Plagiarism and Property

Paulina Kewes

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Abstract and Keywords
This chapter examines efforts to control plagiarism and the changes in the practice of appropriation of plays in England during the period from 1660 to 1710. The Restoration saw a growing concern with the integrity of an author's work and that concern was reflected in the changing organization and formats of play catalogues. During the 1650s, play catalogues listed the titles of the plays. This changed in the 1680s and 1690s when Gerard Langbaine produced catalogues that listed the authors instead of play titles.

Keywords: playwriting, England, plagiarism, play catalogues, Gerald Langbaine, Restoration

As Laws are made for the Security of Property, what pity tis that there are not some enacted for the Security of a Man's Thoughts and Inventions, which alone are properly his?

John Dennis, ‘To the Spectator’ (1711), in Critical Works, ii. 27

Quest. What is Property?

Answ. Wou'd any body wou'd tell us.

Athenian Mercury, 17 Apr. 1694
UNTIL now we have concentrated on appropriation as it was practised and justified by leading amateur and professional dramatists of the late seventeenth century. Many of them, as we have seen, overtly acknowledged the sources of their plays; others deliberately suppressed them. We have also surveyed controversies provoked by the use of source materials in individual plays. It is now time to turn to the more sustained and theoretically oriented criticism that was directed at the practice of appropriation.

In the last decades of the age the demand for the explicit acknowledgement of sources intensified. The preoccupation with the integrity and legitimacy of source materials reflects a new perception of the relationships, links, and affinities between old texts and new ones. An awareness of the rapidly expanding market for printed playbooks prompted an enquiry into the licence of authors to appropriate older texts. It also raised questions about the status of authorship which remain unanswered to this day.

The Restoration saw a growing concern with the integrity of an author's œuvre. That concern is reflected in the changing organization and formats of play catalogues. The first catalogues of plays were produced in the 1650s. They were lists of titles of plays. Plays rather than authors were the commodity for sale. In Gerard Langbaine's catalogues of the 1680s and 1690s, however, the organizing principle shifts from play to author. That development belongs and contributes to a larger one: the production of a novel form of dramatic criticism, a biographical one, which takes the author rather than the play as its starting-point.

The emergent notion of plays as property is particularly conspicuous in Langbaine's *Momus Triumphans* (1688) and *An Account of the English Dramatick Poets* (1691). Langbaine's thinking is in some respects representative of his time, in others markedly innovative. While he is well known for his identification of sources and for his severe denunciation of plagiaries, especially of Dryden, his critical views have remained virtually unexplored. What was it that induced him to undertake the grand project of listing all the plays ever written in English and documenting the materials out of which they were fashioned? Why did he structure his compilations as he did? The conceptual basis of Langbaine's position is, I shall argue, both complex and—even though it has its confusions—significantly theoretical. His is the earliest speculative attempt to consider the implications of dramatic appropriation in terms of the authorial ownership of texts.

Langbaine Traduced
Biographical sources refer to Gerard Langbaine (1656–92) as ‘the Younger’, in order to distinguish him from the great scholar Gerard Langbaine ‘the Elder’ (1608–57), provost of Queen's College Oxford, of whom he was the second son. The ‘Younger’ Langbaine was sent to London and apprenticed to a bookseller, Nevil Simmons, in St Paul’s Church-yard in February 1672. Upon the death of his brother, William, several months later, he returned to Oxford to study at University College. Langbaine was not a model undergraduate. As Anthony a Wood reports, ‘tho’ put under the tuition of a good tutor, yet by his mother's fondness he became idle, a great jockey...and run out of a good part of the estate that had descended to him’ (iv. 364). His marriage in 1675 was followed by a period of financial recklessness in London and elsewhere. In town he pursued the taste for playgoing that he had acquired during his apprenticeship. By the early 1680s, shortage of money had obliged (p.98) him to return to Oxford. There the ‘natural and gay geny that he had to dramatic poetry’ was cultivated not in the theatres but in the study. ‘My inclination to [Dramatick] Poetry’, Langbaine records in the preface to *Momus Triumphans*, ‘has led me not only to the view of most of our Modern Representations on the Stage, but also to the purchase of all the Plays I could meet with, in the English Tongue’ (sig. A2v). His increasingly sophisticated dramatic catalogues were the product of his reading of the plays he had bought.
Langbaine is best known as the scourge of Dryden. Generations of scholars and critics have denounced his attacks on Dryden for plagiarism, which they have attributed to pedantry, to personal malice, to eccentricity of temperament, even to doubtful mental stability. James M. Osborn asserts that ‘even his contemporaries recognized that Langbaine suffered from a fixation’. The California editors of the *Works of John Dryden* refer to the ‘stern forensic’ and ‘pedantic fury’ of this ‘most relentless accuser of Dryden as “plagiary”’. Thomas Mallon calls Langbaine's *Momus* ‘a nasty little bibliography’; Michael Dobson characterizes it as ‘an ownership-obsessed catalogue’; and John Loftis describes Langbaine's later compilation, *An Account of the English Dramatick Poets*, as manifestly ‘ill-tempered’. James and Helen Kinsley state that Langbaine's ‘long entry on Dryden is substantially an arraignment for plagiarism, and of no serious critical interest’. These writers explain Langbaine's censure of Dryden in terms not of his critical premisses but of personal animus. Langbaine is alleged to have blamed Dryden for an episode during the publication of his dramatic play list of 1688. When the work appeared his title, *A New Catalogue of English Plays*, had somehow been changed to *Momus Triumphans*, Momus being a carping critic. Langbaine was understandably upset by the substitution. He complained, in the Advertisement to the ill-fated catalogue, that as many as 500 copies of it had been sold before he succeeded in restoring the correct title, so that now he ‘must depend upon this Apology, that my Friends may not think me Lunatick’ (as they might with reason, were this Title my own). Langbaine's dislike of Dryden is indeed unmistakable. But there is no evidence either that Dryden was responsible for the change or that Langbaine held him to be.

At most, the recognition of the importance of Langbaine's work by literary critics has been fleeting and grudging. By contrast, historians of drama, editors, and textual scholars have been alive to Langbaine's status as the earliest (and still a valuable) authority on the sources of English plays. (He is cited in that capacity throughout the successive volumes of the California edition of *The Works of John Dryden*.) Yet they too have neglected to examine the theoretical and critical premisses of Langbaine's work.

‘Declared Authors’, ‘Supposed Authors’, and ‘Anonemous Plays’
Booksellers’ catalogues were becoming increasingly common in the seventeenth century. Some of them listed the titles published by individual stationers. Thus the catalogue which was bound with copies of William Cavendish’s *The Varietie* (1649) advertised to the ‘Courteous Reader, these Books following...printed for Humphrey Moseley, at the Princes Armes in St. Pauls Church-yard’. Moseley’s list is divided into several subsections: ‘Various Histories, with curious Discourses in humane Learning, &c.’; ‘Books in Humanity lately Printed’; ‘Books in Divinity Lately Printed’; ‘Choyce Poems with excellent Translations, by the most eminent wits of this age’; ‘Poems lately Printed’; ‘Incomparable Comedies and Tragedies written by several Ingenious Authors’; and ‘New and (p.100) Excellent Romances’. Other catalogues enumerated the books representative of a specific genre or class such as playbooks which had been published over a number of years with diverse imprints, but which could now be obtained from a specific bookseller. The suppression of play-acting by the Puritans in 1642 stimulated play reading and gave a boost to play publishing. Eager to make their old and new wares known to the potential clients, members of the trade started to compile inventories of plays on offer.¹⁰

These commercial listings did not circulate independently. They were, as a rule, bound in with copies of individual plays. For instance, the text of Thomas Goffe’s *The Careles Shepherdess* (1656) was accompanied by *An exact and perfect Catalogue of Playes that are Printed*. The catalogue comprised an alphabetical list of titles available from the publishers of Goffe’s play, Richard Rogers and William Ley. Appended to the collaborative *The Old Law* of the same year was *An Exact and perfect Catalogue of all the Plaies that were ever printed; together with all the Authors names; and what are Comedies, Histories, Interludes, Masks, Pastor-els, Tragedies*. The novelty of this listing, which advertised the stock of Edward Archer, was its inclusion of the names of the authors and its pioneering attempt to provide a generic classification of the plays. Also in 1656, two other publishers, Gabriel Bedell and Thomas Collins, inserted a catalogue of books, including a separate list of plays which they had on offer, into the edition of Walter Montague’s translation from the French, *The Accomplish’d Woman*. ‘Courteous Reader,’ they wrote, ‘You may please to take notice, that here are some few Playes worn out of print, which we purpose to reprint; and there are several other Books in the Note also grown scarce, and but smal numbers left. The reason of this intimation, or printed Catalogue, is to perpetuate the memory of the said Books and Copies belonging to your Servants.’
Play catalogues continued to be issued after the Restoration. A True, perfect, and exact Catalogue of all the Comedies, Tragedies, Tragicomedies...that were ever yet printed and published, till this present year 1661 advertised the stock of plays ‘all which you may either buy or sell at the several shops of Nath. Brook at the Angel in Cornhil, Francis Kirkman at the John Fletchers Head, on the Backside of St. Clements, Tho Johnson at the Golden Key in St. Pauls Churchyard, and Henry Marsh at the Princes Arms in Chancery-lane near Fleetstreet (p.101) 1661’. The compiler was Francis Kirkman, who updated and reissued the catalogue ten years later, in 1671. The period also saw a proliferation of non-commercial compilations listing writers and their works: among them Edward Phillips's Theatrum Poetarum (1675), Gerard Langbaine's A New Catalogue of English Plays (1688), better known under its spurious title Momus Triumphans, and Langbaine's An Account of the English Dramatick Poets (1691), William Winstanley's The Lives Of the most Famous English Poets (1687), and Charles Gildon's Lives and Characters of the English Dramatick Poets ([1699]), Their emphasis on ‘Poets...particularly those of our own Nation’ (Phillips), on ‘English Poets’ (Winstanley), on ‘English Plays’ and ‘English Dramatick Poets’ (Langbaine and Gildon), attests to a growing interest in the identification of a native literary and dramatic tradition. These compilations have hitherto been examined and ranked with regard to their bibliographical and factual accuracy but, I shall contend, they may also profitably be studied as sites where the changing status of plays and of dramatic authorship was registered in print.

In his catalogue of 1671, Kirkman alphabetized the titles of plays, but under each letter of the alphabet he chose to list Shakespeare's, Jonson's, and Beaumont and Fletcher's works first:

Although I took care and Pains in my last Catalogue to place the Names in some methodical manner, yet I have now proceeded further in a better method, having thus placed them. First, I begin with Shakespear, who hath in all Written forty eight. Then Beaumont and Fletcher fifty two, Johnson fifty,. Shirley thirty eight, Heywood twenty five, Middleton and Rowley twenty seven, Massenger sixteen, Chapman seventeen, Brome seventeen, and D'Avenant fourteen; so that these ten have written in all, 304. The rest have every one written Under ten in number, and therefore I pass them as they were in the old Catalogue, and I place all the new ones last.

('Advertisement to the Reader', 16) 12

(p.102) The organization of Kirkman's catalogue illustrates the underlying tension between the tendency to privilege the advertised commodities—the plays—and the competing tendency to foreground their authors, especially those heading the canon (see Fig. 1).
By contrast, Phillips's *Theatrum Poetarum* (1675) and Winstanley's *Lives Of the most Famous English Poets* (1687) adopted the arrangement by author rather than work. Phillips, somewhat incongruously, alphabetized the first names of authors, while Winstanley opted for a roughly chronological ordering of his entries. *Theatrum Poetarum*, a work of superficial antiquarianism, is divided into sections based on historical epoch (ancient poets are separated from the modern ones) and gender (ancient and modern ‘Poetesses’ alike are set apart from male authors).

Winstanley derived most of the content of his *Lives* from Phillips’s compilation, which had itself been gleaned from a variety of sources, prominent among them Kirkman’s catalogue of 1671. The goal of the *Lives*, as the subtitle proclaims, is to supply ‘a Brief Essay of the Works and Writings of above Two Hundred of them, from the Time of K. William the Conqueror, To the Reign of His Present Majesty King James II’. It is thus conceived as an exercise in proto-literary history delineating the progress of English poesy through discussions of individual authors; accordingly, the arrangement of the book is roughly chronological. In the dedication Winstanley claims to have laid a ‘Ground-work, on which may be built a sumptuous Structure; a Work well worthy the Pen of a second Plutarch’ (sig. A3v). His was in fact the first project of its kind and, however inauspiciously, it inaugurated the native tradition of collective literary biography which would culminate in Dr Johnson’s *Lives* a century later.

The format of the dramatic catalogue was transformed by the appearance in 1688 of Gerard Langbaine’s *Momus Triumphans*, the first compilation consistently to alphabetize authors’ surnames (see Fig. 2).

Langbaine’s rationale for producing *Momus* emerges from his dissatisfaction with the earlier catalogues, which are in turn censured for their inclusion of ghost plays; for their failure to list a number of extant plays; for listing plays with double titles as two separate items; for occasionally giving the same title under different authors; and, finally, for cases of blatant misattribution (sig. A2v). Langbaine, given confidence by his ownership and first-hand knowledge of most of the plays he lists, is sure that his own catalogue will be free from all those deficiencies. To guard against them he structures his compilation on a novel principle:
In this New Catalogue the Reader will find the whole to be divided into Three distinct Classes. In the first I have placed the Declared Authours, Alphabetically, according to their Sirnames...and placed the Plays each Authour has written, underneath...which are rank'd Alphabetically likewise; so that the Reader may at one glance view each Authours Labours...The [second class] contains those Plays whose Authors discover themselves but by halves...by two Letters only in the Title-Page, or the bottom of their Epistle; and in the last Degree are plac'd all Anonemous Plays...The Second Part contains the Catalogue Reprinted in an exact Alphabetical manner; according to the forms of Dictionaries, the Authors Names being here left out as superfluous; and against each Play is a Figure to direct you to the Page where you may find it in the First Part. (sig. A3r-V)

The change in format was also a conceptual change. ‘The thoughts of readers’, Elizabeth Eisenstein has observed, ‘are guided by the way the contents of books are arranged and presented. Basic changes in book format might well lead to changes in thought-patterns.’ While the typography and layout of Langbaine’s compilation surely had a bearing on the way his readers absorbed its contents, the altered format was itself indicative of a new intellectual climate, in which an interest in authorship and attribution had come to the fore. Langbaine was scrupulous in distinguishing between plays which could be attributed confidently and those which could not. His (p.104) catalogue moved from the category of incontrovertible ascription (‘Declared Authors’), through that of conjecture (‘Supposed Authors’), to that of ‘Anonemous Plays’. The alphabetical index of plays made each item easy to locate in one of the three classes.

In 1691 Langbaine refined these categories in his magnum opus, An Account of the English Dramatick Poets, which also offered critical assessment of, and supplied basic biographical data on, each writer (see Fig. 3):

Supposed Authors. We are now arriv’d at those Authors, whose Names are not certainly known, who discover themselves only to their Friends in private, and disguise themselves from the Knowledge of the World by Two Letters only: part of which we shall unriddle in the following Account, (p. 516)

Unknown Authors. We are now come to the last Division of Authors, I mean those whose Modesty, or other Reasons, have hinder’d the publication of their Names: and as we have Deciphered some Authors in the foregoing Division, upon Conjecture, so we shall not pretermit to take Notice of such Plays, whose Authors we can any ways guess at in this. (p. 524)
The Account comprises an alphabetical index of authors which, in conjunction with the index of plays, greatly facilitates cross-referencing. In his search for accuracy of attribution, Langbaine pursues a range of strategies, from the collection of information external to the plays, to pioneering attempts at stylistic analysis. For instance, he identifies ‘C.W, the translator of Sophocles’ Electro. (1649), as Christopher Wase, a deceased beadle at Oxford University, on the strength of information gathered at Oxford (pp. 522–3), and he observes that the style of the dedicatory epistle prefixed to The Mall or The Modish Lovers (1674), a play signed ‘J.D.’, is very much unlike Dryden’s (p. 518).

Langbaine’s concern about attribution, in particular his commitment to uncovering the identity of anonymous and semi-anonymous authors, stands in sharp contrast to Edward Phillips’s deliberate exclusion of ‘Mr. Anonymous’ from his Theatrum Poetarum:

sorry I am I cannot pay a due respect to Mr. Anonymous, but he is the Author of so many Books, that to make but a Catalogue of them would require a Volume sufficient of itself; others there are who vouchsafe but the two first letters of their Names, and these, it is to be supposed, desire to be known onely to some Friends, that understand the Interpretation of those letters, or some cunning Men in the Art of Divination...(sig. *6r-v)

(p.105) Jeffrey Masten, commenting on the fact that ‘anonymous does not take on its recognizably modern sense in English...until the late seventeenth century’, has pointed out that ‘the authors emergence is marked by the notice of its absence’.17 Phillips’s and Langbaine’s positions vis-à-vis authorial anonymity, though seemingly discrepant, both attest to the incipient recognition of, and to a mounting interest in, the personal agency behind text production. The profusion of annotated ‘Langbaines’, with attributions, additions, and corrections scribbled in by different contemporary hands, further illustrates the desire of late seventeenth- and eighteenth-century readers to know and to record the name of the author of each play.18

The Licence to Appropriate
Langbaine’s writings are notable for their speculative enquiry into the status of dramatic authorship and appropriation. In the preface to *Momus Triumphans* he voices a concern for the rights of playgoers and book-buyers, who are notoriously ‘impos’d on by crafty Booksellers, whose custom it is as frequently to vent *old* Plays with *new* Titles, as it has been the use of the Theatres to dupe the Town, by acting *old* Plays under *new* Names, as if newly writ, and never acted before’ (sig. A4r). By consulting the catalogue before the purchase of a playbook or a theatre ticket, the prospective buyer would be in a position to verify the novelty of the offer. Langbaine defends the interests of consumers—the reading and theatre-going public—against the interests of the playhouses and the book trade. He perceptively identifies the network of interests involved in the commerce of drama, and the financial profits accruing to each party. He objects to the production and publication of minimally altered plays which force the client (the spectator or the book-buyer) to pay a second time for goods purchased before. In other words, the consumer does not obtain fair value for money and is taken advantage of by hack adapters, by the theatres that produce the adaptations, and by the booksellers who print them. In Langbaine’s defence of consumer (p.106) rights the language of commercial transactions blends readily with that of ethics. This rhetorical move enables Langbaine to denounce the immorality of the profit-bound practices of both the stage and the book trade.

Even though Langbaine does not explicitly arraign adapters at this juncture, his critique is implicit in the examples of dishonestly marketed plays, such as *The Counterfeit Bridegroom* (1677), *The Debauchee: or A Credulous Cuckold* (1677), and *The Revenge; or A Match in Newgate* (1680), which are anonymous versions of pre-Civil War comedies by Middleton, Brome, and Marston. Their printed title-pages give no indication of past or present authorship: names of the original authors are concealed and the revisers are not identified. Yet, as Langbaine is uncomfortably aware, the altered titles displayed on playbills and title-pages create the spurious sense of novelty that helps to draw audiences and readers.

The distinction between originals and adaptations, which Langbaine argued against on ethical grounds, had been commercially recognized in practice in the theatrical system of third-night benefits awarded to the revisers and in the payments they received from the booksellers. On occasion, acting companies themselves commissioned revisions, as when, in the autumn of 1698, the Patent Company asked Peter Motteux to supply an operatic version of Fletcher’s *The Island Princess*. The circumstances of this alteration illustrate the pragmatism of the patentees criteria for assessing authorship:
The Island Princess was alter’d, and musical Words made to it by Mr. Motteux; the Patentee or sole Governor [Christopher Rich] deny’d to give him a Third Day according to Custom, the Alterations being but few; but the Patentee profer’d him a certain Sum of Money, in Consideration of his Musical Words, which not satisfying Mr. Motteux, he Summon’d him before the Lord Chamberlain, where by the Mediation of the then Lord Chamberlains Secretary, the matter was Comprimis’d [sic], and the Dispute ended, to the Satisfaction of the Poet.

Besides attesting to Rich’s quantitative approach to authorship, the dispute provides a striking example of external, quasi-legal, arbitration on matters of aesthetic value. By that time, however, more than aesthetic value was at stake: Motteux's revision of The Island Princess had acquired high commercial value (the adaptation was a phenomenal box-office success), which was not necessarily proportional to the scope of the changes he had made. The success of Motteux's appeal to the authorities, which secured him a full authorial benefit, demonstrates the growing leverage enjoyed by playwrights towards the end of the century.

Langbaine’s argument highlights the implications of appropriation in relation to company ownership of dramatic scripts and stationers’ rights in copies. First, in the context of a theatrical duopoly, with both companies in possession of a number of stock plays, the staging of an adaptation based on a play owned by the rival house would constitute a violation of their property. (Of course, when Langbaine was writing the United Company monopolized London's theatrical market.) Second, by pointing out that the adaptations are indistinguishable from the originals, Langbaine implicitly accuses their publishers of piracy: if the texts they print are nearly identical with the texts of already extant playbooks, they infringe the right in copy held by others. That this line of reasoning was familiar to the contemporary book trade can be deduced from Aphra Behn's postscript to The Rover, a play which she adapted from Thomas Killigrew's Thamoso, or, The Wanderer. She complains that after a successful run in the theatre the publication of The Rover was held up: ‘This Play had been sooner in Print, but for a Report about the Town…that ‘twas Thamoso alter’d; which made the Booksellers fear some trouble from the Proprietor of that Admirable Play’ (sig. M2r). This imbroglio may help explain Behn's reluctance to put her name to two other adaptations: The Debauchee (1677) and The Revenge (1680). We have seen Langbaine impugning these plays in the preface to Momus; in the Account hecatalogues them under ‘Unknown Authors’ and vigorously dismisses their ascription to Mrs Behn as unfounded in light of the inconsequential extent of the alterations (pp. 529, 547). Nevertheless, by listing the adaptations separately from their originals, Langbaine concedes their commercial, if not their artistic, autonomy.
In his discussion of authors’ rights in early modern England, John Feather argues that the ‘recognition of the essential uniqueness of each copy was implicit in the whole idea of copy protection’, and that, as early as the 1580s, ‘there was, probably unintentionally, a growing de facto acceptance that the protection of copy-owners’ rights, which were the economic cornerstone of an organized and efficiently conducted book trade, would only be possible if the integrity of the copies themselves was subject to similar, if less stringent control’.

Feather claims that the Stationers’ Company tried ‘to regulate against plagiarism’ by imposing fines on those printers who published books derived from copies owned by others (pp. 471–2). John Amery, the publisher of The Rover, seems to have feared that such punitive measures would be brought against him by Henry Herringman, the proprietor of Killigrew's Thamoso; accordingly, he delayed publication.

By far the most innovative goal of Momus Triumphans is to provide a list of recognizable, putative, and potential source materials so as to enable readers of dramatic texts to examine for themselves the processes of transformation and rewriting involved in the fashioning of plays. Langbaine aims to give ‘a more large Account of the Basis on which each Play is built, whether it be founded on any Story or Passage either in History, Chronicle, Romance, or Novel. By this means the curious Reader may be able to form a Judgment of the Poets ability in working up a Dramma, by comparing his Play with the Original Story’ (sig. A4r). This statement shows that Langbaine conceives of the drama as intertextual. He presupposes a necessary filial relationship between plays and other literary (romances, novels) or non-literary (chronicles, histories) texts. By contrast, plays themselves are not considered legitimate foundations for further dramatic redaction. According to Langbaine, ‘a Drammatick Poet is not ty’d up to the Rules of Chronology, or History, but is at liberty to new-model a Story at his pleasure, and to change not only the Circumstances of a (p.109) true Story, but even the principal Action it self (sig. A4r). By implication, the scope of indebtedness to the non-dramatic precursor text should extend no further than the story or plot (verbatim copying is tacitly excluded), which warrants an enquiry into the mode of its appropriation by the resulting play. Langbaine assumes that contemporary readers will indeed be sufficiently ‘curious’ to pursue such an enquiry, especially when offered guidance by his catalogue.
Langbaine’s insistence on the need to compare a new play with ‘the Original Story’ enhances the sense of the intertextuality of the drama (several texts are to be read side by side). It is also indicative of a substantial change in attitudes to the multiplication of plays in print. The availability of printed texts of earlier drama makes possible the comparison which reveals the stability or alteration of a text, whereas successive performances, however much the text is altered, remain within an oral tradition, where modification is, inevitably, far less apparent. In the earlier part of the seventeenth century, William Prynne, that implacable enemy of the theatre, expressed anxiety too about the proliferation of printed plays: ‘Some Play-books…are growne from Quarto into Folio; which yet beare so good a price and sale, that I cannot but with griefe relate it...And can then one Quarto Tractate against Stage-playes be thought too large, when as it must assault such ample Play-house Volumes?’. Langbaine welcomes the new possibilities attendant on the expansion of print and takes full advantage of them by exploring the affinities between plays and their sources. His text-based approach privileges drama as literature rather than performance.

A similar, albeit enforced, concern with printed plays had characterized the period of the Puritan Revolution when the theatres were closed and when reading was the predominant mode of experiencing a dramatic text. But there is an underlying difference between the mid- and the late seventeenth-century notion of drama as literature. It can be illustrated by a comparison between Langbaine’s outlook and that of John Cotgrave, the compiler of The English Treasury of Wit and Language, Collected Out of the most, and best of our English Drammatick Poems; Methodically Digested into Commonplaces For Generall Use (1655). While his project was itself made feasible by print, Cotgrave’s attitude to the medium is equivocal. He hopes for the commercial success of the volume, for ‘if the world smile upon this, as to make my able, and ingenious friend, the Stationer [Humphrey Moseley], a gainer by it, I may be encouraged to enlarge my pains in this kind’. Yet even as he justifies the raison d’être of his collection, he unwittingly voices a prejudiced view of the impact of print on the human mind:

if Salomon could say, That the reading of many Bookes is wearinesse to the flesh, when there were none but Manuscripts in the world: How much is that wearinesse increased since the art of Printing has so infinitely multiplied large and vast volums in every place, that the longest life of a man is not sufficient to explore so much as the substance of them, which (in many) is but slender? Extractions therefore are the best conservers of knowledge, if not the readiest way to it. (sig. A2v)
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Cotgrave stresses the impossibility of enclosing ‘the abstracted Quintessence of betwixt three and foure hundred Poems in this small compasse’, that is, the ‘compasse’ circumscribed by the capacity of his octavo volume. He none the less assures the reader that ‘what is herein couched, is a great part of the best, and generally taken out of the best’. Cotgrave is aware that the playwrights whom he anthologizes ‘have culled the choicest Flowers out of the greater number of Greeke, Latin, Italian, Spanish, and French Authors, (Poets especially) to embellish and enrich the English Scene withall, besides, almost a prodigious accrement of their own luxuriant fancies’ (sig. A3r). Yet he feels compelled neither to document the provenance of the borrowed beauties nor to cite the particulars of authors and plays that he has ‘methodically digested’. Conversely, for Langbaine, writing a little over thirty years later, attribution has become a major critical concern. That Langbaine’s interests were shared by his contemporaries is indicated by the British Library annotated copy of Cotgrave’s anthology, which contains remarkably accurate ‘manuscript ascriptions of nearly all the quoted passages’ by several late seventeenth- and early eighteenth-century hands.26 The preoccupation with attribution continued to grow. Its increase is evident in the decision, made by the compiler of Thesaurus Dramaticus (1724), a descendant of Cotgrave’s collection, to list ‘the Names of the Plays, and their Authors...in the Margin’.

Langbaine does not claim that plays should be created ex nihilo. On the contrary, so long as appropriation complies with the prime neoclassical values, ‘Decency and Probability’, and ‘provided the Author shew Judgment in the heightening and working up of his Story, it matters not whether the Play be founded on History, or Romance, or whether the Story be his own, or another’s Invention’ (sig. A4v). Langbaine’s conception of appropriative licence, however, is more complex than this statement might suggest. Its complexity is evidenced by the third area of concern identified in the preface to Momus Triumphans, that of literary theft. In view of its ubiquity Langbaine undertakes to endorse the moral, aesthetic, and proprietorial rights of authors in their works by publicly pillorying those who usurp those rights through plagiarism:

The last sort of Remarks, relate to Thefts: for having read most of our English Plays, as well ancient as those of latter date, I found that our modern Writers had made Incursions into the deceas’d Authors Labours, and robb’d them of their Fame...I know that I cannot do a better service to their memory, than by taking notice of the Plagiaries, who have been so free to borrow, and to endeavour to vindicate the Fame of these ancient Authors from whom they took their Spoiles. For this reason I have observ’d what Thefts I have met with throughout the Catalogue, and have endeavour’d a restitution to their right Owners, and a prevention of the Readers being impos’d on by the Plagiary, as the Patrons of several of our Plays have been by our Modern Poets, (sig. A4v-ai; my italics)
In Langbaine’s argument, the ‘Fame’ and ‘Labours’ that plagiarists arrogate to themselves become fused into something susceptible to ownership, appropriation, and, at least nominally, restitution: that is, literary property. In other words, dramatic texts become imperceptibly endowed with the status of property as the language of neoclassical poetics merges with Langbaine’s ethical and quasi-legal idiom. (p.112) The term ‘plagiarism’ was semantically unstable throughout the seventeenth century.27 Langbaine strives to arrest this fluidity of signification by distinguishing between the general sense of plagiarism as any form of literary borrowing and its more restricted meaning of literary theft. He envisages plagiarism in its general sense as a condition of all writing, all-pervasive and unavoidable: ‘This Art has reign’d in all Ages, and is as ancient almost as Learning it self. If we take it in its general Acceptation, and according to the extent of the word, we shall find the most Eminent Poets…are liable to the charge and imputation of Plagiary’ (Momus, sig. aIr). Langbaine further discriminates between two historically situated forms of intertextuality: classical imitation and modern literary theft. Classical imitation involves the adoption of clearly acknowledged, superior models to be adapted, improved on, and surpassed. The imitative enterprise is envisaged as ethically sound since it assigns full credit to the original; it is also aesthetically desirable, Langbaine intimates, because the eminent status of the models to a large degree guarantees the high quality of the later versions (sigs. aIv—a2r). In the practice of contemporary English playwrights, Langbaine argues, virtually all of the classical dicta become subverted, for the new English plays draw heavily on degenerate French sources, or else rewrite (that is, degrade) native dramas (sigs. a2r—a3r). Langbaine makes a further distinction between overt borrowing from canonical authors (especially Shakespeare and Fletcher) and covert plagiarism from less prominent writers such as Marston, Middleton, and Massinger. The latter form of appropriation is particularly rife, he says, because there is less likelihood of its discovery (sig. a3r).

In principle, then, the clandestine seizure of comparatively recent sources, both native and foreign, is condemned. None the less, (p.113) Langbaine’s national pride prompts him to avow that the most objectionable type of plagiarism arises from an unacknowledged appropriation of a native source:

I cannot but esteem them as the worst of Plagiaries, who steal from the Writings of those of our own Nation. Because he that borrows from the worst Forreign Author, may possibly import, even amongst a great deal of trash, somewhat of value: whereas the former makes us pay extortion for that which was our own before, (sig. a3r)

Covert borrowing of foreign materials is excused on the ground that, like the import of foreign merchandise, it constitutes a means of benefiting the public at home:
Altho I condemn Plagiaries, yet I would not be thought to reckon as such either Translators, or those who own what they borrow from other Authors: for as ‘tis commendable in any man to advantage the Publick; so it is manifest, that those Authors have done so, who have contributed to the Knowledge of the Unlearned, by their excellent Versions, (sig. a3v)

Here Langbaine weighs the interests of the English public against the particular rights of foreign authors. He privileges the former in spite of his earlier pledge to ‘do Justice’ to ‘Forreigners also’ and to detect ‘what has been translated or stolen from…both French and Italians…likewise…the ancient Greek and Latin Poets’ (sig. aIv). Langbaine does not vindicate the licence of native writers to appropriate foreign plays; rather, he voices concern for the cultural enrichment of English society. Hence his conclusions are a logical extension of his prior strictures against the London playhouses and book trade whose piratical practices he has deemed detrimental to the consumers. The affinity between the two areas of concern is foregrounded by the recurrence of mercantile metaphors, which are first used to characterize the domestic market and are now deployed with regard to foreign trade in plays. What allows Langbaine to conflate the issues of authorial plagiarism and commercial piracy is his unwavering commitment to the defence of the interests of the reading and theatre-going public, interests which, in his view, are injured by both practices.

Langbaine, always ready to accuse English writers of stealing foreign plays, nowhere accuses foreign writers of plagiarizing English plays. The France of Louis XIV enjoyed so unrivalled a cultural dominance that the traffic in plays, operas, music, and literary (p.114) criticism went almost wholly in one direction. ‘With their Sun King’, writes Earl Miner, ‘with their Academy, and with their aggressive foreign policy, the French were the obvious cultural imperialists, the influencers of the time.’28 Dryden's Neander disingenuously indicted ‘Moliere, the younger Corneille, Quinault, and some others’ for ‘imitating afar off the quick turns and graces of the English Stage’.29 Langbaine, by contrast, documents the extent of English indebtedness to continental drama.30 He points out, however, that ‘notwithstanding our Modern Authors have borrow’d much from the French, and other Nations, yet have we several Pieces, if I may so say, of our own Manufacture, which equal at least, any of our Neighbours productions’ (sig. a3v). By likening the best English plays to commodities manufactured wholly out of home-grown materials, he highlights the ‘originality’ of some native playwrights whom he judges worthy to compete in the international literary market. Ideally, he seems to envisage the acquisition of a high exchange value by English goods and literary compositions alike.
Langbaine elaborated his views in *An Account of the English Dramatick Poets*. Where *Momus Triumphans* was to fulfil several related but independent functions, principally the protection of the consumers of the drama, the listing of the sources of plays, and the vindication of the rights of authors by exposing current plagiarists, Langbaine's task in the *Account* is to write a collective assessment of English dramatists largely in terms of the source materials they employ. He preserves the alphabetical ordering by author adopted in *Momus* and supplies basic biographical data on each writer he lists. The alphabetical organization of the volume, replicated at the level of each individual entry where the writings of a given author are catalogued, is ahistorical. None the less Langbaine makes pioneering efforts to contextualize the works of his authors. For instance, he praises (p.115) Abraham Fraunce's translation of Tasso's *Aminta*, and then asserts its inferiority to a later, more competent, rendition by John Dancer (p. 224). He also supplements bibliographical information by detailing the title-pages of the editions he used.

The preface to *Momus Triumphans* announced Langbaine's design, carried over to the *Account*, to cite the particulars of the best edition of each play (sig. A3v), which for him was the one most recent and most readily available. Later commentators, fired by the zest for authenticity which developed in the eighteenth century, have upbraided Langbaine for describing the latest, rather than the earliest, editions. William Oldys's acerbic apostrophe, 'A woeful Chronologist art thou, Gerard Langbaine', best epitomizes this view. From the compiler's point of view, however, the latest edition was the right one to specify, especially as his catalogues were meant to help those 'who may possibly be desirous...to make a Collection' (preface to *Momus Triumphans*, sig. A2v). Frequenters of the booksellers' shops were obviously more likely to find copies of the latest Shakespearian folio rather than of the First Folio, and we should be neither surprised nor disappointed that Langbaine invariably refers to Shakespeare's plays in the form in which they appear in the Fourth Folio of 1685.

Given the markedly greater accuracy of his record of sources (ensured by his wider reading), Langbaine is confident that the *Account* is both more comprehensive and more thorough than all preceding compilations of its kind, including his own earlier catalogues:

> As to the *Dramrnas*, which are founded on Romances or Forreign Plays, I have much enlarg'd my *Remarks*; having employ'd a great part (if not too much) of my Time in reading Plays and Novels, in several Languages; by which means I have discovered many more Thefts than those in the former Catalogue...(sig. a6v)

Yet he is also acutely aware of the incompleteness of his project. So ambitious a task should ideally be undertaken in collaboration:
‘having no Partners in my Discovery [of plagiarism], it cannot be expected but that many things will escape my Observation’ (sig. a4v). ‘It is amusing’, remarks Alfred Harbage, ‘to think of playwrights, secure in their use of manuscript sources, laughing up their sleeves at Langbaine. It is even more amusing to imagine Langbaine’s listing, as the sources of an adapted play, the sources of the parent play—in works which the adapter had never heard of.’

This is a fair point, for Langbaine’s investigations naturally did not extend to instances of unacknowledged appropriation from manuscript sources, of which he could not be aware.

In the Account, Langbaine does not confine himself to a bare listing of sources but strives to demonstrate the implications of his theoretical assumptions for his discussions of individual poets. One crucial point, enunciated in his entry on Dryden, is that only plots (ideas, themes, sentiments) can be borrowed legitimately, whereas the language (style, words, expression) must be altered if the work is not to degenerate into literary theft. Langbaine seeks a sanction for his argument in the writings of the French neo-Aristotelians (‘As to...Plots being borrow’d, ‘tis what is allow’d by Scaliger and others’, p. 145), but modifies their position to suit his own ends: ‘tho’ the Poet be allow’d to borrow his Foundation from other Writers, I presume the Language ought to be his own; and when at any time we find a Poet translating whole Scenes from others Writings, I hope we may without offence call him a Plagiary’ (p. 162).

This assertion marks a substantial departure from his earlier, more relaxed, attitude towards literary borrowing. In contrast to Momus, which did not determine conclusively what the dramatist was at liberty to take from a romance, a novel, or a play, the Account locates the author's property right in the linguistic ‘form’ of a literary work. The ‘stories’, which seem to belong to a kind of common domain, are allowed to circulate freely (in a manner reminiscent of oral transmission), but the mode of their conveyance, construed as a definitive factor in the identification of authorship, is barred from appropriation.

Langbaine contends that the extensive theft of language is tantamount to unlawful seizure of another's labour, and that it therefore disqualifies the adapter or reviser from the title of author and owner. In other words, what makes the transfer of discursive property possible without the violation of fair use is the investment of the new author's labour in refashioning the story by telling it differently. Without this creative transformation, Langbaine maintains, the appropriator transgresses against both property and propriety by deriving unjustified profits from other people's labours.
On a more practical level, the discrimination between ‘thoughts’ and ‘words’ facilitates an effective demonstration of plagiarism through a juxtaposition of parallel passages. Langbaine calls into question Dryden’s claim to have imitated Shakespeare’s style in *All for Love* by showing that the alleged stylistic imitation is more akin to verbatim transcription. He ignores what Dryden clearly meant—that he used Shakespeare as a model for his move from rhyme to blank verse—and endeavours to corroborate the charge of theft by citing a number of lines from *All for Love* which, except for the altered characters’ names, are identical to those in *Much Ado about Nothing*:

In the Comedy call’d *Much Ado about Nothing* the Bastard accuses Hero of Disloyalty before the Prince and Claudio her Lover: who (as surpris’d at the News,) asks, Who! Hero? Bast. Even she, Leonato’s Hero, your Hero, every Mans Hero. In [*All for Love*] on the like occasion, where Ventidius accuses Cleopatra, Antony says, Not Cleopatral Ven. Even she my Lord! Ant. My Cleopatra? Ven. Your Cleopatra; Dolabella’s Cleopatra, Every Mans Cleopatra. (Account, 153) 

Langbaine seeks to differentiate between the use of plots and of language in order to distinguish legitimate literary borrowing from plagiarism, the borrowers from the thieves. But in practice he finds this an impossible task.

Tensions already implicit in his uneasy balancing of conflicting perspectives in the preface to *Momus Triumphans*, and reflected in the attempted fusion of the languages of aesthetics, ethics, and commerce, undermine both the individual entries and the *Account* as a whole. Yet Langbaine’s inability to adopt and sustain a consistent approach to appropriation is by no means a sign of critical ineptitude. On the contrary, the discrepancies and discontinuities to be found in his work are indicative of his nascent realization that appropriation (p.118) may be assessed differently depending on whether one takes its artistic effectiveness, ethical implications, or commercial value as one’s measure of judgement.

What makes these conflicting perspectives hard to separate, and Langbaine’s conceptual endeavour to reconcile them difficult to appreciate, is the fact that his discussions of individual authors are biased by social and cultural considerations (the age, class, professional standing, gender, and nationality of his authors) and distorted by personal preferences. He customarily excuses plagiarism by citing the authors’ age: for instance, Robert Barons borrowings from Waller and Webster are held ‘excusable only on the account of the Author’s Youth, he being but 17 Years of age, when he compos’d that Romance [Gripsius and Hegio]’ (Account, 11). Female gender is another extenuating circumstance, especially if the author is a writer by profession and earns her living by writing for the stage as Aphra Behn does:
tho’ it must be confess that she has borrow’d very much, not only from her own Country Men, but likewise from the French Poets: yet it may be said in her behalf, that she has often been forc’d to it through hast: and has borrow’d from others Stores, rather of Choice than for want of a fond of Wit of her own: it having been formerly her unhappiness to be necessitated to write for Bread, as she has publisht to the world...(pp. 17–18)

Langbaine is also exceptionally lenient towards aristocratic authors whose literary debts he is aware of but plays down. Despite Sir Robert Howard’s own admission that he has reworked a manuscript play in *The Great Favourite*, Langbaine merely offers a vague allusion to his debts to ‘the Historians of those Times’ (p. 276). He rationalizes his decision not to enquire into the sources of Sir Robert’s other plays by insisting on the innate talent and skill of the well-born amateur: ‘Some Readers, who are strangers to the Excellent Talents of Sir Robert, might expect from me some Discoveries of what he has borrow’d; but I am to Inform them, That this Admirable Poet has too great a Stock of Wit of his own, to be necessitated to borrow (p.119) from others’ (p. 277). The entry on Sir Charles Sedley is equally evasive. Having informed the readers that *Antony and Cleopatra* (1677) is founded on history, and that *Bellamira* (1687) was written in imitation of Terence’s *Eunuchus*, Langbaine reveals his critical inhibitions:

I dare not say, that the Character of Sir John Everyoung, and Sir Samuel Forecast [in *The Mulberry Garden*], are Copies of Sganarelle [sic] and Ariste, in *Molière’s L’Escole des Maris*; but I may say, that there is some Resemblance: tho’ whoever understands both Languages, will readily, and with Justice give our English Wit the preference: and Sir Charles is not to learn to Copy Nature from the French, (p. 487)

The moral impropriety of covert borrowing, then, is allayed by the culprit’s social eminence, and, in this instance, is further assuaged by the foreign provenance of appropriated matter. Above all, trespasses against literary property committed by genteel amateurs are less blameworthy than those by professional writers, since the former do not expect to profit from what they take from others. (Langbaine’s ‘furious Tender for Quality’ was condemned by Charles Gildon, himself a professional writer, in *Lives and Characters of the English Dramatick Poets*, 177.)
Langbaine does not hesitate to compare the ‘original’ with the ‘copy’, or the source-text with its later dramatic rendition. He confidently ascribes superiority to one or the other, depending on which of them seems to him the more accomplished artistically. No special value or advantage attaches to authenticity and priority, and the rewriting of earlier texts certainly does not connote sacrilege. The implication of Langbaine’s thesis is that the aesthetic valuation of appropriation depends on whether it succeeds in improving the material it takes from the source: if it does, it is fully justified. Thus Langbaine applauds Dryden’s successful remodelling of Plautus and Molière in his *Amphitryon*:

The Reader that will take the pains to compare them, will find that Mr. Dryden has more closely followed the French, than the Latin Poet: but however it must with Justice be allowed, that what he has borrowed, he has improv’d throughout; and Molliere is as much exceeded by Mr. Dryden, as Rotrou is outdone by Molliere. (Account, sig. Oo1v)

Similarly, he cannot resist praising the erstwhile Laureate’s redaction of Shakespeare’s *Troilus*:

(p.120) This Play was likewise first written by Shakespear, and revis’d by Mr. Dryden, to which he added several new Scenes, and even cultivated and improv’d what he borrow’d from the Original. The last Scene in the third Act is a Masterpiece, and whether it be copied from Shakespear, Fletcher, or Euripides, or all of them, I think it justly deserves Commendation. (Account, 173)

Even though the quantitative scope of Dryden’s own contribution may not extend beyond ‘several new Scenes’, the revision of the Shakespearian original merits recognition in view of its qualitative refinement. The textual origin of a given scene or act is largely irrelevant, Langbaine suggests, so long as the outcome is artistically accomplished.

Langbaine commends many contemporary adaptations. He also advocates the revision of old native plays in order to rescue them from oblivion. For instance, in his review of the output of Francis Beaumont and John Fletcher, Langbaine observes that *A Wife for a Month* is ‘well worth reviving, and with the alteration of a judicious Pen, would be an excellent Dramma’ (Account, 216). His call for the adaptation of this particular play was answered by Thomas Scott’s *The Unhappy Kindness* (1697), which in the words of Robert D. Hume transforms ‘a pleasant, rambling tragicomedy’ into ‘a stodgy tragedy’. Scott may have had Langbaine in mind when he asserted in the preface to *The Unhappy Kindness* that the original ‘was lookt on by some, well vers’d in the Rules and Beauties of Poetry, as a Piece that wou’d not be altogether unacceptable, provided it appeared with a new Air more agreeble to the Humour of the present Age’ (sig. A2r).
The redaction of texts from the English past, most notably from the pre-Civil War era, is thus conceived by Langbaine as part of a larger patriotic and cultural project which involves the transmission, preservation, and refinement of the best in the native dramatic tradition. As Michael Dobson has argued, ‘adaptation and canonization...far from being contradictory processes, were often mutually reinforcing ones’. Their interdependence is fully explained in Langbaine’s Account, where the elevation of such English poets as Shakespeare, Jonson, and Fletcher to the status of honorary classics parallels a call for an adaptation of their works for the present age. Langbaine’s use of the verb ‘revive’ is important here. He employs it in its customary meaning of putting on a stock play. Richard Brome’s The Northern Lass, he notes, ‘was reviv’d by the Players, since the Union of the Two Houses’ (p. 37). Langbaine also extends the verb to encompass adaptations of stock plays. He observes that the Chapman-Jonson-Marston Eastward-Hoe hath lately appear’d on the present Stage, being reviv’d by Mr. Tate under the Title of Cuckold’s Haven (p. 66); and praises The Chances as ‘reviv’d by the late Duke of Buckingham (p. 207). The agency of the theatrical company responsible for putting on a play is thereby transferred to the adapter who, as it were, endows an outmoded piece with a new lease of life on the stage and in print.

As Langbaine’s perspective shifts from the aesthetic to the ethical and economic, so does his attitude towards adaptation and literary borrowing. Even though, as a reader or spectator, he may enjoy and esteem recent adaptations of Shakespeare or versions of French plays, he resents the pecuniary advantages obtained simply ‘by furbishing up an Old Play’ (p. 141). Langbaine’s strictures are not reserved exclusively for Dryden. Thomas Otway, he says, ‘sometimes fell into plagiary as well as his Contemporaries, and made use of Shakespear, to the advantage of his Purse, at least, if not his Reputation (p. 396). And he derisively dubs Ravenscroft, Dryden, Shadwell, Crowne, Tate, and D’Urfey as ‘Rivals in the Wrack of that Great Man [Shakespeare]’ (p. 465). Langbaine’s persistent questioning of the fairness of financial rewards for plays made up of appropriated materials firmly anchors the debates about plagiarism in the commercial context of the theatrical marketplace, and signals a recognition that literary creations may be very profitable property. Such concern about illicit profits from the labour of another is precisely what motivates the restriction of fair use in modern copyright law.

Langbaine and Dryden
On 23 June 1692, the *Moderator*, one of the short-lived late seventeenth-century newspapers, carried a severely derogatory review of Langbaine's *Account of the English Dramatick Poets*.\(^3\) The anonymous commentator cast his critique in the form of an epistle (p.122) addressed to Langbaine, and divided it into the following sections: '1. Preface to Mr. Langbain. 2. A general character of His book entitled, *An account of the Dramatick Poets*. 3. Dryden's character of Shakespear examin'd and vindicated. 4. A farther vindication of Mr. Dryden from the Imputation of a Plagiary, Ingrate, &c.' The reviewer chastises Langbaine for his criticisms of John Dryden. In the preface they are ascribed to Langbaine's personal rancour, which is traced to a suspicion that Dryden had a hand in bestowing the spurious title of *Momus Triumphans* on Langbaine's 'little Inventory of Plays'. The ensuing vindication is made up almost exclusively of undigested extracts from Dryden's own critical writings, the preface to *An Evening's Love* (1671), and the 'Defence of the Epilogue' appended to the second part of *The Conquest of Granada* (1672). Their irrelevance to the task in hand is underscored by the fact that the same passages had previously been quoted and contested by Langbaine himself in the *Account* (pp. 131–2, 134–8). The reviewer's only notable intrusion into this barrage of another's words occurs when he disputes the accusation of plagiarism in a statement which perfectly captures hack attitudes to literary composition: 'I do not see to what purpose a Poet should trouble Himself with the Works of other men, if he must not dare to make use of 'em.'

Nevertheless, the objections aimed directly at *An Account of the English Dramatick Poets* are worth pausing over. According to the anonymous critic, 'never was a better nor more noble Design worse manag'd', for the reader is abused 'with a long expectation of a faithfull account of the Dramatick Poets, their Lives and Writings, and at last...fob [bed] off with the Title-pages of their Works and the Times of their Nativity'. One could answer, of course, that Langbaine's goals and achievements are misrepresented, if only because no note is taken of the learning and effort that must have gone into the compilation of sources alone. The fact remains that Langbaine's title does foster expectations which the book itself frustrates. And the reviewer has a point when he cites Langbaine's failure to define the 'proper graces' of each individual author. Though he falters in his apology for Dryden and overlooks the threatening exposure of plagiarists effected in the *Account*, the reviewer makes some valid observations on the actual shortcomings of Langbaine's compilation.
The review carried by the *Moderator* is the only straightforward (and the only uniformly negative) testimony to Langbaine’s contemporary (p.123) reception, which is probably why it has featured so prominently in most studies of his catalogues. A fairer estimate of contemporary responses may be garnered from Anthony à Wood's *Athenae Oxonienses*, which compliments the ‘great reading... expressed in the margin of every page [of *Momus Triumphans*]’ (iv. 366), and from the comments of the continuers of Langbaine’s project, Charles Gildon and Giles Jacob.

In 1699, eight years after the appearance of the *Account*, and seven years after Langbaine’s death, Gildon anonymously published *The Lives and Characters of the English Dramatick Poets*. The book was described on the title-page as ‘First begun by Mr. Langbain, improv’d and continued down to this Time, by a Careful Hand’.(40) This acknowledgement is initially confirmed in the preface, only to be tempered by the unfavourable reflections on Langbaines critical credentials which follow (sigs. A5v-A6r). A careful apportionment of praise and blame allows Gildon to project his predecessor’s undertaking as both intrinsically valuable and seriously deficient, and thus to clear a space for his own revisionary continuation: ‘writing after [Langbaine], I have endeavour’d to avoid his Faults, and preserve his Beauties’ (sig. A6r).

All the same, Gildon was fascinated and impressed by Langbaine's authoritative record of sources and by his vast learning and knowledge. He retained this veneration well beyond the time of his revision of the *Account*. In his ‘Remarks on the Plays of Shakespear’ in the spurious seventh volume of *The Works of Mr. William Shakespear*, which he edited for Edmund Curll in 1710, Gildon wrote: ‘I can’t find that this Plot [of *The Tempest*] was taken from any Novel, at least not from any, that Mr. Langbain had seen, who was very conversant with Books of that Nature’ (p. 259). (Langbaine had admitted, in the *Account*, to being unsure whether *The Tempest* was ‘the Author's own Contrivance, or a Novel built up into a Play’, p. 464). Langbaine's lasting influence on Gildon can be discerned in the argument which guides both the ‘Remarks’ and ‘An Essay on the Art, Rise and Progress of the Stage in Greece, Rome and England’. Reinterpreting Jonson's allusion to Shakespeare’s ‘small *Latine* and lesse *Greeke*’, and subverting the image of Shakespeare as the prototypical poet of Nature that extends from the First Folio to Rowe, (p.124) Gildon argues that Shakespeare was acquainted with a number of Greek and Latin classics, although ‘I urge not this to charge him with *Plagiarism*’ (‘Remarks’, 457). Gildon is thus one of the earliest dissenters from the tradition which, as Emrys Jones says, deemed Shakespeare the ‘great natural genius, the English Homer, and untaught “wit” who created his own laws’.41
Another critic influenced by Langbaine was Giles Jacob, who in 1719 brought the Account and Lives and Characters up to date in his Poetical Register: or, The Lives and Characters of the English Dramatick Poets. Jacob pays overt tribute to Langbaine in a manner similar to the acknowledgement on Gildon's title-page:

The Foundation of the Work is owing to Mr. Langbain, who was the first that brought these Memoirs into any tolerable Form; and as he was Master of a great deal of Learning and much Curiosity, his Work was receiv'd with a general Applause.... What occasional use I have made of him, I always freely acknowledged, (pp. ix—x)

Despite their respect for the scope, accuracy, and superior format of An Account of the English Dramatick Poets, both Gildon and Jacob are ambivalent about Langbaine's critical assumptions, particularly those concerning plagiarism, and they explicitly denounce the personal bias inherent in his criticisms. These reservations and discontinuities are best exemplified in their respective entries on John Dryden. Even though Gildon rejects the ‘scurrilous and Digressory Reflections with which Mr. Langbain has bespatter'd him', he resolves to ‘give some Instances of his playing the Plagiary' (Lives, 40). The remainder of the commentary on Dryden is a succession of antithetical assertions, contradictory propositions, arguments, and counterarguments:

it must be confess'd, that [Langbaine] has, (where he detects his Thefts) urged a great deal of Truth; for Mr. Dryden has borrow'd from the French, at the same time that he seems to contemn them; unless it may be pretended, that he has us'd them as Virgil did Ennius of old, to extract Gold out of their Dung. For I never found him in any Theft indeed, but what he gave a new Lustre too, when taken, ev'n from the best of the Ancients; and I may therefore believe the same of what he has taken from the French. I shall not therefore pursue Mr. Langbain's steps in his Excursions; only at the Foot of each Play, lay down the places from whence he has borrowed. But the (p.125) reader must not expect I shall give him all that he owes for in each Play, for that wou'd exceed the Limits of this Compendium; it must suffice that I give some Instances of each. (pp. 40–1)

Gildon accepts Langbaine's designation of Dryden as a 'plagiary', then uneasily excuses the latter's borrowings from the French by citing a supposed classical precedent, and finally describes Dryden's appropriations from the ancients and the moderns as improvements. Because he fails to reproduce Langbaine's distinctions between plot and language, between legitimate borrowing and theft, Dryden's right to call his plays his own is cast in doubt. Gildon's equivocal attitude toward Dryden's use of the works of others looks disjointed in the absence of the ethical and commercial arguments adduced by Langbaine.
A rather different strategy is pursued by Giles Jacob, who echoes Dryden's own arguments about literary property:

tho' he borrow'd some Hints, and made prodigious Improvements from the French Poets, and Greek and Latin Authors; and likewise from some of the Works of Shakespear and others, I cannot be of opinion with Mr. Langbain, that he is therefore a meer Plagiary, and entirely oblig'd to them for the Plots and Scenes of many of his Plays. A Hint or a Theme may be variously work'd up with uncommon Incidents and surprising Turns, and thereby a sufficient Novelty introduc'd to lay Claim of Property. And I doubt not but it will be generally confess'd that he was so far from the present Practice of borrowing whole Scenes and Plots of Plays, and frequently making them worse, that he never stole an entire Incident, or was found in any Theft but what he set off with additional Lustre, when taken even from the best of the ancient Writers. (Poetical Register, 73)\(^{42}\)

Jacob, who is unlikely to have read the sources of Dryden's plays as Langbaine had done, affirms that Dryden has cultivated the adapted materials, and challenges Langbaine's estimate of Dryden's textual debts.
The persistent depiction of Dryden and Langbaine as antagonists has obscured an important truth about their critical positions: the two writers’ critical and aesthetic conceptions of appropriative licence were not simply compatible, they were virtually identical. First, the source materials that both of them regard as acceptable in plays are essentially the same. Both men allow the use of romances, novels, foreign plays, and historical accounts. Dryden's account of plays based on history is generally in accord with Langbaine’s; that is, both writers declare for the freedom of the poet to depart from historical fact on condition that the new storyline does not violate decorum or probability. (However, as we shall see, Dryden would reverse his stance in the Vindication of the Duke of Guise.) Langbaine's approval, in the preface to Momus Triumphans, of dramatists’ appropriation of storylines recalls Dryden's insistence, in the preface to An Evening's Love (1671), on his right to borrow plots from romances, novels, and foreign plays. Like Langbaine, Dryden envisages the borrowing of plot as an entirely legitimate procedure, and concedes that language and style must be subject to a thoroughgoing revision (Works, x. 210–11). Consequently, he defends Virgil and Tasso from charges of plagiarism based on their borrowing of plots by pointing out that ‘the bodies of [their] poems were their own; and so are all the ornaments of language and elocution in them’ (x. 211), and rebuts aspersions of literary theft cast on his own plays based on borrowed plots. Langbaine's discussion of authorship in terms of the labour necessary to rewrite source materials is matched by Dryden's portrayal of the transfer of intellectual property in the preface to Don Sebastian (1690): ''Tis the contrivance, the new turn, and new characters, which alter the property and make it ours’ (Works, xv. 69). Both writers assess the proprietorial claim of the appropriator in a language which anticipates John Locke’s ‘Second Treatise of Government’, where labour is a fundamental factor in the acquisition of property (‘Whatsoever then [Man] removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joyned to it something that is his own, and thereby makes it his Property) and in the assessment of its value (‘tis Labour indeed that puts the difference of value on every thing’).
Dryden’s arguments in favour of imitating and adapting native canonical authors, notably Shakespeare, as expounded in the prefaces to *The Tempest*, or *The Enchanted Island*, *All for Love*, and *Troilus and Cressida*, and in the ‘Grounds of Criticism’, parallel the considerations which precipitated Langbaine’s call for modern versions of pre-Civil War native classics. At the peril of oversimplification we might say that both Dryden and Langbaine recognize the linguistic obsolescence of pre-1642 plays, their stylistic roughness, structural incoherence, and incommensurability with the neoclassical poetics; they therefore recommend adaptation as a way of eliminating these historically grounded flaws. Their major contention is that the flaws, or in the contemporary nomenclature ‘faults’, are overwhelmingly outweighed by the innate ‘beauties’ of the originals, which merit preservation for the new age; in this sense the canonicity of the native classics is questioned only to be reasserted.

Dryden and Langbaine diverge radically, however, when determining the criteria by which they assess the claims of adapters to authorship. Langbaine, who is willing to credit the adapter with improvement (if such has been accomplished), none the less wishes to reserve the true proprietorial splendour for the author of the original piece. Dryden, by contrast, insists on the parity of originals and adaptations, demanding the recognition of the adapter as author. Langbaine opts for the withholding of full financial benefits from adapters, while Dryden regards them as his due. His critical writings never directly address the matter of profits from adaptation; the closest he ever comes to defending the *status quo* is in the preface to *Troilus and Cressida*, where he ambiguously suggests that payments for Shakespearian adaptations may have started to become problematical:

> the value of [Aeschylus’] Writings after his decease was such, that his Countrymen ordain’d an equal reward to those Poets who could alter his Plays to be Acted on the Theater, with those whose productions were wholly new, and of their own. The case is not the same in *England*; though the difficulties of altering are greater, and our reverence for Shakespeare much more just, then that of the *Grecians* for Æschylus. (*Works*, xiii. 225)

In contrast to Dryden, Langbaine strove to go beyond the aesthetic view of dramatic appropriation, and to explore its ethical and commercial dimensions. The Dryden-Langbaine controversy, occurring as it did in the pre-statutory environment, when English criticism of drama had only just begun, should alert us to the urgency with which late seventeenth-century writers asserted, questioned, or defended the author’s right in his or her intellectual property.

Langbaine in Perspective
Michel Foucault’s call for a historical investigation of what he referred to as the ‘author-function’ has been answered in recent years by a proliferation of studies probing the conceptual, economic, and legal circumstances attendant on the ‘birth of the author’.\textsuperscript{45} The majority of the scholars involved in documenting the historical grounding of authorship hold that the discourse of property developed by John Locke in his \textit{Two Treatises of Government} was a \textit{conditio sine qua non} for discussing literature as property. Thus Mark Rose locates the emergence of the ‘proprietary author’ in the eighteenth century, more specifically in the period between the institution of the first Copyright Statute in 1710 and its ultimate clarification by the Lords’ decision in \textit{Donaldson v. Becket} in 1774.\textsuperscript{46} Similarly, Margreta de Grazia and Trevor Ross regard plagiarism as necessarily posterior to the proprietary empowerment of authors, on the ground that the crime could only be punished after it had been legally identified as such.\textsuperscript{47} In other words, the author had to become a legally recognized owner of his or her work in order for theft from it to be judged a crime.

While I accept the theoretical premisses of these studies, especially their commitment to historicizing the emergence of legal provisions for the ownership of texts by their authors, I suggest that to accord priority to developments originating in positive law is to limit our understanding of the process by which social and critical conceptions (p.129) of authorship were formed. True, Rose and others do discuss non-legal developments too. They point to the merger, in the eighteenth century, of the Lockian discourse of property with a proto-Romantic aesthetic idiom of originality and solitary genius. Yet that observation is again subservient to their larger project of documenting the priority of legal regulations over the rival claims of aesthetics. By interpreting intellectual and conceptual shifts \textit{vis-à-vis} the changes in positive law, these scholars provide accounts of eighteenth-century authorship which, though factually accurate and refreshingly free from post-Romantic misconceptions, are deficient in critical genealogy. They do not accommodate the changes in the history of ideas which occurred in the late seventeenth century, when the law did not recognize authorial property rights. The Act for the Encouragement of Learning, also known as the first Copyright Statute, did give authors those rights, but that was not its primary purpose. To legal historians the Act has long been known as a booksellers’ bill. They have correctly interpreted the clause which names authors as potential proprietors as an expedient designed by Parliament to curtail the monopoly of the London stationers.\textsuperscript{48} It is because the critical conceptions of authorship explored in this chapter had no causal connection with the landmark legislation of 1710 that they have largely been overlooked.
Yet, as we have seen, Gerard Langbaine’s *Momus Triumphants* and *An Account of the English Dramatick Poets* adumbrate such corollaries of modern copyright law as the concept of literary property, fair use, copyright infringement, and even international copyright. His writings constitute the earliest speculative effort to reconcile the proprietary interests of authors and of the public. His adamant denunciations of plagiarism, and the controversy over the implications of appropriation which they had provoked, document the rise of proprietorial rhetoric in late seventeenth-century criticism of the drama. Though it had no direct influence on the first Copyright Statute, the criticism written between 1660 and 1710 increasingly envisaged authorship in terms of intellectual property rights. The earliest proponent and champion of those rights was Gerard Langbaine.

Notes:


(11) Kirkman's first catalogue was bound with copies of the second impression of *Tom Tyler and His Wife* (London, 1661); the second, *A True, perfect, and exact Catalogue of all the Comedies, Tragedies, Tragi-Comedies...that were ever yet Printed and Published, till this present year 1671*, was appended to *Nicomede* (London, 1671), John Dancer's translation of Pierre Corneille's *Nicomède*. On Kirkman's career see R. C. Bald, 'Francis Kirkman, Bookseller and Author', *MP* 41 (1943), 17-32, and Gibson, 'A Bibliography of Francis Kirkman'.

(12) As Gerard Langbaine was to point out in the preface to *Momus Triumphans*, this arrangement was conducive to confusion and misunderstanding, the catalogue having been 'printed Alphabetically as to the Names of the Plays, but promiscuously as to [the Names of Authors], (Shakespeare, Fletcher, Johnson, and some others of the most voluminous Authors excepted) each Authors Name being placed over against each Play that he writ, and still repeated with every several Play, till a new Author came on' (sig. A3r).


(15) Langbaine's first, anonymously published, catalogue was a continuation of Kirkman's catalogue of 1671, An Exact Catalogue of All the Comedies, Tragedies, Tragi-Comedies, Operas, Masks, Pastorals, and Interludes That were ever yet Printed and Published, till this present year 1680 (Oxford, 1680). The case for Langbaine's authorship has been advanced by W. W. Greg in ‘Gerard Langbaine the Younger and Nicholas Cox’, The Library, 4th ser., 25 (1945), 67–70, and, independendly, by Hugh Macdonald, ‘Gerard Langbaine the Younger and Nicholas Cox’, The Library, 4th ser., 25 (1945), 186.


(18) Watkin-Jones, ‘Langbaine's Account’, 78–84

(19) On The Counterfeit Bridegroom as an adaptation of Middleton's No Wit, No Help like a Woman's see Marston Stevens Balch, Thomas Middleton's ‘No Wit, No Help like a Woman's’ and ‘The Counterfeit Bridegroom’ (1677) and Further Adaptations, Salzburg Studies in English Literature, 94 (Salzburg, 1980). On The Debauchee, a version of Brome's A Mad Couple Well Matched, and The Revenge, a remake of Marston's The Dutch Courtezan, see Hume, Development, 308 and 352 respectively.

(20) The State of the Case...Restated (London, 1720), 25The Island PrincessMotteux’


(22) Thomaso, or, The WandererThomas Killigrew's Comedies, and Tragedies (London, 1664)

(23) Jaszi and Woodmansee (eds.), Intellectual Property, 455–73


(25) (London, 1655), preface, sig. A3\(^{1}\): There was no sequel.


(29) An Essay o/Dramatick Poesie, in Works, xvii. 45

(30) As early as 1664, that is, before the greatest wave of adaptations and translations of Moliére, Corneille and Quinault, Samuel Sorbière accused English authors of covertly appropriating the works of others in his Relation d’un Voyage en Angleterre (Paris, 1664): ‘Les liures Anglois…ne contiennent que des rapsodies assez mal cousuës: mais qui ne laissent pas d’estre estimées, & d’acquerrir de la reputation aux Autheurs. Car ils ne citent souvent pas ceux dont ils empruntent, & on prend leurs copies pour des originaux’ (p. 169). For an English translation of Sorbière, and Bishop Sprat’s response, see Samuel Sorbière, A Voyage to England...As also Observations on the same Voyage, by Dr. Thomas Sprat (London, 1709).


(32) Momus, 21; Account, 454. Cf. also Giles Jacob's consistent foregrounding of the latest editions in Poetical Register, e.g. ‘A beautiful and correct edition of [Buckingham's The Rehearsal and The Chances] has been lately reprinted in a neat Pocket Volume, with a compleat Key to the former’ (p. 265). The edition Jacob had in mind was Two Plays Written by his Grace George Late Duke of Buckingham of 1718.
(33) ‘Elizabethan-Restoration Palimpsest’, 296


(35) Other authors are similarly chastised for verbatim copying: see the entries on John Crowne (pp. 90–7), Thomas D’Urfey (pp. 179–85), Thomas Killigrew (pp. 313–14), and Edward Ravenscroft (pp. 417–24).

(36) In his Plagiarism and Originality (New York: Harper, 1952), Alexander Lindey says: ‘The fact that ethics, art and the law take divergent views of borrowing has done much to confuse the appraisals of plagiarism’ (p. 232). My understanding of Langbaine’s conceptual confusion owes much to Lindey’s study. See also Woodmansee, ‘Genius and the Copyright’: ‘The problem of how these two levels of discourse—the legal-economic and the esthetic—interact is one that historians of criticism have barely explored’ (p. 440).

(37) Development, 45

(38) Making of the National Poet, 4

(39) G. L. Anderson’s attribution of the review to Charles Gildon is unconvincing: “A Little Civil Correction”: Langbaine Revised, Notes and Queries, 203 (1958), 266–9

(40) In the preface Gildon admits that ‘the following Piece is not writ all by one Hand’ (sig. A6r).


(42) Dryden’s preface to Don Sebastian, in Works, xv. 69

(43) See e.g. the dedication to The Indian Emperour (1667), and the ‘Connexion of the Indian Emperour, to the Indian Queen’, in Works, ix. 25 and 26–7 respectively, and ‘The Grounds of Criticism in Tragedy’ (1679), in Works, xiii. 231.
(44) ‘The Second Treatise of Government’, in John Locke, *Two Treatises of Government*, ed. Peter Laslett (2nd edn., Cambridge: Cambridge University Press, 1970), 306, 314. Both Margreta de Grazia and Michael Dobson have rightly argued for the relevance of the Lockian discourse of property to the discussion of late seventeenth- and eighteenth- century adaptations of Shakespeare (*Shakespeare Verbatim*, 179–83; *Making of the National Poet*, 31–2). Yet in their emphasis on Shakespeare as the playwright of Nature, these scholars overlook the fact that to appropriators such as Dryden and commentators such as Langbaine all prior texts, whether dramatic or narrative, constituted ‘Nature’ to be taken possession of and cultivated.


(46) ‘Author as Proprietor’, 51–85

(47) de Grazia, *Shakespeare Verbatim*, 177–221; Ross, ‘Copyright and the Invention of Tradition’. For an account which stresses the incipient professionalization of authorship in the late seventeenth century, and the implications of that process for the understanding of plagiarism, see Hammond, *Professional Imaginative Writing*, 19 et passim.