors sold their work to a publisher, and it was the publisher who exercised copyright, which they regarded as their own property as recognized at common law. On that basis, publishers claimed the right in perpetuity to copy the works they had acquired, to make as many editions as they chose, and to sell off their copyright in a work to the highest bidder. Samuel Johnson, who took a close interest in the conditions under which books were produced, tells in detail how Milton contracted to sell *Paradise Lost* to Samuel Simmons for £20. He explains that Simmons sold the copyright for £25 to Brabazon Aylmer in 1680 and how Aylmer sold on his property to Jacob Tonson "at a price considerably enlarged." Tonson's 1688 folio edition established Milton's literary reputation, and his successors continued to publish *Paradise Lost* for years to come. Tonson published a new two-volume edition in 1749 with extensive notes and a prefatory "Life of Milton" by Thomas Newton, to whom Johnson owed his knowledge of Milton's contract. Newton, who can speak with some authority about the firm's financial dealings since he had access to Tonson's business records, suggests that Milton likely received only two instalments of £5 each before his death in 1674. "And what a poor consideration was this for such an inestimable performance!" laments Newton, "and how much more do others get by the works of great authors, than the authors themselves" (xxxvii). This piece of literary property proved so valuable to the publishers that when Jacob Tonson III died in 1767 the copyright of *Paradise Lost* was sold at auction for some £900.

Prior to the Statute of Anne in 1710, "copyright was principally a bookseller's affair," as Mark Rose explains (293), but this first British copyright act acknowledged authors' rights at least to the extent that it vested the first ownership of the right to copy a work in the author. In practice, however, authors routinely alienated this right by selling their work outright to

2 Peter Lindenbaum recounts the highlights of *Paradise Lost*'s publishing history, including the 1767 auction price for the copyright (33 and note). Johnson's comments on Milton's contract may be found in his essay on "Milton" in his *Lives of the Poets* (I 99–100). He follows closely the facts recorded by Thomas Newton in his "Life of Milton" in *Paradise Lost: A New Edition,* where on xxxvii Newton expresses his regret over the small return for "such an inestimable performance."

a publisher for a fixed and flat amount. Although the Act of 1710 for the first time imposed a limited duration on copyright of fourteen years (or the author's lifetime, whichever was longer), this was taken as applying to the author's claim, while publishers continued to assert their perpetual copyright in a work as a natural right to property which they had lawfully purchased. Not until much later in the century, after a complex series of lawsuits, was copyright recognized as a creation of statute (rather than a natural right) whose limitations publishers had to respect. Meanwhile, authors continued to have only one opportunity to negotiate the best terms they could gain when they sold their work. Once they transferred their copyright, they were entitled to no further compensation if their book proved a bestseller and went into multiple editions. Only occasionally would a publisher provide a further honorarium for an author to whom they might feel themselves obliged. Authors (unless they had personal wealth) did not exist independently from this social space of cultural production which was constantly being contested and negotiated.[3]

Publishers of course did not pay more than they had to for copyright in a literary work, although the amount could vary wildly depending on the reputation an author had established through the success of previous publications. Pope was paid more than £5000 for his six-volume translation of *The Iliad* which appeared between 1715 and 1720; meanwhile, Swift got £200 and no more for *Gulliver's Travels* in 1726, despite the fact that "it was received with such avidity, that the price of the first edition was raised before the second edition could be made."[4] Robert Dodsley, who "embodied the remarkable power of the big eighteenth-century booksellers," assembled a consortium of London publishers to back a project for an English dictionary, and in 1746 Johnson agreed to undertake the work, signing a contract over breakfast in the Golden Anchor near Holborn that would pay him £1575 in instalments (Hitchings 58, 210–21). The amount seems generous, were it not that Johnson would spend the next nine years at the task and had to pay all his own expenses. Two thousand copies of his *Dictionary of the English Language* comprised the first edition of 1755, priced at £4 10s. "in boards," a sum that would realize £9000 and provide

3 John Feather in *Publishing, Piracy, and Politics* explains copyright as a legal device and observes that "copyright is a property which has historically more often belonged to a publisher than to anyone else.… the author was a comparative latecomer into the development of copyright in England" (3–4).

4 Philip Gaskell in *A New Introduction to Bibliography* comments on Pope (183–84); Johnson's comments on *Gulliver's Travels* may be found in his essay on "Swift" (II 203–04).

Dodsley and his associates with a profit of £4500. Although the *Dictionary* would go into five editions in Johnson's lifetime (the duration of his copyright), he received no further benefit. In fact, barely a year after the first edition was published, Johnson was arrested for a debt of barely £6, nor did he achieve financial stability until 1762 when he was granted an annual state pension of £300 by George III. Ironically, the author who in his *Letter to Lord Chesterfield* declared himself "unwilling that the public should consider me as owing that to a patron, which providence has enabled me to do for myself" found it necessary to compromise with larger capital interests. Although Johnson affirmed the author as "the true source of his work," he could not achieve independence without exchanging the tyranny of aristocratic patronage for the rigours of the prevailing social and commercial systems of his day.[5]

The hegemony of the London booksellers was not uncontested. In the latter part of the eighteenth century, their dominance of the cultural field was challenged by members of the rising Scottish book trade. The so-called "Battle of the Booksellers" transformed the book trade; it emboldened authors to redefine themselves as producers of valuable properties and to take a stronger position in regard to their rights. The dynamics of this process is captured in Bourdieu's principle that "the field of cultural production is the site of struggles in which what is at stake is the power to impose the dominant definition of the writer.... the monopoly of the power to consecrate producers or products" (42). The struggle in question here was first of all the result of transgression by unconsecrated producers of the boundaries set by a gentleman's agreement among the London publishers. One of these unholy figures was Alexander Donaldson, an Edinburgh reprinter of English editions, whose cheap and unauthorized productions made him guilty of book piracy in the eyes of the publishing establishment. For example, in 1761 Donaldson reprinted Young's *Night Thoughts* in the pocket-sized duodecimo format and then in 1769 issued an eight-volume *Works of Shakespeare*, likewise as a compact and affordable 12mo. When he reprinted Thomson's *Seasons*, a suit was launched in the Court of Chancery by Thomas Beckett on behalf of the London booksellers who claimed an exclusive right to issue copies of these works. *Beckett v.*

5 Alvin Kernan regards the *Letter to Lord Chesterfield* "as the Magna Carta of the modern author, the public announcement that the days of courtly letters were at last ended, that the author was the true source of his work and that he and it were no longer dependent on patron or the social system he represented" (105). However, while Johnson was intent on asserting the author's independence from the patronage he could not escape a social system which was coming to be dominated by commercial interests.

Donaldson eventually reached the House of Lords, where a decision was reached denying all claims to perpetual copyright and reaffirming the Act of 1710, under which the right to reprint copies was deemed to be a statutory grant of a *limited* monopoly. Donaldson had won, and the effect of this ruling in 1774 was to establish that copyright did in fact expire after the term specified in the Copyright Act and to open the market to competition. The Scottish "pirates" represented by Donaldson had refused to accept an unlimited English monopoly. Once their low-priced reprints were allowed to circulate freely "copy owners were forced find new books to publish" (Feather 89–94), and authors were enabled to make new demands for greater control over the fruits of their labour.[6]

Early nineteenth-century print culture in Britain inherited this system of social practices and institutions, along with its struggles to define who could share a rightful claim to be the producers of its products. Previously, publishers had "consecrated" themselves as the principal producers in the cultural field and authors had largely served the book trade's interests. But after disputes arose within the trade itself and the case of *Beckett v. Donaldson* enforced the legal limits of copyright, the balance of power began to shift. Once British authors grasped the nature and role of copyright, they became more assertive of their rights as agents within the field of cultural production.

Wordsworth offers an early example of an author who chafed at what McGann calls "the conventions and enabling limits that are accepted by the prevailing institutions of literary production" (*Critique* 48). Late in May 1798 he agreed a price of 30 guineas with Joseph Cottle for the copyright to *Lyrical Ballads*, but Cottle soon experienced the financial difficulties that led to an agreement with J. and A. Arch to publish the poems in London. When Cottle dissolved his business the next year, he managed to sell all his copyrights to Longman. So little did Longman value the rights to *Lyrical Ballads* at the time that he left the copyright with Cottle, who returned it to Wordsworth (Butler 151). However, the first edition eventually sold well enough that Longman reconsidered. He approached Wordsworth in 1800 to reissue it, and they arrived at an agreement (that Coleridge helped negotiate) wherein they would be paid £80 for two further editions, with the added stipulation that Longman's "right of copy in this work ceases" once these sold out (Wordsworth I 310).

6 Feather observes that "changes in the book trade in the late eighteenth and early nineteenth centuries … made authors more aware of their role in the creation of valuable properties. As authors became more powerful, they too began to take an interest in copyright matters" (122–23).

The rights of authorship became a recurrent theme in Wordsworth's thoughts. How canny he was in claiming the reversion of his copyright with respect to *Lyrical Ballads* is evident in a comment he made in a letter to his brother as negotiations were proceeding with Longman: "The first edition of the Lyrical Ballads is sold off and another is called for by the Booksellers, for the right of printing 2 editions … I am offered by Longman £80. I think I shall accept the offer as if the books sell quickly I shall soon have the right of going to market with them again when their merit will be known" (I 283). The benefits of "going to market" for an author who was prepared to exercise his legal rights increased markedly after the new Copyright Act of 1814 extended the term of copyright from fourteen to twenty-eight years. Even so, in an 1819 letter Wordsworth continues to express the familiar complaint that the book trade unjustly profits at the expense of literary genius: "[T]he duration of Copyright … in respect to Works profound in philosophy, or elevated, abstract, and refined in imagination, is tantamount almost to an exclusion of all pecuniary recompense for the Author … while Booksellers are reveling in luxury upon gains derived from Works which are the delight of many Nations" (III 534–35). Wordsworth considered the duration of copyright central to the struggle between writers and publishers. In fact, he became an advocate for a complete reversal of powers with respect to perpetual copyright, which he believed should belong to the author by right and could be passed down to the benefit of his or her heirs and estate. As authors grew more aware of the commercial value of the intellectual property they created, they developed an interest in copyright and strove to assume a greater degree of agency in the production of their works.

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The publishing history of Jane Austen's novels provides another excellent example of the way authors could benefit by the retention of their copyrights. Like many of her heroines, however, Austen achieved success through a combination of determination and good luck in navigating her way through the prevailing social system of her time. From a seemingly unpromising beginning when she had to publish *Sense and Sensibility* at her own expense, Austen soon learned that the products of her pen could provide her with handsome returns once she understood how the game was played.

Thomas Egerton agreed in 1811 to publish *Sense and Sensibility* "on commission … the author paying expenses and taking receipts—subject to payment of a commission to the publisher handling the book—while retaining the copyright" (Gilson 8). When the first edition was sold out, Egerton advised her in 1813 that he would be willing to publish a second

edition on the same terms. Austen, who always had a keen eye for material conditions, was quick to see the advantages of taking the risk. She expresses herself with characteristic frankness about money in a letter of 3 July 1813 to her brother Francis: "You will be glad to hear that every copy of S & S is sold & that it has brought me £140—besides the copyright, if that should ever be of any value—I have now therefore written myself into £250—which only makes me long for more" (217). In reckoning her profits, she is taking into account the sum she received from Egerton for *Pride and Prejudice*. She records the outcome of negotiations with the publisher in a letter written the previous November: "P & P is sold—Egerton gives £110 for it. I would rather have had £150, but we could not both be pleased, & I am not at all surprised that he should not chuse to hazard so much" (197). However, the arrangements made through her brother Henry (who often handled her business affairs) turned out to be less than favourable. The copyright had been sold outright in the conventional eighteenth-century way and brought her no further returns: "*Pride and Prejudice* brought the author £110 and no more" (Chapman 339). By alienating her copyright she lost control of her text both artistically and financially. Chapman thought that she did not take the opportunity to correct errors for the second edition issued by Egerton in 1813 simply because he did not consult her about it (341). In the same way, Egerton exercised his legal right to copy when he printed the third edition of *Pride and Prejudice* in 1817 without further authorization or payment to her or her estate.

Her experience with the success of her most popular novel led her to be more astute in the publication of her later works. It seems more likely that as her reputation grew she chose to publish at her own expense in order to retain control over her copyrights rather than because she could not publish in any other way. Although she entrusted the first edition of *Mansfield Park* to Egerton in 1814, she seems to have done so on a commission basis in which she retained copyright (Gilson 48). Furthermore, in 1816 she chose to make new arrangements with John Murray for the second edition, either because she was dissatisfied with Egerton's failure to promote sales of her third novel or because she lost patience with him over his sharp practice with respect to *Pride and Prejudice*. Murray entered into an agreement to publish *Emma* in 1815, according to Gilson, "at JA's expense, but with profits to the author after a payment of a 10 per cent commission to the publisher" to cover production costs (68). The assurance of Henry's negotiating manner is nicely captured in his rejection of Murray's offer to purchase his sister's copyrights:

> The Terms you offer are so very inferior to what we had expected, that I am apprehensive of having made some great Error in my Arithmetical Calculation.... Documents in my possession appear to prove that the sum offered by you for the copyright of Sense & Sensibility, Mansfield Park & Emma, is not equal to the money which my sister has actually cleared by one very moderate Edition of Mansfield Park ... & a still smaller one of Sense & Sensibility. (Austen 293–94)

For her part, Jane Austen dismisses Murray's offer in a way that is at once knowingly mocking and self-assertive: "Mr. Murray's letter is come; he is a rogue of course, but a civil one. He offers £450 but wants to have the copyright of MP and S&S included. It will end in my publishing for myself I dare say" (291). By these manoeuvres, Austen achieved a high degree of agency within the restrictions of the cultural field of her time. Indeed, the process by which Austen took ownership of her texts served her and her family well: her profits from the four novels published during her lifetime are believed to have amounted to £700 (Smiles 1 283). Her writing certainly provided a decent return in terms of both fame and fortune, all at a time well before an author could grow rich from the per-copy royalties generated by a bestseller.

Bestselling authors made the most of their advantage in the early nineteenth century, as they used their leverage with the reading public to strive for a greater degree of autonomy by extracting better terms in their negotiations with the book trade. Such authors mark the transition at this time from the old reliance on patronage through a new marketplace dominated by a coterie of publishers to a more entrepreneurial model of authorship. In his study of the evolution of copyright in Britain, John Feather names Walter Scott as "perhaps the first to exploit to the full the economic potential of authorship" (6). But such complex dealings were not without considerable risks for authors, as Scott's eventual bankruptcy makes clear. The details of Scott's financial arrangements, contractual obligations, and partnerships with his publishers would certainly repay further study. Byron, the only writer who could rival Scott with the public at the time, on the other hand provides an instructive example of how a self-conception of the nature of authorship could evolve amid contestation with the institutions of literary production.

Byron enjoyed amicable relations with John Murray during his early years of fame, but his attitude to his publisher grew increasingly testy as he began to appreciate the phenomenal value of the works he was producing. During the days of his first success, Byron disdained the notion

of professional authorship. An entry in his journal for 27 November 1813 indicates how he treasured writing only as means of distraction and that publication was simply an afterthought: "To withdraw *myself* from *myself* (oh that cursed selfishness!) has ever been my sole, my entire, my sincere motive in scribbling at all; and publishing is also the continuance of the same object" (III 225). He demonstrated his sincerity in rejecting base financial motives by making a gift of the copyright for *Childe Harold* to his friend and advisor R. C. Dallas, who negotiated the publication of the first two cantos in 1812. Murray paid £600 for the rights to the poem, and Dallas had the good grace to invite Byron to reconsider his enormous generosity: "I said 'How can I possibly think of this rapid sale, and the profits likely to ensue, without recollecting'—'What?' interposed Byron. 'Think,' continued Dallas, 'what sum your work may produce.' 'I shall be rejoiced,' said Byron, 'and wish it doubled and trebled; but do not talk to me of money. I never will receive money for my writings' " (Smiles 211). A few months later Murray offered Byron the princely sum of a thousand guineas for "The Giaour" and "The Bride of Abydos" and soon after paid Dallas £500 for "The Corsair." Early in 1814, sensing that Byron took a greater interest in his growing fame than in the money it was generating, Murray wrote to him effusively describing the response to the publication of these works:

> I sold, on the day of publication,—a thing perfectly unprecedented—10,000 copies; and I suppose thirty people who were purchasers (strangers), called to tell the people in the shop how much they had been delighted and satisfied. Mr. Moore says it is masterly.... and Gifford did what I never knew him to do before—he repeated several passages from memory.... You have no notion of the sensation which the publication has occasioned; and my only regret is that you were not present to witness it. (Smiles 223–24)

Byron wrote back immediately expressing his "personal obligation" to Murray and continued a business correspondence with him over the next few days. By now, Byron was taking a greater interest in the circulation of his poems. It seems a bookseller named John Ridge (whom Byron castigates as "the Newark Pirate") was selling unauthorized reprints, and on 6 February 1814 Byron reports to Murray on the steps he was taking against him: "Master Ridge I have seen—& he owns to having reprinted some sheets to make up a few complete remaining copies!—I have now given him fair warning—& if he plays such tricks again—I must either get an injunction—or call for an account of the profits—(as I never have parted

with the Copyright)" (IV 45–47). Reluctant though he might have been, unforeseen developments in the marketplace were making Byron more vigilant over his intellectual property and more aware of the consequences entailed through the social production of his texts.

Byron's attitude to professional authorship changed as his debts mounted and he grew familiar with a larger world of literary culture during his years on the continent. He developed a greater appreciation for what he had come to call "Brain-money," as he wrote in a letter to Hobhouse and Kinnard from Venice on 19 January 1819: "I have been cloyed with applause & sickened with abuse;—at present—I care for little but the Copyright,—I have imbibed a great love for money....—I will never consent to pay away what I *earn*—that is *mine*—& what I get by my brains" (VI 91–92). In an attempt to take charge of his affairs while abroad, he entrusted Douglas Kinnard with the task of negotiating with Murray on his behalf. By 1821, he instructs Kinnard to explore the possibility of a profit-sharing agreement with Murray (rather than outright sale of his copyright), and warns against the venality of publishers: "There is another way of settling the matter.——This would be to run the risk with the publisher—and *divide* expences *hazard* & *profits*.—The booksellers always *discourage* this—& when it is tried—contrive to keep back the sale—and to so manage the accounts so as to make the authors ostensibly the losers" (VIII 230–31). Byron proceeds to give Kinnard a financial analysis of his publishing career in which he speculates that if he had "gone *halves*" with Murray since 1812 he would have earned much more and calculates that "the years yet to run (that is *twenty* more) of the copyright" would yield further handsome returns.

By now Byron had become intensely shrewd about the social conditions of authorship and unabashedly willing to exercise professional agency. In the course of becoming a highly successful author, he models a growing insistence on authors' rights and an impulse toward autonomy. But he understands that his claims to be a free agent must be fought out within a battleground of prevailing social and commercial practices. He respects Murray's position, while at the same time acknowledging that he is engaged in a struggle with him: "I believe M. to be a good man with a personal regard for me.—But a bargain is in its very essence a *hostile* transaction....—I contend that a bargain even between brethren—is a declaration of war. —Now this must be much more so in a Man like M. whose business is nothing but a perpetual speculation on what will or will not succeed" (VIII 153). Individual genius had to arm itself in the Romantic era, as the field of cultural production began to reveal itself more as a remorseless *champs de bataille* than terrain governed by a gentlemanly code.

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Literary Piracy Reconsidered

In this shifting landscape of commercial relations, the interests of readers were served by an increasingly competitive environment as much as those of authors. The concept of the social text draws attention not just to the production of books but also to their use as they circulate through literary culture. But no more than authors are readers autonomous. Readers must depend on those institutions of print culture that support reading, such as bookstores, reviews and literary journals, and circulating libraries. These intermediaries between authors and readers form a necessary part of the social relations of the literary marketplace, where once again the power of established publishers is diminished by changing practices. In this broader ecology of cultural exchange, book pirates occupy an important niche.

Beginning in the autumn of 1824, William Hazlitt spent a year on the continent. He passed the winter in Italy and then made his way via the Simplon to Switzerland. All the while, he read Walter Scott and kept up with news from home. He tells us he spent time on his travels immersed in "Scotch novels (to be had in every library on the Continent, in English, French, German, or Italian, as the reader pleases), or M. Galignani's Paris and London Observer" (x 287). His mention of lending libraries and his reference to Galignani suggests that, like many other travelers of the age, Hazlitt benefited from systems of support for reading developed by the continental book trade.

The commercial ventures launched by the entrepreneurial Galignani family had developed into something of a media empire by this time. With deep roots in the book trade, they established themselves as prominent booksellers in Paris near the beginning of the nineteenth century. Like other booksellers of the time, they also set up a circulating library whose large collection of books supplemented their sales. They soon developed a printing and publishing operation and earned a reputation as aggressive distributors of books, especially those from Great Britain. Although often vilified as foreign "pirates," the Galignanis (father and then sons) also performed a real service to English-speaking travelers, acknowledged repeatedly by Hazlitt and his contemporaries, through editing, printing, and distributing a whole range of periodicals and newspapers which was often an expatriate's only lifeline to news from home. Most important, by publishing British books in France they contributed in no small way to the spread of reading and the growth of an international reading public that since the Enlightenment had come to be regarded as essential to social progress.

Donald Reiman represents the opinion of modern literary historians when he condemns the "piracies" of Galignani as acts of "felony"; at the same time, he draws attention to "the many faces" of this bookman's enterprise (IX 308, 314–15). However, harsh judgments of the Galignani family as literary pirates may be mitigated somewhat when seen in the larger context of a changing book trade and ought at least to be tempered by a recognition of the many ways they served the public interest of readers in an expanding marketplace. If they did sometimes reprint English books without payment, they offered those books in the first place to their clients in Paris. Furthermore, they not only sold books but they promoted the reading of British books in France through their *British Library* series as well as through their highly-esteemed circulating library housed in their Paris reading rooms. Perhaps even more importantly, they spread the news travelers craved not just about events at home but also about the latest books and authors.

It is only fair to balance Galignani's aggressive ventures in reprinting English books against his vital contributions as an information-provider. The firm dedicated itself to satisfying the appetite for news from across the Channel during the Napoleonic wars and after. In 1807, it launched *Galignani's Repertory or Literary Gazette*. This journal printed excerpts from the British press covering activities in the arts, developments in science, and reviews of the most recent literature. In this project there was a fine line indeed between theft and the freedom of information to circulate. In 1814, with a growing market of English speakers flooding the Continent in consequence of the fall of Napoleon, Galignani issued his *Pictures of Paris,* soon to become his *New Paris Guide*, which was updated annually until 1900 and quickly became an indispensable tourists' guidebook. In the same year, Galignani's *Messenger* was begun. This English-language newspaper was the firm's most successful venture and made Galignani a household name. It linked news-hungry expatriates with events at home and was so widely read that it became a frequent reference point: Byron for example declared himself to be its "constant reader" and relied on it as his only source of knowledge concerning parliamentary debates (Barber 283). This remarkable vehicle of communication, it seems, had begun as a simple handwritten bulletin announcing the arrival of the latest books from England, which Galignani posted on the wall of his lending library in Paris.

Galignani's reading rooms quickly became a meeting place not to be missed by any visitor to Paris in the years after Waterloo. Here patrons could consult the latest English, French, German, and Italian newspapers

and reviews, as well as subscribe on reasonable terms to borrow the latest books in English, French, German, and Italian. According to its catalogue of 1813, Galignani's *salon littéraire* possessed 1,440 titles, and by 1817 the circulating library's collection had grown to twenty thousand volumes. The reading rooms seem to have taken on some of the trappings of a gentleman's club, where a book of "arrivals and addresses of the English in Paris" was kept to facilitate introductions and socializing and where letters could be directed and picked up through a *poste restante* service.

Of course when trade relations with England reopened after the wars, British books that had been reprinted in France made their way in large numbers back across the Channel. But Galignani was not alone in taking advantage of this revitalization of trade. The firm of Baudry was established in Paris in 1815 expressly to take advantage of the opportunities for cheap French reprints in the British market, as did established publishers like Barrois and Ballière in Paris and Treuttel and Wurz of Strasbourg. Furthermore, certain inequalities that existed between the book markets in France and England need to be taken into account. For one thing, costs of production were lower in France, partly because of abundant supplies of paper but also because of the taxes levied on printed materials produced in Britain, of which the infamous Stamp Act is only one example. Also, copyright laws in England giving monopoly rights in an author's work to a particular publisher acted to suppress competition and keep book prices high.[7] Finally, while Galignani and his sons (who took over the business in 1821) undoubtedly exploited their competitive advantage due to lower costs, they can scarcely be blamed for doing so at a time when no regulations or agreements regarding international copyright existed.

William St Clair points out that "Galignani's editions were, in the eye of the French law, not piracies" at all (296). Laws governing copyright applied only within the borders of a particular nation. Restrictions on who could publish what could only be enforced locally, and English laws had no effect in France. Copyright for British books published in France could indeed be secured, but that could happen only by entering into an agreement with a French publisher who secured a purely French copyright by publishing the book on French soil. For this reason, English writers like Hazlitt eagerly sought to make deals with French publishers like Galignani to secure a French copyright for their works.

7 William St Clair in *The Reading Nation in the Romantic Period* argues that "whereas the British publishers were defending an entrenched monopoly position, Galignani and the foreign pirates were venture capitalists, operating at the leading edge of production and marketing" (304).

Byron, Moore, and Scott also negotiated with Galignani to establish rights to their works in France (Barber 275–76). Walter Scott was offered £105 by the Galignani brothers in 1826 for the French rights to his *Life of Napoleon*, evidence that they entered into contractual agreements with authors and did not simply hijack British books. Thomas Moore co-operated willingly with Galignani in order to secure rights that would prevent other French publishers from issuing even cheaper reprints of his works. His complete works, including the *Irish Melodies* and "Lalla Rookh," appeared under the Galignani imprint in 1819 and gave this Irish author visibility on the continent.

Exchanges in Byron's correspondence cast light on his relations with his publisher John Murray respecting Galignani and the desirability of securing French copyright protection. As early as 1818, Byron gave Galignani his signed permission in a letter of 20 April for exclusive rights to publish his works within France and "to draw from them the number of editions that will suit them" (VI 33). Later, Byron sent documents to Murray concerning his agreement with the Galignanis, offering his English publisher the opportunity to enjoy the benefits of a French copyright. When Byron tells Murray, "You have now I think an opportunity of checking—or at least limiting those French republications" (VII 225), his use of the plural can be read not as an attack on the Galignanis but as an invitation to use the agreement with Galignani as a means to control publication abroad and to exercise the French copyright to prevent other publishers like Baudry from reprinting his works. Murray was slow to take action, however, and Byron complained that his English publisher "behaved shabbily … in not thanking me for my very civil behavior about Galignani's copyrights" (IX 84). When Murray finally did reach an agreement with Galignani, Byron wrote to Kinnaird in 1823 accusing Murray of "baseness," first, in not acknowledging the poet's generous offer of his French copyright and, second, in taking all the profit for himself: "by this he got some thousand francs—and formed other arrangements with Galignani" (X 134). Byron's accusation clearly demonstrates that the Galignanis paid, and paid well, for some of the most important British books they published and were willing to form other arrangements with English publishers. And the arrangement Murray made with the French publishers adds further hard evidence to support Barnes's contention that, far from being freebooters, the Galignanis indeed acted as agents for English publishers (294).

Because of their monopolistic position in the British market, publishers like Murray thought they could afford to be complacent. Control of the market enabled English publishers to keep prices artificially

They were far more than unconsecrated interlopers.

high. Without doubt Galignani took advantage of market conditions in undercutting those prices. According to figures compiled by St Clair (519), Murray was charging 42 shillings for his 1819 edition of Byron's *Poetical Works*; meanwhile Galignani was able to price his 1826 edition of Byron at 20 shillings. Considering the price differential, it is not surprising that Murray should complain that fifteen thousand copies of this piracy had flooded into Britain by 1828. Longman likewise charged 42 shillings for a copy of Wordsworth's collected works. When Wordsworth heard a report that a bookseller had said he could sell ten times the number of copies if the price were cut in half, he discussed the matter with his publisher but allowed himself to be persuaded by Longman that high book prices were good for authors as well as publishers. Wordsworth inveighed against "those vile French piracies" but himself owned a copy of Galignani's 1829 edition of *The Poetical Works of Coleridge, Shelley, and Keats, complete in one volume* (St Clair 301–02).

Considering all they accomplished, it ought to be admitted that demonization of the Galignanis as pirates may be overly dramatized and somewhat partial. They were far more than unconsecrated interlopers. They played gracious host to the English-speaking community in Paris for years, providing a home away from home in a club-like atmosphere. They gave generations of travelers the benefit of their insiders' knowledge of their city in their Paris guides, and they relayed longed-for news from home in their newspapers. With respect to book publication, they often entered into contractual agreements with and offered fair remuneration to copyright holders. Where they published without permissions, we must bear in mind that they were not bound by English copyright laws; it must also be added that when a bilateral agreement between France and Great Britain that became the basis of international copyright regulation was finally reached in 1852, Galignani & Co. willingly abided by it (Cooper-Richet 28–29). If in the 1820s and 1830s they undercut their English competitors with their cheap editions, it was not a crudely predatory act on their part but because economic conditions, including high taxes and monopolistic behaviour, had artificially inflated prices in the English market. And let it not be forgotten the damage they did was to the London publishers, who still sought to benefit from their exclusive claims and reaped profits they were not always obliged to share with authors. If the Galignanis were occasionally guilty of violating the moral rights of authors to their intellectual property, they also served the long-term interests of those authors by giving them exposure to vast European markets and maintaining their profiles at home. Finally and most importantly, they served the interests

of readers, and along with that a wider public interest, by promoting the unrestricted circulation of texts.

Intellectual Property

The belief that the widest possible circulation of printed materials serves the public interest is enshrined as early as 1710 with the British Copyright Act's express dedication to "the Encouragement of Learning." At a time when writers seldom grew rich through their works, they might still measure the fruits of their labours in terms of fame and the influence of their thoughts on the progress of humankind. While authorship became an increasingly professionalized and entrepreneurial activity during the early nineteenth century, authorship also came to be regarded as a means to change the world. The potential for intellectual progress and social reform generated by the dissemination of the printed word called forth a new and intensified reading model, an "ethics of reading" that acknowledged its social benefits and recognized the reader along with the author as vital agents in the field of cultural production (Harding 46–47).

"The usefulness of social communication" was regarded by William Godwin as indispensable to the achievement of a just society. Writing in itself could not be an instrument of social amelioration without its dissemination and reception through education and the response of readers. No restrictions should be placed on this circuit of communication, he writes in *Political Justice*, if humanity is to progress toward liberty: "With what delight do we contemplate the progress of intellect, its efforts for the discovery of truth, the harvest of virtue that springs up under the genial influence of instruction, the wisdom that is generated through the medium of unrestricted communication" (II 288–89). The ethical value placed here on "unrestricted communication," not to mention its political efficacy, highlights the Enlightenment's commitment to freedom of thought. The larger social benefit of a free circulation of ideas and the texts that convey them forces a deeper consideration of intellectual property, along with the rights and interests served by print culture.

Martha Woodmansee has written persuasively to show that the rise of the author's right to intellectual property was a phenomenon of the mid-eighteenth century, prompted by the internalization of inspiration accomplished in Young's *Conjectures on Original Composition* (1759). This theory of originary genius led to a new construction of the author as a unique creative agent, entitled to ownership of property guaranteed by copyright (Woodmansee 429–31). While this right was a necessary condi-

tion for the formation of a modern conception of authorship, it was not as we have seen a sufficient one. Making something thinkable is not enough to implement it and make it actual; material conditions also have to change. In the case of early nineteenth-century authorship, struggles had to be engaged to limit publishers' rights and to create a more competitive book market, both on the national and the international scale. Reprint publishers, derogatorily branded as pirates by those who stood to lose, played a vital role in this process. They successfully challenged what was in essence "a tight corporate cartel" among London publishers (St Clair 64), and they contributed to the professionalization of authorship by making writers more vigilant about the control of their copyrights.

Making something thinkable is not enough to implement it and make it actual.

While Regency authors began to claim ownership of their works, their right to intellectual property remained enmeshed in social relations and the interests of others. They had to bargain hard with publishers to retain their copyright in a work or to have it revert to them after a stipulated number of copies or editions were sold. They could not depend on any steady remuneration proportionate to their sales, for the practice of paying authors or their estate a standard royalty on the order of 10 to 12.5 percent of the income from each copy sold did not become common until the 1880s (Feather 179). Writers might still receive only a single flat payment for the right to print their work, and that amount could vary considerably depending on authorial reputation. Thus the market of readers also conditioned the autonomy of authors. Furthermore, increasing recognition of the social utility of reading encouraged writers to serve the broader interests of intellectual progress and political justice. Through the activity of readers inspired to reach for those goals, the private property of authors was harnessed for the larger public good. Thus an intellectual property might be transformed into a social property. In these historical developments, then, we may trace the roots of our modern-day conflict between the rival goods of creators' rights and of open access to information.

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