Plagiarism and Proprietary Authorship in Early Modern England, 1590-1640

by

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A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy in English Language and Literature

Department of English
University of Toronto

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Abstract

The first rule of writing is an important one: writers should not plagiarize; what they write should be their own. It is taken for granted. But who made the rule? Why? And how is it enforced? This dissertation traces the history of proprietary authorship from the earliest distinctions between imitation and misappropriation in the humanist schoolroom, through the first recorded uses in English of the Latin legal term *plagiary* (kidnapper) as a metaphor for literary misappropriation, to an inchoate conception of literary property among a coterie of writers in early modern England. It argues that the recognition of literary misappropriation emerged as a result of the instrumental reading habits of early humanist scholars and that the subsequent distinction between authors and plagiarists depended more upon the maturity of the writer than has been previously recognized. Accusations of plagiarism were a means of discrediting a rival, although in this capacity their import also depended largely upon one’s perspective. In the absence of established trade customs, writers had to subscribe to the proprieties of the institutions with which they were affiliated. They were deemed plagiarists only when their actions were found to
be out of place. These propieties not only informed early modern definitions of plagiarism; they also helped define the perimeters of proprietary authorship. Authors who wished to make a fair profit from labours in print had to conform to the regulations of the Stationer’s Company, just as authors who maintained a proprietary interest in their manuscripts had to draw upon legal rhetoric, such as *plagiary*, in the absence of a legally recognized notion of authorial property. With new information technologies expanding the boundaries of proprietary authorship everyday, the propieties according to which these boundaries were first defined should help teachers and researchers not only better to understand the nature of Renaissance authorship but also to equip their students for the future.
Acknowledgments

*Omne tuum, nihil tuum.*

The practice of listing one’s sources at the end of a document in a bibliography or works cited is a recent development. In antiquity through the renaissance, it was common to list them at the beginning, if at all, as Pliny does in his *Natural History* and John Donne in his *Biathanatos*. This earlier tradition makes sense to me. A project of this nature cannot help but be sensitive to its origins, and while I have been as careful in the bibliography as Pliny and Donne to give everyone his or her due, some people deserve special recognition up front. The idea for this project came to me in Elizabeth Hanson’s graduate seminar, *Renaissance Cultural Capital*, at Queen’s University in 2005, and was given shape by Brian Stock’s introduction to *The Meditative Tradition in Western Literature and Art* at the University of Toronto in 2007-08. I owe a special debt to both for their formative influence on my scholarship. I am also grateful for advice early on from Linda Hutcheon and ongoing help with proposal writing from Jane Freeman. My principle debt, however, is to the members of my doctoral committee – David Galbraith, Elizabeth Harvey, and Christopher Warley – who helped see this work to completion with their helpful direction, informed questions, timely encouragement, and many careful readings. I could not have asked for a better supervisor: Professor Galbraith’s knowledge of the Renaissance and early modern English literature, as I have had occasion to remark before, is surpassed only by his humility, patience, and generosity. Professors Harvey and Warley have proven, each in their own way, to be similarly gifted and charitable colleagues.
Specific sections of this dissertation have received special attention. Chapter two was first read by the members of the 2007 dissertation seminar led by David Scott Kastan and Keith Wrightson at the Folger Shakespeare Institute in Washington, DC and benefited greatly from their feedback and support. Rachel E. Hile provided an insightful critique on portions of chapter three. An earlier version of chapter four was similarly scrutinized by Peter W.M. Blayney, and would have been completely wrong without his correction; a later version benefited from the expertise of Claire Battershill and Scott Schofield. Chapter five, a version of which will appear in *Studies in Philology* 109.1 (f2012), has profited from anonymous readers’ reports, as well as the suggestions of Edward J. Geisweidt, Peter F. Grav, Heather Murray, Laura J. Murray, Mark Rose, Simon Stern, and Holger Syme. Professors Rose and Stern, together with Deidre Lynch, deserve further mention for their invaluable feedback as external examiners of the entire thesis.

What I have to say in the epilogue was inspired by many engaging conversations with my colleagues at the Office of English Language and Writing Support in the School of Graduate Studies, and the writing centre staff of the University of Toronto at large; other sections were enriched by conversations with the fellowship of Massey College and my friends and co-workers at the Centre for Reformation and Renaissance Studies at Victoria University in the University of Toronto. The benefits of my labours are common to all. The errors are my own.

This dissertation has benefited materially from other sources and resources, which I also gratefully acknowledge here: a Canada Graduate Scholarship from the Social Sciences and Humanities Research Council of Canada; a Dorothy Louise Ellison
T48 Ontario Graduate Scholarship from the Ontario Provincial Government; a George C. Metcalf Research Grant from Victoria University in the University of Toronto; a Grant-in-Aid from the Folger Shakespeare Library in Washington, DC; a Timothy McKay Memorial Scholarship; two Thesis Completion Grants from the School of Graduate Studies in the University of Toronto; and several awards administered by the Department of English in the University of Toronto: a Viola Whitney Pratt Scholarship, a Department of English Top-Up Award, a Department of English Award, and a University of Toronto Graduate Fellowship. It is easier to think about forms of cultural capital when one is in possession of financial capital.

These debts may deserve to be mentioned first, but I reserve the right to save the best for last: Sarah and Dylan. Nothing more needs be said.
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Introduction

What is Plagiarism and Proprietary Authorship?

What light does linguistics, and especially the study of etymology, throw on the history of the evolution of moral concepts?¹

The news on January 4, 2006 was not really news by the time it had been published in the paper. Everyone I knew in my hometown of Yarmouth, Nova Scotia had already heard that a local reporter had been accused of plagiarizing articles for the most influential newspaper in the province, The Chronicle Herald, and everyone had already made up their mind what should be done under the circumstances. It was bad enough that this reporter, our neighbour, Brian Medel, had to draw upon another’s experience for his “Hunting and Fishing” column in the first place; in rural Nova Scotia everyone should have at least some first-hand experience in the woods. That he disguised this fact was unforgivable. According to Medel, however, his actions were “purely unintentional”:

I wrongly perceived some of this material to belong in the public domain. I did not deliberately avoid attribution; I simply did not think it always necessary since similar background material was often found at different websites.²

His apology was short and to the point; it was also, as many were quick to note, at odds with the apology that preceded it. This much longer apology, written by the managing editor, Terry O’Neil, outlined that

² Brian Medel, “Cases of plagiarism purely unintentional,” Chronicle Herald (January 4, 2006): A3. According to Peter Shaw’s oft-quoted formulation, “Throughout history, the act of using the work of another with an intent to deceive has been branded as plagiarism.” “Plagiary,” The American Scholar 51 (1982), 327. (Emphasis mine.)
Journalists take ethics and plagiarism courses as part of their formal training. Staff at the Chronicle Herald sign and adhere to a set of ethical guidelines which clearly state: ‘Stealing someone else’s wording, quotes or other work is wrong. Readers have the right to expect that what they read in the newspaper is the author’s own work, unless otherwise indicated.’

Clearly, Mr. Medel should have known better. Whether he did or not was immaterial: for failing to “properly credit” his sources on at least twelve separate occasions, he was suspended for “six months without pay.” He was also required to pass “a journalism ethics course and other training” before returning to work (which he has) as chief reporter of the Yarmouth bureau.

Something had to be done. Medel’s actions had threatened to undermine confidence in the reporting of the Herald: readers were beginning to suspect that there was nothing new in the news. As O’Neil acknowledged in his apology, “Plagiarism is a grievous sin in journalism. When it happens, with intent or otherwise, everybody loses. Readers are cheated, editors betrayed and reputations tarnished.” The ramifications for the newspaper were clear: if this matter was not dealt with appropriately, the paper might lose readers, losing readers meant losing income, and losing income meant losing jobs. But there was arguably more at stake. Plagiarism is a grievous sin in other fields. Fourth months after Medel’s apology, the Herald itself published stories about plagiarism disputes in universities (“Me? Cheating? Big Deal”) and even churches (“Whose sermon is it?”) – the availability of homilies for sale online had apparently tempted some pastors to sin. Since 2000, there has been no less than half a dozen books published on

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4 O’Neil, A3.
plagiarism in the popular press, amounting to roughly one a year.\textsuperscript{6} Plagiarism is a captivating subject. As Adrian Johns has noted, the implications of cases like Medel’s extend far beyond the piecemeal purloining of intellectual property. They reach in fact to the defining elements of modern culture itself: to science and technology; to authorship, authenticity, and credibility; to policing and politics, to the premises on which economic activity and social order rest.\textsuperscript{7}

In our “age of information,” the so called “information revolution,” any deviation in the accepted transmission of knowledge threatens the very “information economy” by which we define ourselves.\textsuperscript{8}

Plagiarism cases excite attention because they raise awareness of the ethical guidelines according to which writers act – either intentionally or unintentionally – and the accepted practices that inform these guidelines. Calling plagiarism a “sin,” for instance, draws upon the authority of religious convictions. But not all ethical codes are as obvious. Some writers might even unconsciously object to the norms they conscientiously endorse. Academics, for example, are not surprisingly among the more vocal opponents of plagiarism. As Neil Hertz has shown, no one is more anxious than researchers about serving a profession that demands they always have something original to say while at the same time being so focused on what others have said; this professional

\textsuperscript{6} Rebecca Moore Howard has for years maintained one of the most extensive bibliographies of plagiarism-related subjects at http://wrt-howard.syr.edu/bibs.html.


\textsuperscript{8} Johns, \textit{Piracy} 3.
anxiety then gets projected upon students.\(^9\) Plagiarism cases expose one’s most cherished beliefs to scrutiny. They also highlight discrepancies between theory and practice. The latest rumour to circulate at the University of Toronto involves a PhD Candidate in the department of Philosophy who – apparently during his defence (or so the story goes) – was accused of plagiarism and promptly failed. I like to remind well-wishers of the outcome of this story when they recommend that I plagiarize portions of my own dissertation. “It seems somehow appropriate,” I have been advised on more than one occasion. In 2007, Jonathan Lethem published an article on plagiarism in Harper’s (“The Ecstasy of Influence”) which in the end he reveals to have been plagiarized.\(^10\) The joke, of course, is that nothing is more inappropriate.

Plagiarism cases involving the internet, as Medel’s did, also call attention to ways in which professional customs struggle to keep pace with technological innovation. The internet is not the first information technology to prompt such revisions. When the phonograph was introduced at the turn of the last century, for example, musicians feared for their craft, and the question of who owned music had to be dealt with again leading to the 1909 revision of the Berne Convention’s original ruling in 1886.\(^11\) The establishment of the print trade in the sixteenth century, with the incorporation of the Stationers’ Company in 1557, also occasioned new guidelines regarding the right to copy. Printing increased concerns about illicit copying in the Renaissance, just as the codex had in classical times. It is no coincidence that the poet first credited with using the Latin legal

\(^11\) Joseph Loewenstein, The Author’s Due: Printing and the Prehistory of Copyright (Chicago: The University of Chicago Press, 2002), 5.
term ‘plagiary’ as a metaphor for literary misappropriation, the second-century epigramist Martial, was also the first to mention the codex in writing. As an alternative to the scroll, the codex promised to facilitate the production, distribution and reception of texts in ways that might also facilitate textual borrowing. Of course, the codex had existed long before Martial mentioned it, just as printing had in England almost a century before it was regulated; but in each case, the delay between the introduction of the technology and the debates it instigated is analogous to the near fifty-year delay between the arrival of the Internet and the now heightened concerns about its misuse. To revise an age-old axiom: the more things change, the less equipped we are to deal with them.

The standards and guidelines for the acceptable use of tools in various fields belong to the same extra-judicial realm as the craft proprieties of the early modern guild systems. Plagiarism has never been illegal; it has always been dealt with in house. The history of plagiarism is, like piracy, the history “of not just precepts but practices – artisanal crafts, policing strategies, ways of reading and the like.” In the case of printing, for example, London’s printers and publishers answered to fellow members of the Stationers’ Company, which as a corporate body decided what was and was not appropriate for its members. This system, modeled upon the medieval guild system, granted the company the right to promote its own courtesies, dress code, and standards. Legitimate printing took place in the company’s printing houses, while illegitimate printing (or piracy) took place in alleys and basements. These practices would remain self-governed until the Restoration when the crown took over the regulation of privileges

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as a means of regaining control of the nation. This regulation would eventually result in the legal codification of piracy as we know it today. Piracy would no longer be defined as a breach of propriety within a specific space, as the Republicans and Tolerationists might have wanted it to be; it would be defined by the state more broadly as theft.\textsuperscript{14} Plagiarism remains a different matter.

The assertion that plagiarism is a sin “in journalism,” for example, places it under the jurisdiction of professional courtesies. In the absence of applicable laws, those who belong to such craft communities get to decide how the tools of their craft are used. In short, they get to write their own ethical guidelines. “The internet is a wonderful tool in searching for background and cross-referencing material,” O’Neil writes, “but credit must be given where credit is due.”\textsuperscript{15} These guidelines are as important to journalists as they are to readers. Readers feel “cheated” when credit is not given because they have learned to trust their sources, and their sources’ sources. Editors feel “betrayed” because a journalist’s career depends upon his or her being recognized (and paid) for the work he or she produces. In the example above, Medel had infringed upon the same rights according to which he hoped to prosper; he had stolen from a colleague in order to advance his own name and career. Each university similarly sets its own code of academic conduct, in this case regarding the proper use of sources, and imposes its own sanctions, just as presumably each church decides how its pastor should prepare and deliver the Sunday morning sermon. Education is important for communicating these expectations. In Medel’s case, for example, O’Neil implies that his employee has taken “ethics and

\textsuperscript{14} Ibid., 17-40.
\textsuperscript{15} O’Neil, A3.
plagiarism courses as part of his formal training.” The only way for Medel to be reinstated as a journalist is subsequently to receive further training. Students and pastors are also trained in the expectations of their craft, which sometimes includes familiarizing themselves with the ethical guidelines of the institutions to which they belong. Many university syllabuses, moreover, stipulate that ignorance of school policies regarding plagiarism does not excuse the offence and assume that students have taken note of this fact.

In light of these anxieties about the transmission of information in the so-called information age, educational institutions have been all the more eager to punish plagiarism with the assistance of tools such as turnitin.com. However, this response is not without its own problems. Teachers who outsource plagiarism detection to turnitin.com have already adopted an outside definition of plagiarism: the usefulness of turnitin.com, the self-professed “global leader in originality checking,” is premised upon the belief that originality, and by implication plagiarism is quantifiable.\textsuperscript{16} Such positivist criteria confuse plagiarism with copyright infringement, when in fact “plagiarism is the use or reuse of words or idea without acknowledgment, whereas copyright infringement is use or reuse of words or ideas without permission.”\textsuperscript{17} This confusion prevents educators from critically examining the extra-judicial forces that inform accepted practices. The history of proprietary authorship at the turn of the seventeenth offers enough critical distance to alleviate this confusion. However, many educators who are responsible for enforcing

\textsuperscript{16} http://www.turnitin.com/static/index.html
plagiarism guidelines know only a little of this history and confuse what they do know with modern copyright law. Teachers who cite the origins of ‘plagiary’ as kidnapping in order to highlight the seriousness with which it should be taken, for example, should note that it first appeared in English not as matter of law but of propriety.

Plagiarism has never been, nor is it now a legal matter. Instead, ‘plagiary’ in early modern England belonged to the ethical vocabulary of a community that was not at the time a recognized guild, although it was sometimes identified as the commonwealth of letters. Plagiarism in this sense is interpersonal. When, in 1563, for example, L. Blundeston desired to publish some of his poems with Barnabe Googe’s, he thought “Reason” should prevent him from benefiting from his deceased friend’s fame:

But for to paint my name in open sight
With others’ stuff, this would she fain reverse,
And thinks I should in others’ plumes so show
Myself, to be a second Aesop’s crow.  

In these lines, Blundeston is unconcerned with plagiarism in the modern sense. He says nothing “about the ownership of texts, about literary property and its secure possession,” nor is he invested in “the relationship between property and the labouring self on which the liberal subject is predicated.” Instead, Blundeston is hesitant to take advantage of his friend’s absence by presenting himself publicly in his stead; he is primarily concerned with accepted conventions of grieving and self-promotion, the codes of conduct not only of his craft but also of his society at large.

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In the sixteenth and seventeenth centuries, those who wrongly identified themselves with their betters were frequently directed to Aesop’s fable in which a crow attempts, unsuccessfully, to disguise himself in peacock features. The image of borrowed plumes was specifically relevant to writers who did likewise. To publicize his own name at the beginning of another’s work, and to include some of his own work within, Blundeston recognises, might be inappropriate. But that is all it is: he has not stolen anything. He cannot be prosecuted. Modern readers may be tempted to view the “others’ stuff” as the manuscript that Blundeston, in his own words, “pushed […] forth straight to the printer’s hand” (89), but those papers would not have belonged to Googe any more than to Blundeston. In early modern England, manuscripts belonged to whomever had them at hand and Blundeston was legally entitled to sell Googe’s papers, “in his absence,” to an enterprising publisher. The other “stuff” Blundeston mentions elsewhere in the preface – “fame” and “deeds” (60) – is, in fact, not stuff at all, and when he writes of “others’ plumes” he clearly does not mean the actual quills with which Googe wrote his poems. Intellectual property, the thing that is thought to have been stolen, “does not exist in a tangible, physical form” (OED 1d); it is “apprehensible only by the intellect or mind, non-material, spiritual” (OED 2), which is why in the end Blundeston’s “Fancy” wins out over “Reason.”

What courtesies do living authors owe the dead? In the twentieth century, similar doubts arose concerning the correctness of assigning an individual signature to what post-structuralists increasingly regarded as an “other’s” words; however, whereas these doubts were occasioned by the theoretical “death of the author” Blundeston’s were prompted by the historical death of a specific author. His primary question in the preface
is how best to honour the death of his friend; it is a moral question related to but distinct from what some scholars have termed “possessive authorship” in early modern England. The answer is more interpersonal than it is either possessive or even intertextual, as we see in Blundeston’s preface itself. The only things writers in this period possessed in relation to their craft was the pen and the paper upon which they wrote. The concept of authorial “property” as we know it today did not apply, although then as now authors were expected to extend each other certain courtesies: if an author did not want to be identified as the creator of a certain work, for example, then she had the right to remain anonymous. Many authors even eschewed receiving credit for another’s work. But if an author wanted to paint his name in open sight, he had the right to do that as well. These courtesies are what I mean by “proprietary” authorship. They are the only “rights” Blundeston recognizes. The best way to honour his friend’s memory, and by implication his own name, he concludes, is to preserve them as proper nouns in the final couplet, while strategically rendering the final “his” ambiguous:

Give Googe therefore his own deservèd fame;
Give Blundeston leave to wish well his name. (95-6)

These rights were not unique to the sixteenth century, but continue to be recognized today. Even those writers who adhere to the most uncompromising post-structural theory, who subscribe to the impossibility of identifying a text with a single author’s name, are still known to prosecute the misappropriation of their work. In the wake of the

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author’s death, whether historical or theoretical, it is still considered proper that his or her name be so honoured: one must not speak ill of the dead.

Proprietary authorship means more than the ownership of texts; it defines what is expected of authors, what is right (in French *propre*) or appropriate. Propriety points to the way in which members of certain communities police the boundaries of property and accepted practice. However, because what is normative in any given community is often taken for granted, writers are only conscious of it when faced with the threat of impropriety. The need to assert an author’s moral rights, for example, exists only when it appears that those rights will not be respected. So too definitions of what is prohibited are only intelligible by comparing what is unknown to what is known and accepted. In a community of writers, one writer may write better than another; however, both still write. Those excluded from this community do not write: they either do not write at all, or when they do they plagiarize or steal. The plagiarist’s behaviour, unlike the writer’s, is defined metaphorically, and it is only through analyzing it as metaphor – that is to say through that to which it is compared – that we can move beyond what is still for us normative – the residual influence of the Romantic myth of solitary genius – and begin to act on the implications of post-structural theory both in the academy and beyond. The first step is to get out of our own period.

We have much to learn from periods prior to our own, but the turn of the seventeenth century is most instructive on this matter because it provides the first recorded use of the Latin legal term ‘plagiary’ as a metaphor for literary misappropriation in English. This appearance was, of course, not without its own history: in the sixteenth and seventeenth centuries, as we will see, humanists actively
in the history of proprietary authorship because it is distant enough to offer a pre-
Romantic conception of authorship but not so distant as to be unrelated to the present; it
offers not only a starting point for our own understandings of literature, as implied in the
label ‘early modern,’ but also the reappraisal of a past tradition, a “Renaissance.” There
are two ways of approaching it. The past may be a foreign country because “they do
things differently there,” but there are, of course, “two ways of enjoying the past, as there
are two ways of enjoying a foreign country.”24 One can journey to the past to seek out
similarities with the present, as teachers often do who point to the appearance of
‘plagiary’ in 1598 as evidence that that plagiarism has always been a serious matter; or
one can seek out differences. Literary historians can do both.

Past codes of conduct are sometimes more apparent in contrast to our own.
However, one of the reasons that the turn of the seventeenth century continues to look
very much like the present to scholars, and thus to exhibit anachronistic concerns for
authorial rights and properties, is that scholars and teachers are much more comfortable
studying those authors who represent early modern literature for us now. These are
necessarily canonical authors. Shakespeare, for instance, has never been excluded from
the community of writers based on allegations of plagiarism, but there is no question that
he plagiarized in the modern sense of the word. Shakespeare commonly lifted passages
wholesale from previous works; in _Julius Caesar_, for example, the lines

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I dare assure thee that no enemy
Shall ever take alive the noble Brutus

are altered only slightly from Thomas North’s prose translation of Plutarch’s *Lives*, “I dare assure thee, that no enemy hath taken nor shall take Marcus Brutus alive.” Instead, as Marilyn Randall has proposed, the more interesting question is not whether Shakespeare plagiarized, but “the presuppositions […] involved when accusations of plagiarism during the English Renaissance were made.” Only one of Shakespeare’s contemporaries ever even intimated that Shakespeare did anything improper as a writer. In 1592, Robert Greene condemned the “upstart Crow,” “Shake-scene,” for presenting himself “beautified with our feathers.” The allusion to Aesop’s fables here would not have passed unnoticed by Christopher Marlowe and Thomas Nashe, to whom Greene addressed his remarks. Like Blundeston, Greene is not concerned with Shakespeare’s use of sources so much as his impropriety, in this case his lack of a university education, which would exclude him from the status Greene and his addressees enjoyed. That Shakespeare not only proved that he belonged, but quickly surpassed Greene in reputation, means that he has seldom been implicated with plagiarism. As one concerned reader of *The New York Times* argued in his defence in 1899, “no good writer was ever knowingly guilty of ‘the inconceivable folly of plagiarism.’” Only “Dullards” seeking to

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25 *The Riverside Shakespeare*, 2nd ed., eds. G. Blakemore Evans, et al. (Boston: Houghton Mifflin, 1997), 1177 (5.4.21-22). All subsequent references to Shakespeare’s plays are from this edition, and are cited by act, scene, and line in text.
“advertise their own names” would ever make such an accusation.\textsuperscript{29} The fact that Shakespeare has risen above his contemporaries and escaped allegations of impropriety both as a writer and a man has led scholars to focus on oblique references to his interest in print rather than his place in the history of early modern proprietary authorship.\textsuperscript{30} Most scholars are also prone to ignore or forgive his youthful indiscretions.

The majority of references to impropriety occur in the non-dramatic work of less well-known and less well-behaved writers. If scholars are to understand how proprietary authorship worked at the turn of the seventeenth century, then they must be prepared to read some of the bad writers of the period, writers who are sometimes only “bad” because they are minor and minor only because they are not Shakespeare. These are the writers who most often accused others of plagiarism, and were in turn accused themselves, writers including the satirist-turned-bishop Joseph Hall, who is recorded as the first to use the word ‘plagiary’ in English; and the irascible John Marston, who was the first to be labelled a plagiary by his contemporaries. Other lively characters of interest include the influential Christian humanist, Desiderius Erasmus; the famous jurist and empiricist, Francis Bacon; the melancholy librarian, Robert Burton; the prolific character assassin, Thomas Nashe, and his arch rival Gabriel Harvey; the eloquent physician, Sir Thomas Browne; the enterprising poet-turned-publisher, George Wither;

\footnotesize
\begin{itemize}
  \item[\textsuperscript{30}] Though Park Honan, in his admirable biography, admits that Shakespeare had not learned to be “a creative man” (53), but “an accomplished parasite” (117) who was “capable of plagiaristic excess (156), he wishes greatly to believe that, in Aubrey’s phrase, Shakespeare “wouldn’t be debauched” (112, 324). He also perpetuates the belief that “Like most Tudor playwrights [Shakespeare] was not especially proprietary about his scripts.” \textit{Shakespeare: A Life} (Oxford: Oxford UP, 1998), 206. This latter point, though popular, has been more recently challenged, at length, by Lukas Erne, \textit{Shakespeare as Literary Dramatist} (Cambridge: Cambridge UP, 2003).
\end{itemize}
the uncompromising moralist, John Weever; and the eccentric author of a strange allegorical odyssey into the human body, Phineas Fletcher. Not all the writers concerned were or can be considered minor, however. They also include the celebrated wit, John Donne, and the corpulent master Ben Jonson, the latter of whom was as well respected as Shakespeare was in his lifetime but has yet to achieve the same status for modern readers. Indeed, as I hope to show, building upon the work of Randall and Laura Rosenthal, accusations of plagiarism were advanced less upon the nature of the act than upon the cultural status of the perpetrator and were very much concerned with deciding who would be remembered as an author and who would be dismissed as a mere writer or hack.

A further cause of confusion surrounding proprietary authorship is that there is no single definition of plagiary. Each specialization has its own understanding of what is improper and proper definitions of plagiarism are themselves sometimes only a matter of perspective. In the sixteenth century, Sir Thomas Elyot mistook the etymology of ‘plagiary’ with that of ‘plaga’ (1) a wound caused by (or to strike with) a whip, which he believed was the punishment for kidnapping under the *plagiaria lex,* “a lawe made agynste them whiche were called Plagiarii, whiche for theyr offence were whipped.”

The ‘plagiger,’ for Elyot, was subsequently “he that is borne to be whipped,” the ‘plagium,’ “the offence, for the whiche one is whipped,” and the ‘plagiosus,’ “a school

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31 Elyot defined ‘plagiarius’ as “he that wyppeth men. Also he that byeth a man for a slave, knowynge hym to be free. Also he that intyseth a mans servant to go from his master, also a stealer of bokes.” The dictionary of syr Thomas Eliot (London, 1538), Rv. This definition remains the same in the revised *Bibliotheca Eliotae* (London, 1542), Cc5. Here and throughout the early-modern long ‘s’ has been replaced with the modern ‘s’, ‘vv’ with ‘w’, ‘v’ with ‘u’, ‘u’ with ‘v,’ and ‘i’ with ‘j’.
This identification of plagiarism’s etymology with the schoolmaster’s rod places it within the craft propriety of the schoolroom, which was governed by the schoolmaster and his aides. The effect is not unlike that of modern teachers identifying plagiarism with kidnapping. Plagiarism is taken seriously. Marilyn Randall (citing George Converse Fiske) similarly observes that ‘plagium,’ the root word of ‘plagiary,’ “derived its name from the punishment it merited, that is, to be condemned ad plagia – to the whip – under the lex de plagiariis instituted by Q. Fabius Verrucosus in 209 B.C.” However, as most scholars now agree ‘plagium’ actually derives from the Latin for a net [‘plaga (2)’], which was presumably the kidnapper’s tool of choice. The only difference is this case is a stress upon the offender’s tool over that of the punisher’s. 

Lexicography is just one example, though an illustrative one, of a craft that developed its own courtesies pertaining to copying. As Samuel Johnson remarked in the eighteenth century, “compilers and plagiaries are encouraged, who give us again what we had before.” In the case of dictionaries, entries should be at least roughly similar from dictionary to dictionary; otherwise, it would never be very clear what a word means. As dictionaries make abundantly clear, “all words are stand-ins for other words[; …] all our

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33 Randall, 61. George C. Fiske makes no mention of either etymology, but supplies Randall only with a date for the origin of the law. Lucilius and Horace: A Study in the Classical Theory of Imitation, University of Wisconsin Studies in Language and Literature 7 (Hildesheim: Georg Olms Verlagbuchhandlung, 1966), 27. Randall has informed me that she found only one reference to the whip in her research, and that it may not have been in Fiske.
language is filched and forged, reach-me-down rather than bespoke.”

There are also only so many ways to define a word. Nevertheless, given the many quarrels among early modern lexicographers, they evidently expected that others would extend them the courtesy of not copying their work even though in the sixteenth and seventeenth centuries it was common to “take over entire sections of another work and print them verbatim.” One of the authors of the anonymous Martin Marprelate tracts of the late 1580s, for example, accused Thomas Cooper of wholesale copying: Cooper he alleges, “hath translated his dictionary, called Cooper’s Dictionary verbatim out of Robert Stephanus his Thesaurus, and ill-favored too they say.” In accordance with the early Roman use of plagiarus, Cooper glosses the word as

he that bieth a man for a slave, knowing him to be free. also he that inticeth a mans servant to go from his maister, or kepeth hym secretely, without the knowledge of his maister, or stealeth away a mans children. also a stealer of bookes.

However, as Marprelate points out, Cooper himself stole many of his entries (including this one) without acknowledgement from Elyot’s Latin dictionary, Robert Estienne’s (Robertus Stephanus’) Thesaurus linguae Latinae, and Johannes Frisius’ German dictionary. Such borrowings, “ill-favored” as they were, did not end with Cooper. In 1552, John Vernon glossed ‘plagiary’ in 1552 as “he that byeth a man for a slave,  

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knowing him to be free, a stealer of bookes, or of mens servantes, and children;”

Guillaume Morel adopted this same definition in 1583, and Thomas Thomas reiterated it four years later.39 *Plus ça change, plus c’est le même chose.* Still, many lexicographers, such as Francis Holyoke, who was himself criticized for appropriating Thomas’ *Dictionarium*, would later refer to Cooper’s thefts in defence of their own, arguing that such was the lot of the lexicographer.40

That these matters both originated and were dealt with in house is well illustrated by one of the more infamous scandals of sixteenth-century lexicography. In 1579, the apprentice Johannes Scapula published a shortened version of his master’s, Henri Estienne’s (Henricus Stephanus’) *magnum opus* the *Thesaurus Graeca Lingua* without permission. The fact that the abridged book sold well might have been good for Scapula, but it prevented his master from making good on his investment in the original and is said to have led to his poverty.41 There were no legal sanctions in place to protect Estienne from his enterprising young apprentice, so Scapula was fully within his legal rights to do what he did, but since Scapula both worked from and lived in his master’s home many felt that he had clearly violated his master’s hospitality. He was, of course,

39 John Vernon, *A dictionary in Latine and English* (London, 1557), II; Guillaume Morel, *Verborum Latinorum cum Graecis Anglicisque* (London, 1583), Vii; Thomas Thomas, *Dictionarium linguae Latinae et Anglicanae* (London, 1587), Yv. The earliest of these definitions could also have been translated from Latin definitions of ‘plagiarius’, such as that provided by Marius Nizolius: “*qui liberum hominem uendit uel emit. Item qui feruem ferănum à domino auertit, fugam fuadet, emit uenditur nefcierte domino. Fieri autem potefi hic, ut fit cognomen Liciny eius de quo loquitur Cicero. Q.F. 300 b, Licinium Plagiarium cum pullo milium tribut a exigere.*” Brixellensis in M.T. Ciceronem (Venetiis, 1555), Q."  

40 For Holyoke’s argument, as well as further criticisms of Cooper, see Starnes, 87. Holyoke appears to have been the first to observe Cooper’s debt to Frisius. Further examples of plagiarized definitions have been noted by Louis Cooper, “Plagiarism in Spanish Dictionaries of the XVth and XVIth Centuries,” *Hispania* 45 (1962), 717-20; Jack Lynch, “Four Centuries of Lexicographical Belligerence: The Edward J. Bloustein Dictionary Collection,” *Library Quarterly* 78 (2008), 116; and Terry, *Allegation* 18-23.

promptly dismissed. This incident is also remarkable for Scapula’s defence of his actions, which is immortalized in Joseph Hall’s dystopian satire, *Mundus Alter et Idem*, where a hill in the fictional land of Plagiana bears the apprentice’s name with the note that “*Having stolen his dictionary from Stephanus, Scapula proclaims: ‘But I contend this Lexicon to be new.’*”\(^{42}\) Counterpoised with the allegation of theft, Scapula’s defence is here clearly self-condemnatory though much more convincing in its original context. In his preface to the *Lexicon Graecolatinum Novum*, Scapula anticipates that his critics will like “Momus” assert “no lexicon may be called new,” to which he responds,

> I contend this lexicon *is* new  
> But to be new is nothing, it is said, unless it is useful:  
> This newness is not without its usefulness.\(^{43}\)

There is truth in both sides of the argument. Dictionaries necessarily draw from those that came before. They are not new, nor should they be simply for novelty’s sake. But a dictionary, as Scapula recognizes, is also a tool, and a tool can be put to new uses, which is (he claims) both what his abbreviation will enable its readers better to do and what distinguishes it from his predecessor’s.

The fact that matters such as plagiarism are dealt with in house and fall under the jurisdiction of one’s craft community is also highlighted by the source of sixteenth-century definitions of ‘*plagiary*’: the *Lex Fabia* “*de plagiariiis.*” This statute, which dates anywhere from 209 BC to 90BC, viewed kidnapping “more as an interference with the power of the *paterfamilias* than as an interference with the liberty of the individual

\(^{42}\) Joseph Hall, *Another World* 115 n.29.  
\(^{43}\) Ibid. 196. Original emphasis.
where we place the emphasis today.” Kidsnapping might be regarded today as “a rape of liberty but in Rome as already stated it was principally considered as an undue appropriation of ‘power,’ that is, of the power (poestas, manus, dominium) of the paterfamilias over his children, his wife, his slaves.” Throughout the centuries plagiary extended outside the home: it referred not only to the theft of a slave or child but also to the theft of free men, as well as sometimes simply men behaving badly, “a torturer, oppressor, or plunderer,” or “a seducer or corrupter of youth.” In sixteenth-century France, ‘plagiat’ – “in Roman law, stealing a person for sale or abuse” – was also sometimes conflated with “fraudulent impersonation.” Although it is unclear how well known Roman kidnapping laws were in the sixteenth century, they clearly influenced the views of at least some writers. The punishment for kidnapping, according to the Lex Fabia de plagiariis, was not whipping but “a fine of 50,000 sesterces,” although more “recent constitutions impose[d] a capital sentence in aggravated cases, such as crucifixion and the mines for humiliores [the lowly], half-confiscation and exile for honestiores,” or those of good standing. Literary misappropriation clearly qualified as an aggravated case for Ben Jonson, since in his play Poetaster, which is set in second-

44 Francesco Lardone, “A Note on Plagium (Kidnapping in Roman Law),” University of Detroit Law Journal 1 (1932), 163-64.
46 Ibid., 164.
49 Qtd. Ibid., 110.
century Rome, Tibullus condemns Crispinus to death for such an offence: “the ditti’s all borrowed; ‘tis Horaces: hang him plagiar.”  

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This dissertation exposes the ethical guidelines that inform the rhetoric of proprietary authorship in four early modern craft communities ranging from the literal to the figurative: the schoolroom, the book trade, the London literary scene, the Inns of Court and even the idea of a Renaissance itself. The first three chapters trace the chronological development of this rhetoric’s development, from its earliest manifestation in humanist pedagogy in the mid-sixteenth century to the first appearances of the word ‘plagiary’ in English at the turn of the seventeenth; they also implicitly follow the Renaissance writer’s development from schoolboy to canonical author.

Recalling Medel’s example above, chapter one begins by examining the literary skills that students practiced as part of their formal training. The early modern grammar school reinforced the manners that children learned at home and drew upon these examples in teaching more technical skills such as reading and writing. A child’s eating habits were then (as now) among the more transferable of these lessons and are perhaps best illustrated for readers today by Mrs. Gregory’s admonition that Pip not “bolt” his food in Dickens’ Great Expectations.  


to abuses leading to derivative patchworks, however, and forced its earliest advocates, such as Erasmus and Juan Luis Vives, to articulate the boundaries of proper and improper imitation using metaphors of assimilation, such as digestion, derived from medieval and classical sources. Commonplace books were designed to help students navigate the wealth of knowledge that was then in print. However, reading too quickly would result in indigested writing. These metaphors, as I show, situate the origins of proprietary rhetoric in the histories of reading and writing. A student only owned what he wrote if he digested it through accepted practices of reading. Accusations of improper reading also reinforced hierarchies within the early modern schoolroom by distinguishing between the quick and the dull, and enabled graduates to distinguish between those who belonged and those who did not in certain professional circles. These boundaries, even at school, were inseparable from class and professional distinctions. Writers who abused accepted practice, as I show, were said to produce “patchworks” that equated what they produced with the habits of the disenfranchised. In conclusion, I show how Robert Burton attempted to collapse these distinctions through a close reading of passages from his *The Anatomy of Melancholy* (1621) in which he celebrates its status as patchwork.

The competitive environment of these schools, and the metaphors they used to distinguish between the levels of students, stayed with students well into their professional lives. Accordingly, in chapter two, I trace how graduates of the early modern grammar school continued to mobilize accusations of impropriety as a way of excluding others from membership within particular communities. Whereas early modern writers had learned as students to distinguish themselves by out-imitating their peers, in their maturity they did so in search of preferment. Focusing on the London literary scene,
where this competition was the most intense, I examine how writers advanced accusations of plagiarism as one means of establishing distance from those closest to themselves. Such accusations, I argue, were one of the only tactics available, together with parody, to discredit a rival, and continue to be employed in much the same way today. Although everyone knows that politicians not only hire speech writers but also quote from previous speeches for dramatic effect, for example, politicians will often call attention to this fact by accusing others of plagiarism as a means of highlighting their rivals’ inferior assimilations and by implication their inferiority as politicians. So too in the 1590s, as I show, the rhetoric of proprietary authorship was not only politically charged but also grew out of personal rivalries between authors with too much in common. The question then as now was not who possessed what but who could do more with the literary material at hand, and in many cases writers even went so far as to plagiarize those whom they accused of plagiarism as a way of demonstrating their superior skill.

These rivalries also had implications for how writers at the turn of the seventeenth viewed their place in history. Subsequently, in chapter three, I show how writers competed not only with their contemporaries but also with the classical past upon which they relied for inspiration. The most authoritative works during this period continued to be classical sources, but at the same time that writers were competing with

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each other to see who could better imitate authors like Homer, they also recognized that according to this view of literary history Homer must also have derived his work from someone. One of the first authors to identify his peers as plagiarists in English was, not coincidentally, also one of the first to include Homer among their number. In *Mundus Alter et Idem* (1605), Joseph Hall assumes that Homer must have plagiarized though he concludes “that nothing seemed more proper.” In this chapter, I explore with Hall how metaphor is itself necessarily improper and thus particularly well suited to describing literary impropriety. Here, I show how the travel writing of the early seventeenth century equates plagiary and metaphor as a transgression of communal boundaries. Unlike Samuel Purchas, who in 1613 recounted how as a child Muhammed “was by some Plagiary stolne away from his friends,” Hall and Phineas Fletcher promoted a more figurative understanding of appropriation in *Mundus Alter et Idem* and *The Purple Island* (1633), respectively. Whereas some of these earlier texts equate plagiary with a moving body across external boundaries, spatial or otherwise, Fletcher’s allegorical journey into the human body again defines the boundaries of propriety somatically. In his own inferior imitation of Spenser’s depiction of the digestive body, Fletcher exemplifies the minor writer’s exclusion from a community of writers with which he desires so much to be identified.

Part two departs from the chronological development traced above to consider two more communities in which propriety is again concerned: the printing house and the Inns of Court. First, I re-examine the evidence for authorial rights in the early-seventeenth century through a close reading of George Wither’s battle with the

Stationers’ Company in *The Schollers Pugatory* (1624). Wither has been championed as the one of the earliest proponents of individualized property rights, but as I show, his negotiations with the stationers were intended more to secure the same benefits enjoyed by the stationers than to establish a new system of authorial property. In the absence of an established writer’s guild, I argue, Wither could only make a case for himself by appealing to the stationers’ trade proprieties and defined himself an an author in contrast to the community from which he was excluded. Finally, in the last chapter, I situate John Donne’s rhetoric of proprietary authorship in the context of the Inns of Court where aspiring young professionals sought preferment after having graduated from one of England’s two universities. Here, I show how the Inns were an intensively competitive environment, like the grammar school, where authors who were being trained in legal definitions of property were most apt to apply legal terms such as ‘plagiary’ to what they regarded as improper. I also use Donne’s example to show how concerns over propriety were not limited to authors with an active interest in the print trade, such as Wither and Jonson, but were also articulated by authors who circulated their works among clearly defined literary communities, or coteries, that shared similar definitions of propriety.

In conclusion, I return briefly to the question of own relationship to the past and what we in the academy in particular can learn from (rather than about) the past, since as Ben Jonson well knew, “wee so insist in imitating others, as wee cannot (when it is necessary) returne to our selves.”

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Chapter 1
Plagiary’s Commonplace

To rediscover the power of inventory is also to rediscover the forms of pedagogy that precede the regime of originality.¹

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Therefore we may call that art true art which does not seem to be art; nor must one be more careful of anything than of concealing it, because if it is discovered, this robs a man of all credit and causes him to be held in slight esteem.²

A common place, and many friends
Can serve the plagiary’s ends,
Whose easy vamping talent lies,
First wit to pilfer, then disguise.³

In the introduction, we saw that part of Brian Medel’s punishment for plagiarism was to be sent back to school. But it was, of course, in school that Medel would have first learned what plagiarism was. He was not sent back to learn something he did not know; he was sent back to demonstrate publicly that he had failed to learn his lesson.

Most writers, ancient and modern, learn to write in school. It is there that students learn the meaning of letters and how to put those letters to good use. A school, however, is more than a building wherein students gather daily to sit for lessons; it is any place where students receive “training,” or as Erasmus defined it in the sixteenth century, “the skilled application of instruction and guidance.”⁴ A school is where students learn what

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³ Matthew Green, The Spleen: An Epistle (1737), as quoted by Terry, Allegation 22. As he points out, to ‘vamp’ was to repair or patch up.
is expected of them and how to meet these expectations. These lessons determine for a student what is appropriate and inappropriate, and belong as much to a figurative as to a literal notion of a school; they are learned at home, and on the street, as readily as they are in buildings designed for the purpose. A child who learns to write well and not to bolt his food, for example, is schooled no differently than a child who learns to cut a purse and share the proceeds, the son of a great house no differently than his father’s slave: “he may be useless at first, as knowing nothing. Straightway he is trained, and it is quickly found what he can best do, and to that craft he is diligently trained.” Each of these examples differs only insofar as the students belong to different communities, where different codes of conduct and systems of information apply. The same is true of schooling across time: “medieval education,” like Renaissance education, “was not a precursor of modern education, but the same thing in different circumstances.” Children are still sent to the school where they will learn the lessons that those who send them want them to learn, and part of the discipline they undergo involves learning how not to act like those in other communities. In the Renaissance, students who failed to imitate their sources properly were reproved for writing slavishly. They exhibited the technical skills of their inferiors rather than the values of the liberal arts worthy of a free person.

The repetition of words that were no longer a part of communal discourse, such as

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been preferred to that of the Collected Works of Erasmus (hereafter CWE) because of its careful use of pedagogic terminology; however, where possible the corresponding page numbers have been indicated. “On Education for Children,” CWE, vol. 26, trans. Beert C. Verstraete, ed. J.K. Sowards, Literary and Educational Writings 4 (Toronto: University of Toronto Press, 1985), 311.

5 Erasmus, “De Pueris” 186; CWE 26.303.

Ciceronian or inkhorn terms, similarly indicated a deviation from “historical decorum,”
or properly accommodating one’s speech to the moment in which it is delivered.\(^7\)

Plagiary and similar metaphors emerged as a way of marking a departure from the accepted practices of schooling in the sixteenth century. In the Renaissance, students learned how to write in humanist grammar schools, where by learning to write they distinguished themselves from those who could not, and by learning to write well distinguished themselves from each other. They were taught to generate or gather \((inventio)\), to arrange \((dispositio)\) and to adapt their sources to their own voice \((eloqutio)\). In so doing, they would distance themselves from a culturally undesirable, Scholastic past. To stitch sources together in an endless commentary, as medieval authorities had done, was to invoke a socio-political anachronism that was no longer acceptable in Protestant England. The challenge was that those at the vanguard of Humanist education, such as Erasmus, had themselves been taught in medieval schools and carried much of what they learned with them. It was difficult to do otherwise. In \textit{Familiarum Rerum}, Petrarch embraced classical sources as a means of renovation rather than repetition, “for from whatever source we learn anything it is ours unless by chance forgetfulness take it from us.”\(^8\) However, as the Renaissance progressed, writers were eventually able to “forget the author,” as Petrarch wrote to Boccaccio, “since through long usage and

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continual possession I may adopt them and for some time regard them as my own.”

It was common for male writers (the majority), for example, to speak of giving birth to a literary work as though they were capable of doing so, just as in the historical literature of the period “the father often usurps the mother’s place.”

Likewise, an up-and-coming author might strive to conceal his sources as much as his own origins through a liberal education that promised to raise him from his lowly station. Plagiarism seeks to obliterate origins entirely by moving them forward to the here and now, but is only known as such when a writer’s originals are detectable in his imitations.

In the Renaissance, such a writer would be singled out like a jay among peacocks or reproved for creating raggedy patchworks of the kind worn by the poor. A plagiarist does not write well; he writes poorly. But forgetting could also be difficult. Renaissance authors were always acutely aware of their origins both in terms of their place in society and in terms of their place in history, and many of the skills they learned at school did not always lead to the kinds of assimilation that were expected of them. This chapter focuses on one such skill – commonplacing – in order to highlight some of the earliest distinctions between accepted practice and what would later become known as plagiarism.

Good writers have always been good readers, and students in the Renaissance were encouraged to keep extensive records of their reading which they could draw upon in their writing. These records were known as commonplace books, because they

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contained, as their name implies, familiar topics or *topoi*, from the Greek meaning ‘place.’

Some commonplace books were highly organized, arranging material under appropriate headings, while others were simply notebooks of the kind one expects to find in secondary schools today. The commonplace book was a study aid often celebrated for allowing students both to navigate more efficiently a vast sea of learning and to re-frame alien language to their purposes. It was intended as a tool for storing and retrieving data that would make the wisdom of others more easily accessible; it also enabled writers to take passages strategically out of context so that they could later rework them to their own advantage. However, as students became more efficient in acquiring materials for their books, concerns arose that they would not take the further time required to treat their materials properly.

Enterprising writers could even purchase ready-made repositories, such as Georgius Major’s *Sententiae* (1534) or Nicholas Ling’s *Wit’s Commonwealth* (1597), without ever having to read any of the books quoted therein.

Commonplace books did not require extended reflection, nor did they necessarily lead students toward the kinds of seamless writing that such reflection produces. Though designed to provide students with something to say, commonplace books threatened to prevent weaker students, in particular, from ever writing in their own voice.

Like any other technology designed for nobler purposes, commonplace books were susceptible to misuse. Thomas Greene, for one, has argued that commonplacing

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“could not in itself produce sensitive understanding and creative imitation,”

although the practice has been more recently defended by Mary Thomas Crane (1993) and Ann Moss (1996). Yet, while Crane rejects Greene’s conclusion, she concedes that those in the sixteenth century who promoted the commonplace book were themselves also uncertain about its effectiveness. Humanist pedagogues may have “wanted to believe,”

she writes, but could not guarantee that it would lead to “assimilation and understanding just as deep as those offered by other versions of imitatio.”

Crane’s reluctance to take into account the potential for misuse that contributed to this lack of confidence in commonplacing is typical of contemporary scholars who, with every good intention, commemorate the method as an historical alternative to the Romantic myth of solitary genius. She cites, accordingly, only those authors who reflect an anachronistic preference for strategic fragmentation, which she identifies revealingly as “true intertextuality,” rather than those who opposed it in favour of a unifying wholeness.

But hers is not the only objection. Another reason that “the implications of textual commonplacing for the understanding of plagiarism have been little studied,”

as Paulina Kewes observes, is that scholars are reluctant to blame “the whole Renaissance educational system” for fitting students “for nothing better than plagiarism.”

Such an argument would be both totalizing and reductionist; it ignores other contributing factors and also unduly limits the

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17 Crane, 61.
18 Ibid., 17.
positive outcomes of the commonplace book. Yet, although there is no doubt that humanist pedagogues prepared their pupils well with a wide range of skills, they were also alert to any unwelcome habits their methods may have encouraged. The implications of commonplacing for plagiarism have long been recognized. Most scholars object only to the ways in which the evidence of unassimilated borrowing in commonplace books has been mobilised either as an intent to deceive or to discredit texts that do not conform to modern aesthetics; they have never denied that such connections exist.

In fact, as Ann Moss observes, commonplacing has been “haunted by the bogey of plagiarism ever since Petrarch,” and this spectre was at no time more visible in England than in the years leading up to the appearance of the word ‘plagiary’ for the first time in English. Writers from Thomas Nashe and Phillip Sidney in the 1580s and 90s, to Robert Burton and John Selden in the 1620s, all worried that undue reliance upon such methods would hinder assimilative imitation. For some, like Nashe, the problem was that they too closely resembled Scholastic commentaries. Commonplace books did not require immediate engagement with the source, as desired in the popular dictum *ad fontes*, but fostered instead an “idle age” that left “the fountains of Science, to pursue rivers of knowledge.” A more common complaint, however, was that commonplace books did not encourage writers to assimilate their sources. John Selden, for one, was as

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21 See, for example, the article that provoked Orgel: Don Cameron Allen, “The Classical Scholarship of Francis Meres,” *PMLA* 48 (1933): 418-25.
22 Orgel, “Plagiarism” 70-3.
suspicious of commonplace books as teachers are today of the Internet; he dismissed any work “patcht up out of Postils [annotations], Polyantheas [collection of beauties], commonplace books or any of the rest of such excellent Instruments for the advancement of Ignorance and Laziness.”

Commonplacing was simply too efficient for its own good. Quotes could be more easily gathered (inventio) than arranged (dispositio): they could be found readily in public, as Marston noted of those who “H'ath made a commonplace booke out of plaies,” and in private, as Michel de Montaigne observed of his own method of “picking and culling,” in Florio’s translation, “from this and that booke” the sentences that pleased him most.

Would-be writers did not have to take time to assimilate the words of others, “and make them wholly theirs,” as Sidney would advise, but could proceed quickly with the mere “emptying of their phrase books” even though the result would be “by patch & by peecemeale stolne.” Such patchworks were faulted by Burton as “Apish imitation, a Rapsody of Rags gathered together from severall Dung-hills” because they were, as some readers feel about his Anatomy, “confusedly tumbled out, without Art, Invention, Judgment, Wit, Learning, harsh, raw, rude, phantasticall, absurd, insolent, indiscreet, ill-composed, in-digested, vain, scurrile, idle, dull and dry.”

They were the work of scribes, compilers, or commentators, not of authors, for only a

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writer who kept “his own work in principal place,” and added “others’ for the purposes of confirmation” had from the middles ages onwards the right to be called an author.²⁹

I would like to suggest first that the Renaissance educational system at least partially, if not wholly, equipped students for the kinds of impropriety it would also condemn; and second, that both students and teachers were fully aware of this paradox.

In the three sections that follow, I trace the recognition of literary misappropriation to the proprieties of commonplacing and document how these proprieties were perceived both by the pedagogues that taught them and the writers that practiced them. First, I account for the paradox of the Renaissance classroom by situating the rhetoric of (im)propriety at the intersection of two conflicting traditions: one, a meditative tradition stretching back to antiquity that taught writers to assimilate outside sources properly by comparing the process to the inward functions of digestion; and the other, an instrumental tradition that emerged in response to increasing pressures upon the reading/writing body that resulted in a more widespread acceptance of note taking as a necessary means of coping with information overload.³⁰ These two traditions demonstrate how reading and writing are inseparable in the histories of both the commonplace book and proprietary authorship; they also reveal both the origins of proprietary metaphors such as plagiary and the


³⁰ Or what others have termed “intensive” as opposed to “extensive” reading. See Ann M. Blair, Too Much to Know: Managing Scholarly Information before the Modern Age (New Haven: Yale UP, 2010), 32, 59. Blair also identifies the latter as “consultation,” “index,” or reference reading (144) and makes a distinction between reading for private piety and public utility (198). This book was only available to me after my dissertation was submitted, although it confirms many of the claims I make in this chapter regarding the historical causes of instrumental reading (36-46), problems with the abundance of books (55-61), and subsequent complaints about indigested texts or patchworks (87, 212, 238-46, 252-56). Blair uniquely attributes the widespread availability of paper as a further contributor to the development of instrumental reading, however (63, 73). All subsequent references to Blair’s work are to the article cited below.
conditions under which literary misappropriation flourishes. Second, I examine the theoretical limitations and abuses of commonplacing as they were perceived by its earliest advocates. Influential pedagogues, such as Erasmus and Vives, knew that their program of study could lead to misappropriation; however, rather than drawing upon the inward looking rhetoric of the meditative tradition in support of classical decorum, they compared unassimilated writing to the outward image of rags and patchworks. These metaphors, as I show, were rich with implications for craft proprieties and textuality. Finally, I read closely the introduction to Robert Burton’s *Anatomy of Melancholy*, “Democritus Junior to the Reader,” as a self-conscious example of the notebook method at work. Here, I review how the conditions of writing at the turn of the seventeenth century in England may have fostered what Burton recognized in his own writing as unassimilated borrowing but were entirely in keeping with the craft proprieties to which he subscribed. The reader will also soon discover that in what follows I have deliberately and, one might argue, inevitably produced the kind of patchwork that I am describing.

*A Case of In-Digestion*

Schools were not, of course, the first institutions where early modern students were trained in civility. Many of the lessons they learned in school were, in fact, extensions of those first learned at home. As Erasmus notes in *De Ratione Studii*, for example, his program of study “demands the environment of a cultivated home-circle,” for a child

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whose family can model the correct pronunciation of Greek and Latin will have little difficulty learning to speak these languages correctly.\textsuperscript{32} Throughout his writings on education, Erasmus requires only that parents lead their children as far as they can in the way of virtue. A more learned schoolmaster or tutor will lead them the rest of the way. The problem, however, was that aristocratic families frequently privileged their child’s fleshly desires over his intellectual development: “He cannot yet sound his letters,” Erasmus complains, “but he knows what cramoisie is, and brocade: he craves for dainty dishes and disdainfully pushes away simple food.”\textsuperscript{33} Even worse, “He is brought up to sit through long feasting,” with his father and his guests passed out drunk in front of him, and is still expected to “grow up honest, temperate and pure.”\textsuperscript{34} These poor parenting skills would lead Erasmus’ contemporary, Vives, to conclude that “the teacher is the truer parent” because his role in shaping the student’s character supersedes the mere begetting of a body.\textsuperscript{35} However, despite the obvious appeal of Vives’ argument to teachers, Erasmus maintained that a father was in a better position than a schoolmaster to cultivate “a spontaneous capacity for moral conduct” in his child because a father did not have to resort to a teacher’s threats of corporeal punishment.\textsuperscript{36} The example children naturally follow early on, Erasmus recognised, continues to influence their speech and manners, either positively or negatively, long after they leave home.

The lessons many children learned at home may have been at odds with those they learned at school, but the aristocratic child’s knowledge of delicate fabrics, his taste

\begin{footnotesize}
\begin{enumerate}
\item Erasmus, “De Pueris” 188.
\item Ibid., 188.
\item Ibid., 189.
\item Qtd. Bushnell, 41.
\item Bushnell, 33.
\end{enumerate}
\end{footnotesize}
for fine foods, and his ability to consume large amounts of them would all serve as helpful analogies when teaching the most abstract skills of reading and writing. As Erasmus defined it, civility was an outward bodily propriety, which meant that the best way of learning the proper way of doing anything was by imitating the behaviour of one worthy of imitation. Children were especially prone to copy, for as Richard Mulcaster observed, imitation springs from their very being: “in the little young souls, first we finde, a capacitie to perceive that which is taught them, and to imitate the forgoer,” and their maturity was measured by the extent to which they surpassed him. The forgoer Mulcaster had in mind was, of course, the teacher, which as Richard Halpern has argued, subjected the student to the teacher’s influence and perpetuated the dominant social order for which he stood. Imitation was a means of training children to become subjects that belonged to a particular social forum while at the same time shaping their understanding of what was expected of them. Students were indeed exhorted to love, honour and emulate their teacher, as Vives instructed to “listen to him intently – to his words, his


40 Halpern, 29.
forms of speech, note down his opinions, and make yourself as far as possible like him," or as Jonson put it “to follow him, till he grow very Hee: or, so like him, as the Copie may be mistaken for the Principall." They were also expected to absorb the moral qualities of their teacher. Richard Pace, for one, hoped that students would be influenced positively by their teachers, that “they’ll absorb not only a certain amount of learning, but also good character”; and Castiglione, for another, recommended that “whoever would be a good pupil must not only do things well, but must always make every effort to resemble and, if that be possible, to transform himself into his master.”

The attention to the outward qualities of another body that each one of these authors demanded, however, further distanced them from a tradition that compared the best practice of assimilation to the inner workings of the student’s own body. In this case, the student does not stare at a model to imitate but concentrates on the image of his own origins. His body subsequently becomes not only a present reminder of where he came from, as the offspring of man and a woman, but also a potential source of new life.

Commonplace books may have provided writers with something to say (copia), as well as examples of how best to say it (imitatio), but the way in which writers engaged with external sources announced more than their voice; it also revealed their character.

As Terence Cave has shown, early modern theorists assumed a phonetic model for

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42 “Timber, or Discoveries,” 638.

43 It was subsequently very important not only that good men be chosen for this post but also they be well enough advanced so as not to be outpaced by quick witted students. Dowling 180-81


45 Castiglione, 31.
writing that both linked the text with the body of the author who would speak if present and conflated the character responsible for an utterance with the physical chest that produces that voice, both of which were what Quintilian had meant by the author’s *pectus*. A similar emphasis on the possession of the body informs the proper treatment of commonplaces, which was also borrowed from classical sources: incorporation. One of the benefits of reflection, according to Seneca, is that it “nourishes the mind and refreshes it when it is wearied with study,” but like nourishment it must first be digested before it can be of use to the reader. If something that is repeated “betrays its origin” it can be excused for being “a different thing than whence it came.” “This is what we see nature doing in our bodies without any labour on our part,” Seneca explains. Just as digested food “passes into tissue and blood only when it has been changed from its original form, […s]o it is with food which nourishes our higher nature,” for “whatever we have absorbed should not be allowed to remain unchanged, or it will be no part of us.” The object, the act, and the results of gathering in Seneca’s analogy have been variously stressed by scholars, but the image of digestion remained one of the most appealing images to English poets such as Ben Jonson, who in addition to the being one of the first to condemn a contemporary for plagiary, argued that a poet must “bee able to convert the substance, or Riches of an other Poet, to his owne use. […] Not, as a Creature, that swallowes, what it takes in, crude, raw, or indigested; but, that feedes with

48 Crane, 59.
an Appetite, and hath a Stomacke to concoct, divide, and turne all into nourishment.49

The digestive metaphor was also applied specifically to the keeping of commonplace books, as when Sir Philip Sidney warned poets not to rely on “paper-books” of pre-digested fragments from Cicero and Demosthenes but “by attentive translation (as it were) devour them whole, and make them wholly theirs.”50

These metaphors belonged to a psychosomatic, or meditative tradition of reading that was inward rather than outward looking. Meditative reading practices were according to Seneca’s definition selective, transformative and passive: they culled only what was suitable for producing nourishment, arranged, assorted, sifted and gathered it; they blended and absorbed this variety together so that it was changed from its original form, digested it so that it became a part of the reader; and they allowed each of these steps to occur naturally “without any labour” on the reader’s part. In this tradition, the individual body marked the boundaries of what was in and what was out, or the respective appropriateness or inappropriateness of the writer’s use of his reading. The end goal was for the reader to be unconsciously influenced by a text rather than simply to recall it for some other purpose. In the act of reading, students were encouraged to focus their minds in the pursuit of inner tranquility, during which time they would glean important precepts. When they put the book down, students were then encouraged to synchronise what they had learned from their reading with their own interior momentum

49 Jonson, “Timber, or Discoveries” 638.
50 Sidney, “Defense” 246. He also disapproved of “Pindar’s apes” (3.3), especially those “that do dictionary’s method bring” to their lyrical poetry (15.5), although he was himself “Oft turning others’ leaves” (1.6). Sir Philip Sidney, “Astrophil and Stella,” Sir Philip Sidney: The Major Works, ed. Katherine Duncan-Jones, Oxford World Classics (Oxford: Oxford UP, 2002), 154, 158, 152.
and understanding through a period of extended reflection.\textsuperscript{51} By allowing for the necessary time to process what they had read attentively, readers were expected to learn something potentially transformative about themselves, to be nourished by the text, and consequently better able both to appropriate what they have learned in new contexts and to escape allegations of what would later be known as plagiarism.

Viewing reading as “food which nourishes our higher nature,” or a technology of the self governing the regulation of the body,\textsuperscript{52} Seneca’s model was itself a commonplace of the monastic education that predominated in England prior to the dissolution of the monasteries in the 1540s and exemplified in Peter Comestor’s \textit{Historica Scholastica}.\textsuperscript{53} Reading aloud, in this tradition, was considered not only essential to the \textit{lectio divina}, which began to decline in the thirteenth century with the commoditisation of knowledge,\textsuperscript{54} but also as one way of devoting attention to the exercise of \textit{meditatio}. As such, it was frequently compared to the physiological acts of mastication and digestion.\textsuperscript{55} However, just as Seneca emphasised the deliciousness of the bees’ honey, medieval Christians included an organ for taste in their analogy of reading. For medieval writers,

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\textsuperscript{53} Halpern, like Crane, regards the dissolution of the monasteries as one of the major catalysts of the changes outlined in this chapter (73-77).
\textsuperscript{54} Ivan Illich, \textit{In the Vineyard of the Text: A Commentary to Hugh’s Didascalicon} (Chicago: University of Chicago Press, 1993), 64-5.
\end{flushright}
following what Augustine and others termed the “palatum cordis,” texts were to be tasted with the palate of the heart, or in ore cordis. Continuing with the metaphor of the heart as the organ of sense, medieval Christians encouraged readers to “seek for savor, not science” and questioned the value of knowing much while processing little: “To know much and taste nothing,” as Bonaventure put it, “of what use is that?” Reading, in this tradition, was not meant to be useful but nourishing, to refresh the body not to weary it.

These meditative reading habits continued unabated for centuries, although in the twelfth century they began to give way to “the culture of the schools” with the rise of scholasticism, which led to ever increasing changes in both reader and text. Two important changes in the reader took place in the late medieval period. One was a move from reading aloud toward silent reading, which meant that readers no longer had to take the time to chew over their words carefully but could instead skim over a text. The other was a reduction of the contemplative aspects of reading in favour of methods that privileged analytical understanding. A reader in these circumstances, as Brian Stock notes, “learned to appreciate accurate editions, so that ancient texts could be read

56 Leclercq, Love 90; Un maitre de la vie spirituelle au XIe siecle: Jean de Fecamp (Paris: Vrin, 1946), 99n.3.
57 Leclercq, Love 90.
58 Arnoul of Bohéris Qtd. Ibid. 90.
correctly, and philological methods, so that interpretations of those texts could be justified.  

He did not concern himself with his own inner wellbeing. This development followed a move away from monastic habits towards a “scholastic model of reading that viewed the book as both the object and the instrument of intellectual labour.” Books themselves subsequently evolved to accommodate this mode of reading throughout the thirteenth, fourteen, and fifteenth centuries, when such features as tables of contents, footnotes, and indexes were introduced.

The changes in the material form of the late medieval book were developed to ease the strain on the mind and body given all that one could and was expected to read; they were, in short, designed to help the reader’s eyes with reading and his fingers with turning. An unintended consequence of these tools, however, was that they were also conducive to unassimilated borrowing. When in the twelfth and thirteenth centuries “[m]editation gave way to utility,” books were reduced to instruments and adapted to the functions these activities required: abbreviations were introduced to allow for rapid reading; pages were organized into columns, and the text into sections, in order to facilitate quick consultation; and rubrics, paragraph divisions, chapter titles, concordances, page numbers, signatures, indexes and summaries were all standard by the fourteenth century. In addition, readers in the fifteenth and sixteenth centuries developed strategies for using the physical book itself, such as note taking, marginalia, dog earring pages, and cutting passages from cheap editions and pasting them into

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62 Stock, Augustine 22.  
63 Cavallo and Chartier, 24.  
64 Parkes 135.  
65 Hamesse, 110.  
66 Cavallo and Chartier 18-19, 23; Parkes, 135.
copybooks, as well as imagined – if not realized – technologies such as the book wheel, which would enable an early form of hypertext by rotating open books upon a large wheel for efficient access and cross referencing.\footnote{Ann M. Blair, “Reading Strategies for Coping With Information Overload ca. 1550-1700,” \textit{Journal of the History of Ideas} 64.1 (2003), 24-5; Lisa Jardine and Anthony Grafton, “‘Studied for Action’: How Gabriel Harvey Read his Livy,” \textit{Past and Present} 129 (1990), 46-8.}

The result was that by the sixteenth century, as Anthony Grafton and Lisa Jardine have shown, reading was “an active, rather than a passive pursuit” involving not just “the cerebral effort involved in making the text the reader’s own, but reading as intended to \textit{give rise to something else}” (original emphasis): it was “goal-oriented” and employed various technologies “designed for efficient absorption and processing” of the matter at hand. It “was a public performance, rather than a private meditation, in its aims and character.”\footnote{Jardine and Grafton, 30-1. See also William H. Sherman, \textit{John Dee: The Politics of Reading and Writing in the English Renaissance}, Massachusetts Studies in Early Modern Culture (Amherst: University of Massachusetts Press, 1995), 50-65.} The nature and purpose of these skills were very different than those connected with the meditative tradition.\footnote{\textit{cf.} Foucault, “Technologies of the \textit{Self}” 16-49.} Rather than contributing to the care of the self, these methods served a political end in Tudor England and were distinctive of the efforts of “civically minded scholars to apply their reading to the advancing of the commonwealth.”\footnote{Sherman, 60.} Although information still “had to be processed, by digesting its contents,” the act of reading itself was no longer directed inwardly but outwardly.\footnote{Ibid., 60.} Richard Mulcaster, for one, advocated in the sixteenth century that the increase of useful ideas in the treasury of the student’s memory coincided with the ascent of scholarly ability from personal to public utility: “and when ascent is in the highest, and the
countrey commaundes service, then studie must be left, and the countrey must be served.”

Although Mulcaster often spoke of the students’ need to remember and digest what they read, he always did so with the good of the state in mind.

These shifts to more outward-looking practices were motivated, at least in part, by the material conditions of reading and their impact on the reading and writing body. An especially aggravating factor was the number of books available to be read, which as some have argued was magnified with the arrival of print. The more books there were to read, the less time there was to digest properly what one read and consequently the more likelihood of plagiarism, or unassimilated borrowings. This challenge differed only in degree over time. As Burton observed in the 1620s, Pliny may have complained in the second century of a marked increase in the “company of Poets” reciting their poems each day, but the impossibility of being present for each of these oral performances was no match for the Renaissance book market and the “Catalogue of new bookes” brought out each year, both domestically and internationally, that Burton and his contemporaries could be expected to read. The market for books might “run on in infinitum,” but the bodies that fuel it have their limits. As Burton complained, and as we see further below, writers had to “stretch our wits out” to produce these books and to strain their bodies in consuming them, so that “we are oppressed with them, our eyes ake with reading, our fingers with turning.” Although Burton identifies with the “we” of the literary community, he considers himself guilty only by association; he owns up to his involvement in the system both as a producer of books for others to read and as a

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72 Mulcaster, 38.
74 Burton, 1.10-11.
consumer of books written by others, but he is also keen to be recognised as an individual owner: “For my part I am one of the number, *nos numerus sumus*, I do not denie it, I have only this of *Macrobius* to say for my selfe, *Omne meum, nihil meum*, ’tis all mine, and none mine.” The problem is again one of *copia*, the gathering and generation of literary material, for one who speaks for others does not speak for himself, just as one who speaks for himself is really only speaking for others. As Burton reveals, by quoting Macrobius (a fourth-century Roman grammarian notorious for his compilations of borrowed material and eclectic style), you have nothing to say for yourself but the words of others.

The accumulation of books over time decreased time for digestion, and decreased time for digestion resulted in unassimilated borrowings. The proprieties of meditative reading took time; however, as writers increasingly sought preferment at court through the accumulation of cultural capital, it was no longer worth the time to assimilate their sources for early modern readers who instead adopted an “essentially expedient approach to literature.” A marketplace for books, such as the Frankfurt fair, existed at a fixed place and time. The market for ideas, on the other hand, existed outside of time and space; it was infinite, and writers seeking advancement had to keep up with it. Writers had, as a result, to “rush into all learning, *togatam, armatam*, divine, humane Authors,” which as Burton observed required them to

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75 Burton, 1.10-11. This tag appeared on the title page of Burton’s first editions; however, it does not, in fact, derive from Macrobius’ *Saturnalia*, as Burton had reason to suspect, but from Lipsius’ cento *Politica*. *The Anatomy of Melancholy*, vol. 4, eds. J.B. Bamborough and Martin Dodsworth (Oxford: Clarendon Press, 1998), 26 n.4-5.
77 Crane, 6 and 15-17.
rake over all *Indexes & Pamphlets* for notes, as our Merchants doe strange Havens for traffique, write great Tomes, *Cum non sint revera doctiores, sed loquoaciores*, when as they are no thereby better Schollers, but greater praters. They commonly pretend publike good, but as Gesner observes, ’tis pride and vanity that egges them on, no newes or ought worthy of note but the same in other tearmes. 79

Scholarship took time, and came only with concentrated effort, while talk on the other hand was cheap; it came quickly and easily. Nashe similarly criticised university orators for speeches “all by patch & by peecemeale stolne out of Tully,” and for the mere “emptying of their phrase bookes,” on the grounds that those “who stealeth not whole phrases but whole pages out of Tully,” and shape their orations from “shreds of his sentences” create “no more than a foole coat of many colours.” 80 He also criticised divines who put no thought into their sermons but “skumd over the Schoolemen, and of the froth of theyr folly made a dish of divinitie Brewesse.” 81 England needed qualified men to fill its pulpits, but as Nashe objected, they were being turned out faster than they could come to terms with their subject “by the doting practice of our Divinitie Dunces,

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79 Burton, 1.9. He elsewhere complains that learning takes time and that parents, in particular, are in too great a hurry. “And so they bring up their children, rude as they are themselves, unqualified, untaught, uncivill most part. […] ’twas Lipsius complaint to his illiterate country, it may be ours. Now shall these men judge of a Schollers worth, that have no worth, that know not what belongs to a students labours, that cannot distinguish between a true scholler, & a drone? or him that be reason of a voluble tongue, a strong voice, a pleasing tone, and some trivantly *Polyanthean* helpes, steals and gleans a few notes from other mens Harvests, and so makes a faire shew, and him that is truly learned indeede: that thinks it no more to preach, than to speak, or to runne away with an empty cart; as a grave man said; and thereupon vilifie us, and our paines; scorne us, and all learning” (1.317-18).

80 “The Unfortunate Traveller” 2. 246 and 251. Milton phrases his dissatisfaction with the clergy similarly in a letter to Alexander Gill, dated July 2, 1628. “There is really hardly anyone among us, as far as I know, who, almost completely unskilled and unlearned in Philology and Philosophy alike, does not flutter off to Theology unfledged, quite content to touch that also most lightly, learning barely enough for sticking together a short harangue by any method whatever and patching it with worn-out pieces from various sources – a practice carried far enough to make one fear that the priestly Ignorance of a former age may gradually attack our Clergy.” “Milton’s Private Correspondance,” *Complete Prose Works of John Milton*, vol. 1, eds., trans., W. Arthur Turner and Alberta T. Turner (New Haven: Yale UP, 1953), 314. He also chides his fellow students for their patchworks in “Prolusion 1,” *Complete Prose Works of John Milton*, vol. 1, trans. Phyllis B. Tillyard, ed. Kathryn A. McEuen (New Haven: Yale UP, 1953), 220.

that strive to make their pupils pulpit-men before they are reconciled to Priscian.”

These students had to rely on the work of others and were, as such, capable of producing only a “packet of pilfires.” But if it was so important for seminaries to supply the pulpits of the nation that they rushed students through the essential texts of study, and “those yeares which should bee imploied in Aristotle are expired in Epitomies,” Nashe further objected, then they might as well have devoted the time they saved using these technologies, their “Catechisme vacation,” and “to rake up a little refuse philosophy” along the way. The combined pressures of an increase in the books to read and a decrease in the time to digest encouraged the development of tactics to help readers cope with what one scholar has termed as “information overload.”

The most famous of these strategies was articulated by Francis Bacon in his essay “On Studies.” “Some Bookes are to be Tasted,” he wrote, “Others to be Swallowed, and Some Few to be Chewed and Digested: That is, some Bookes are to be read onely in Parts; Others to be read but not Curiously; And some Few to be read wholly, and with Diligence and Attention.” Depending on the nature of the book, “Some Bookes also may be read by Deputy, and Extracts made of them by Others,” but then only as a last resort. Information overload and cognitive dissonance were not new in the sixteenth century but spawned a series of efficacious readings strategies to cope with them. As reflected in his choice of metaphors, the expectations of reading had not changed for Bacon, only the

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82 Nashe, “To the Gentlemen Students” 3. 318.
83 Ibid., 3. 312.
84 Ibid., 3. 318.
85 Blair, 11-28.
means of meeting them. While Seneca advised Lucilius to read only a few good books, and know them well, in keeping with the tradition he helped establish, Bacon expects his reader to be conversant with a wide range of books, setting aside only some to be chewed and digested. Those who remained faithful to meditative practices, such as the Jesuit Francesco Sacchini, on the other hand, maintained that it was much better for a young man “to learn a few things well, than to taste many things.” The number of books available for one to read similarly informed Sir Francis Drake’s program of reading; he made a conscious effort to read carefully rather than widely, being sure to make what he read his own, including even Bacon’s essay, which he re-titled “Of Studies and Books.” Bacon nonetheless opposed the popular practice of reading “epitomes,” or the abridgement and summary of books, and in a letter to Fulke Greville, he recommended instead distilling significant passages from longer works and copying them in his own commonplace book. Greville had expressed interest in studying the humanities and had written to Bacon for advice on the best research assistants at the University of Cambridge presumably on the basis that he did not have time to read the books for himself.

The kinds of reading technologies that bothered humanists like Bacon originated in the thirteenth century with “the notion of compilatio both as a form of writing and as a means of making material easily accessible.” A compilation was like a commonplace book a carefully arranged, reader-friendly guide to auctoritates usually on moral

87 Qtd. Blair, 15.
questions, and often included many of the reading aids listed above.\(^91\) The notion was not new, but was simply refined in the service of late medieval schools.\(^92\) In fact, as Bernard Guenée has observed, *compilatio* can be traced as far back as antiquity, when the verb *compilo* meant to ‘plunder’ or ‘pillage’ in ways analogous to plagiarism.\(^93\) Neil Hathaway has made much of the observation by tracing the development of the term from Cicero to the twelfth century in order to show how its pejorative origins eventually surrendered to a more neutral meaning, and the utility of these plagiarisms excused them.\(^94\) Despite being itself a useful collection of classical and medieval allegations of plagiarism presented as compilations, Hathaway’s survey does not, however, account for the resurgence of negative attitudes toward *compilato* and its equivalent, commonplacing, in the sixteenth century. Such methods continued to promote mediated access to original texts that would worry many humanists, other than Burton, Nashe, and Bacon. A compiler was never an author. An author assimilates his sources.

One of the dangers of Hathaway’s survey, and indeed any history of the transition from one tradition to another, is a failure to recognize how old traditions often continue alongside the new. The meditative tradition sketched briefly above did not cease with the arrival of humanism, for example, but is still active today. Much of our own rhetoric of (mis)appropriation, in fact, continues to be informed by a tradition stretching back as far as the second century. We still speak of chewing an idea over, for example, just as the process of ‘recording’ key passages in the memory – that is to impress upon the heart, or

\(^{92}\) Parkes 127. See also Alastair J. Minnis, “Late-Medieval Discussions of *Compilatio* and the Rôle of the *Compilator*,” *Beiträge zur Geschichte der deutschen Sprache und Literatur* 101.3 (Tübingen 1979): 385-421.
\(^{93}\) Qtd. Hathaway, 21. See also ibid., 22.
\(^{94}\) Hathaway, 29 and 38ff.
in ore cordis – continues to be regarded by some as an “agency of consciousness” that contributes both to the “growth and vital complication” of identity.\(^{95}\) This tradition persists despite the prevalence of instrumental reading, epitomized in the mid-century classic *How to Read a Book* (1940), the more recent international best-seller *How to Talk About Books You Haven’t Read* (2007), and the likes of *Reader’s Digest* and *Sparks Notes.*\(^{96}\) Nonetheless, writers are still encouraged to let time elapse between reading and writing, and to write with their notebooks closed so as to avoid patchwriting, since such “creative time” allows for “diffused activities like reflection” that enable students to internalise meaning.\(^{97}\) The problem, as some see it, is that modern readers no longer know how to proceed beyond the first stage of meditative reading but work only toward *ruminatio*, or “chewing” a text over, “that is, to expounding, clarifying, or explaining the text.”\(^{98}\) Many readers are inclined to adapt a text to their own purposes rather than to be changed by the experience of reading it; their aims have more to do with poaching, or *compilato* in the original sense, than with transformation.\(^{99}\) The prevalence of plagiarism under such conditions suggests that humanists have also publicly failed to learn their lesson. In the “breathless march” from one degree to another, as J.R.R. Tolkien complained, many students leave “much country in rear, only raided and not


occupied.” Or as George Steiner notes, “There is little ‘ingestion’” when “the ‘digest’ prevails.” Still, these technologies continue to be necessary given “the indigestible abundance now confronting us and the difficulty of assimilating what we have.”

A Rhapsody of Rags

The similarities between the circumstances of reading and writing in the Renaissance and those today would seem to suggest that nothing has changed in five hundred years. The difference is again only one of degree. The Internet is like a commonplace book simultaneously a source of information overload and a means of coping with it, only it is vaster and more efficient. Still, some things clearly have changed. In the history of proprietary authorship, the most important change has been in what is deemed the appropriate response to these circumstances. This change began when the meditative tendencies of early twentieth-century humanists, such as Tolkien, were rendered suspect by post-structuralism later in the century. After the propaganda of two world wars, it was clearly better to use a text than to be used by it, to take a text to task rather than to invite it into your heart. As a result, the Internet’s role, together with word processors, as an

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101 Steiner, 24.
instrument of cut-and-paste plagiarisms was not only inevitable but also in some ways desirable. Some compositional theorists, for example, embrace what they call patchwriting – “copying from a source text and then deleting some words, altering grammatical structures, or plugging in one-for-one synonym-substitutes”\textsuperscript{103} – based on the post-structuralist observation that all texts, as their etymological link with textiles suggests, begin with the interweaving of quotations.\textsuperscript{104} According to this argument, quotations are the “means at hand” for a writer; they are the ready-made instruments of the writer’s craft. Every text is an intertext, “a mosaic of quotations”; therefore, every text is in some way patchwritten.\textsuperscript{105} The only difference is that in a patchwork the writer’s sources are visible, and in an intertext they are invisible; “they are quotations without inverted commas.”\textsuperscript{106} To quote a modern commonplace: Originality is the art of concealing your sources.\textsuperscript{107}

To suggest that these attitudes are novel, however, would be contrary to the purposes of this study. Some authors in the Renaissance clearly shared a taste for what is generally recognized today as pastiche, a more politically progressive genre that derives

\textsuperscript{103} Howard, “Plagiarisms” 788.
\textsuperscript{107} This maxim lives up to its own meaning: no one seems to know who said it first. Some have suggested Benjamin Franklin, others Albert Einstein and others still Franklin P. Jones, though which Franklin P. Jones remains unclear, the American businessman (1887-1929), humorist (1853-1935), reporter (1908-1980), or one of two other “anonymous” Franklin P Jones (1851-1935) and (1874-1953).
its name from the Italian ‘pasticcio,’ or meat pie. Montaigne, for one, delighted as a
writer “‘Parmy tant d'emprunts” being able to “desrober quelqu'un, les desguisant et
différent à nouveau service,” “amongst so many borrowings […] to filch some one,
disguising and altering the same to some new service,” and the Italian poet Marco
Girolamo (Marcus Hieronymus) Vida, for another, encouraged his contemporaries “to
disguise stolen lines by altering the key words” and to “put readers off the track by
changing the arrangement.” However, these writers were in the minority. In fact, the
very thing about pastiche that appeals to many modern readers – its inherent challenge to
“received wisdom about what is proper” and “what belongs with what” – was the one
thing most writers in the Renaissance found distasteful about what they called
patchwriting. These writers placed a premium on the Classical ideals of unity,
harmony and decorum, and adopted the Latin texo, or texere (‘to weave’), as a metaphor
for a unified style rather than something necessarily patched together. A patchwork was
by contrast like a “mosaic of fragments” or a “corps morcelé” and generally regarded as
a form of plagiarism. If civility was an “outward honesty of the body,” and the quality
of one’s clothes a measure of the man, then patched up clothes were evidence of a lesser
man, one who not only dresses but also writes poorly. Digestion hides, but clothes reveal
the man. A writer who digests his sources transforms them within himself, but a

109 Montaigne, Essais 2.1056; Essays 956. For Montaigne’s desire to conceal what he takes, see note 23
in the present chapter.
112 Orgel, “Renaissance” 480; Halpern, 40-42. Thomas Mallon, writing about Coleridge’s alleged
plagiarism, terms this “composition by mosaic organization.” Stolen Words: Forays into the Origins and
patchwork is external evidence of his failure to assimilate his sources. The “POore Poet-Ape [sic]” as Jonson depicts him is, for example, a “Foole” for thinking that he can conceal his debts, “as if halfe eyes will not know a fleece / From locks of wooll, or shreds from the whole peece?” Such works were but “the frippery of wit,” and were either begged, borrowed, or stolen. And “Begging and stealing,” as Gianfrancesco Pico observed, “are what people who grow old cutting up little clauses and hemstitches of some ancient author are best at.”

The possibility that commonplacing might lead students to misappropriate their sources, or that it might encourage patchwriting rather than incorporation, was a concern of many of its earliest advocates. Erasmus was the first to develop a theory of copia based almost solely on the note book method of imitation. As Seneca advised Lucilius to think on maxims, Erasmus advised the scholar in his De Ratione Studii to copy striking quotations at the beginning and end of exercise books. “These are all devices for adding to our intellectual stores,” quotes that “have a distinct cumulative value,” Erasmus argued, and in order to facilitate them he provided students with 4,151 examples of

114 Ibid., 45. Lines 13-14.
proverbs worth remembering. Erasmus was also known to have surrounded himself with quotes written on the walls of his study, where they would be the readiest-at-hand. Despite being a strong advocate of the method, Erasmus nonetheless recognized the limitations of Seneca’s digestive mode, and was keen to distance humanist imitation from medieval compilations and classical centos. The more students were presented with something to say, the more they were prevented from saying it any other way: “where there is honey, there also is poison; the source of nourishment is also the source of cancer.” On occasion, he even acknowledged that his notebook method was potentially incompatible with a program of mimetic imitation, since the conditions of theft remain visible in the notebook or word list. Macrobius, for example, is like “Aesop’s silly crow,” which as we saw in the introduction was another commonplace of misappropriation: “He’s put together his patchwork out of bits filched from others, so he doesn’t speak with his own voice.” Likewise, those who collect everything from Cicero, who imitate even his idiosyncrasies, who aim to reproduce him in his entirety, are no better than “those who write patchwork poems,” for in the end, a “chanter of other’s men’s poems” deserves credit only for his reading, “that he has conscientiously busied himself with his Homer or his Virgil,” and not for his writing. The purpose of imitation for Erasmus was not, as Halpern notes, “ideological subjection but the ‘self-

118 Montaigne’s library in the Tower of the Château, his so-called “citadel”, in the Dordogne was similarly decorated with quotations.
119 Qtd. Cave, 165.
121 Erasmus, “Ciceronianus” 368.
fashioning’ of autonomous subjects.”

A student was not to be framed by others, but to put them to good use.

Erasmus was careful to maintain that anything gathered should be rendered invisible when put to use: “to be successful in our imitation of Cicero,” for example, “the first thing must be to conceal our imitation of Cicero.” Gathering was only one stage in a much longer process of imitation, since whatever was gathered should not remain in a fragmented form but be wholly assimilated: “All that you have devoured in a long course of varied reading must be thoroughly digested and by the action of thought (meditatione) incorporated into your deepest mental processes, not your memory or word-list.” Erasmus’ response to the “swarms of new books” that, as noted above, posed “a serious impediment to learning from satiety” was to promote the paradoxical wisdom of “Festina lente”: make haste slowly. Erasmus approved only of imitation that was not rushed, “which does not immediately incorporate into its own speech any nice little feature it comes across, but transmits it into the mind for inward digestion,” because by “becoming a part of your own system, it gives the impression not of something begged from someone else, but of something that springs from your own mental processes, something that exudes the characteristic and force of your own mind and personality.”

In keeping with the meditative tradition, this method of imitation attributes the inscrutability of voice to the deepest most inward processes of the writer’s body and so grants the writer an irrefutable claim to individual ownership. If readers

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122 Halpern, 37.
123 Erasmus, “Ciceronianus” 368.
124 Ibid., 402.
126 Ibid., 441.
cannot discern the source of a text, they can only conclude that it came from within the writer: they will not see a “decoration filched from Cicero, but a child sprung from your own brain, the living image of its father, like Palla from the brain of Jove.” What they see will resemble neither “a patchwork” nor “a mosaic, but a lifelike portrait” of the writer, “a river welling out from [his] inmost being.”

Erasmus’ concern that the abuse of commonplacing would result in a lifeless “patchwork or a mosaic” was shared by his contemporary, Juan Luis Vives. Like Erasmus, Vives recognized commonplacing only as means to an end and felt the need to prevent his students from following the trajectory of a discursive practice of note taking or commonplacing, and the eclectic imitation theory it entailed, to the production of either patchworks or centos. Both recognized that children were especially drawn to imitation, but that due to their age and physical weakness, children had neither spent the time nor possessed the necessary maturity to digest their reading appropriately. The first step was admitting it: novice writers had to take measure of their capacity, since those who strained with smaller texts would only make themselves sick with indigestion by attempting to devour larger ones. Vives subsequently permitted a novice writer “to transfer into his own work, what he cannot render into his own form of expression,” but only on the condition that he neither “deceive himself” nor continue forever in this manner. “This is not imitation, but pilfering; and in this error, very many are versed.”

The practice of note ‘taking,’ with its suggestive label, had already prepared many for theft, but can be corrected in novice writers if they are taught correctly: “Gradually,”

Vives hopes, “he will not take stealthily patchwork (centones) from his model and stick it into his own work.” In every other case, Vives disapproved of proceeding by the letter rather than the spirit of a text. A mature writer never quotes another verbatim, which would be tantamount to theft, but proceeds instead by reproducing the sense. If someone were to repeat another’s speech, for example, “he would indeed be stealing; but it would be imitation, if he were to consider what effect the author aimed at producing in the opening of his speech.”

These concerns were voiced by many throughout the sixteenth and seventeenth centuries who likewise promoted the use of commonplacing. One of the most influential continental pedagogues in England after Erasmus and Vives, the German scholar Johann Sturm, for example, similarly warned against the abuse of commonplacing. For Sturm, imitation was to be reserved for students in the sixth grade who, only once they were mature enough, were encouraged to mine authors such as Cicero for models of argumentation, ornamentation, and figures of speech. Teachers were at fault for introducing commonplace books too early, when students were ill-equipped to use them properly, but, as Sturm adds, the books themselves “should be disparaged” because they just as often “take sentences from writers without regard to order, however brief, subtle and elegant. This kind of book destroys the memory, dulls the stylistic edge, and often

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128 Juan Luis Vives, Vives: On Education: A Translation of the De Tradendis Disciplinis of Juan Luis Vives, trans. Foster Watson (Totowa: Rowman and Littlefield, 1971), 195. There is a possible echo here of Possevino’s Bibliotheca Selecta: “As boys are not ashamed when learning to write to be guided by another’s hand through the individual shapes of the letter, you may be forgiven for often introducing clausulae, clauses and a part of some period, weaving together a cento or pastiche [the word “pastiche,” which does not appear in the Latin, was apparently added by the translator for clarification] from the purple cloth of Cicero in order to produce our own a little later.” Ciceronian Controversies, trans., Brian Duvick, ed. Joann Dellaneva, I Tatti Renaissance Library 26 (Cambridge: Harvard UP, 2007), 205. Jonson, like many others in the period, also comments on the necessary double standard for novice and experienced writers. “Timber or Discoveries” 616.

129 Vives 195.
causes many things to be foolishly inserted into writings.”

Students were instead to choose only what was appropriate to their level of maturity, which was determined not “so much by age as by one’s strength.” A student had to be strong if he was to digest his reading and “be a good concealer of his art.” Strum accordingly encourages them to alter, substitute and modify their sources, but adds that “no concealment is worthy of praise unless it substitutes something equal or better, or if it appear worse, that it nevertheless does not happen without some intent and reason.” Imitation remains “not of the identical but of the similar,” and students must learn to make the passage their own, even though this takes time. As Sturm concludes his comments on imitation, the student’s reading should be “of two kinds,” which correspond with meditative and instrumental practices, respectively, “namely one kind that sets an example to imitate, the other for learning.” The first method, as we have seen, “requires a longer span of time, so that whatever is latent in the example can be brought out. The other requires a rapid review, note taking, and remembering a multitude of varied subjects,” although for students who could not take the time, the latter often appeared as the quickest route toward imitation.

Sturm’s views on imitation significantly influenced English pedagogues, such as Roger Ascham, who in addition to authoring *The Schoolmaster*, was also the private tutor of Queen Elizabeth I. Ascham expected a commonplace book to be digested according

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131 Ibid., 161.
132 Ibid., 165.
133 Ibid., 167.
134 Ibid., 169.
135 Ibid., 172.
to the same conventions as any other written text, just as he expected compilers to cull, arrange, assort, sift and gather their materials in such a way as to demonstrate ownership if they were later to sell them on the market. Compilers were not, however, always so fastidious. Johannes Ravisius Textor's Officina (or Workshop), for example, was one of the largest compendiums of the sixteenth century, and had been reprinted at least eight times between 1520 and 1595, but it was clearly unacceptable to Ascham. Highlighting the pun on his name, Ascham charged this “Frenchman called Textor” with “weaving up many broken ended matters and setting out much riffraff, stolen goods, trumpery, baggage and begged wares gathered together for someone who would seem to be fitter for setting up a shop than writing a book.”\textsuperscript{136} The “goods” Ascham considers stolen because they have not been digested for personal nourishment, they have not been internalized but merely set out for monetary profit. A book “wholly filled with examples of imitation,” Ascham writes elsewhere, might be preferable to “those cold gatherings of Macrobius,” and may be used by a student with discretion, “but only Sturmius is he out of whom the true survey and whole workmanship is specially to be learned.”\textsuperscript{137} Like Sturm, Ascham valued propriety and decorum and admits that “books of commonplaces be very necessary to induce a man into an orderly general knowledge,” and help “to refer orderly all that he readeth, \textit{ad certa rerum capita} and not wander in study.”\textsuperscript{138} However, he also objects that an over-reliance on \textit{epitomes} and books of commonplaces” has produced a generation of unqualified ministers, who rather than committing “daily by

\textsuperscript{138} Ascham, \textit{The Schoolmaster} 107.
orderly study to read with all diligence,” study only when the conditions are in their favour: their “learning is gotten in a summer heat, and washed away with a Christmas snow again.\footnote{Ibid., 107. Earlier Ascham complains that of the authors his contemporaries cite, “Cicero only excepted, and one or two more in Latin, they be all patched clouts and rags in comparison of fair-woven broadcloths. And truly, if there be any good in them, it is either learned, borrowed, or stolen from some of those worthy wits of Athens” (ibid. 48-49).}

Like the pedagogues responsible for promoting commonplacing and imitation in England’s grammar schools, those that grew up observing this method had misgivings about its effectiveness. Thomas Nashe, for example, in a passage we have already seen, criticized his long-time rival, Gabriel Harvey, for unduly relying upon passages from Cicero in his university orations: these were “by patch & by peecemeale stolne.” However, Harvey himself was already alert to the limitations of his own method in his reappraisal of Ramism. In his own contribution to the ongoing debate about the role of Cicero in imitation, \textit{Ciceronianus}, which he fashions as a sort of conversion narrative, Harvey confesses to having first targeted choice phrases and then to stringing them along to suit his own purposes, rather than stopping to consider the subject matter at hand. The “sum of the matter,” in Harvey’s words, was that he “believed that the bone and sinew of imitation,” again with reference to the body, “lay in [his] ability to choose as many brilliant and elegant words as possible, to reduce them into order, and to connect them together in a rhythmical period.”\footnote{Gabriel Harvey, \textit{Ciceronianus}, ed. Harold S. Wilson, trans. Clarence A. Forbes, University of Nebraska Studies in the Humanities 4 (Lincoln; University of Nebraska Press, 1945), 69.} The problems Harvey identifies with Ciceronianism, as the method was known, were also problems connected with improper imitation. The clever arrangement of source materials was not enough: creative imitation involved something more, which was often prevented by the keeping of commonplace books, and
Harvey would later note to himself in the margins of Simler’s epitome of Conrad Gesner’s *Bibliotheca*, “Read what you can then rightly call your own.”\textsuperscript{141} Those “who think that everything depends on their jotting down in a diary” only to “compile them in commonplace books,” Harvey continues, are guilty of privileging words over the labour and understanding of the writing body. Harvey professes newfound appreciation for Erasmus, and even adapts many of his phrases, but he remains sceptical of the latter’s methods.\textsuperscript{142} They have caused many, Harvey reflects, to compile material “hit or miss, as I prefer to think, or digested them, as they themselves profess, into commonplace books,” but few have managed to balance their treatment of words.\textsuperscript{143}

These values, in many cases, reflected the craft proprieties to which a writer subscribed. Theologians, for one, were, as we have already seen, less inclined to use commonplace books for the purposes Erasmus and his followers deemed appropriate. Lawyers, for another, were frequently held accountable for the decay of meditative reading practices and were deemed “litigious, Idiots” by Burton, who agreed with Erasmus that the law promoted “an illiterate and a barbarous study.”\textsuperscript{144} In the rush to produce more lawyers, many who seemed qualified for a legal position lacked appropriate depth of knowledge. In his satire *Virgidemiarum*, which is credited as the first to anglicize the term ‘plagiary,’ Joseph Hall criticizes an aspiring lawyer for attempting “to learne Law” without reading as far as the “second line” of Littleton’s *Tenures* and “to make amendes for his meane parentage” by hiding his “fathers odious

\textsuperscript{141} Qtd. Jardine and Grafton, 76.
\textsuperscript{143} Harvey, *Ciceronianus* 91.
\textsuperscript{144} Burton, 1.312.
Some prominent sixteenth-century jurists, such as Bacon and Sir Edward Coke, also objected to the misuse of epitomes in their profession. For Coke, such technologies threatened both the acquisition and the expression of knowledge. These abridgements may “in many profession have greatly profited the Authors,” he writes, but they have greatly prejudiced them in others. For the most “enduring and perfect knowledge” one should instead read over the whole of books carefully for “the tumultuarie reading of Abrigments, doth cause a confused judgment, and a broken and troubled kind of deliverie or utterance.” When these technologies were used as sources for writing, they resulted in a discernible loss of voice and coherence which, rather than being embraced, was first criticized as patch writing and later identified as plagiarism.

In some cases, an individual writer could also set himself apart by publicly embracing what others deemed inappropriate. Montaigne is a much studied example; his Essays are sometimes criticized as “a lengthy digression, beginning and ending nowhere in particular, threading together a motley collection of disguised commonplaces.” But Montaigne clearly anticipated such disapproval. In “De la Physionomie” (“Of Physiognomy”), for example, he acknowledges that someone might say, as he says of himself, “j'ay seulement faict icy un amas de fleurs estrangeres, n'y ayant fourny du mien que le filet à les lier,” “that here I have but gathered a nosegay of strange floures, and

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146 Edward Coke, Le Quart Part des Reportes del Edward Coke Chialier (London, 1604), B3.
147 An opinion dismissed by Cave, 319 though shared by Jonson; he criticized all “Essayists, even this Master Mountaigne,” for not only turning over books and bringing all they found “to the Stake raw, and undigested,” but also for their “fox-like thefts” of “whole pages together usurp’d from one Author.” “Timber or Discoveries” 585-86.
have put nothing of mine unto it but the thred to binde them.” Montaigne argues in his defence, however, that although he has “donné à l’opinion publique que ces parements empruntez m'accompaignent,” “given unto publike opinion that these borrowed ornaments accompany me,” he does not intend for them to cover him. Originality for Montaigne was not the art of concealing his sources through the private act of digestion, but the art of revealing himself in the public arrangement of the material at hand. As a result, Montaigne was wary of the disorderliness of commonplace books and declined to borrow from them. He dismisses the “rapsodies of common-places, wherewith so many stuffe their study” as the work of “botcherly-patchcotes” who wish more to show off than to behave properly: “Ces pastissages de lieux communs, dequoy tant de gents mesnagent leur estude, ne servent guere qu’à subjects communs; et servent à nous montrer non à nous conduire.” He instead preferred to gather his own materials, and having “n'ay point de gardoires,” “no store-house to reserve” them in, regarded his Essays as a form of commonplace book. Throughout the Essays, Montaigne regards the use (and misuse) of commonplacing as a matter of propriety, and in “De la Physionomie” he is particularly vocal on this point. One can easily compile a book, he writes, “de choses ny jamais estudiées ny entendues,” “of things neither studied nor ever understood,” by having others “sçavants la recherche de cette-cy et de cette autre matiere,” “search of this and that matter,” but while one might content oneself “d'en avoir projetté le dessein et emplié par son industrie ce fagot de provisions incogneues,” with having “cast the plot and projected the desseigne of it,” and by this “industry to have bound up the fagot of

148 Montaigne, Essais 2.1055; Essayes 955.
149 Ibid., Essais 2.1055; Essayes 955.
150 Ibid., Essais 2.1056; Essayes 955.
151 Ibid., Essais 1.136; Essayes 99.
unknowne provisions,” nothing more can really be claimed: “au moins est sien l’ancre et le papier. Cela c’est en conscience acheter ou emprunter un livre, non pas le faire,” “at least is the inke and paper his owne. This may bee saide to be a buying or borrowing and not a making or compiling of a booke.”\textsuperscript{152} Any ill will that Montaigne had toward patchwriting was also intensified in Florio’s translation. Where Montaigne originally advises his reader simply “ne touche pas des centons qui se publient pour centons,”\textsuperscript{153} for example, Florio inveighs against “those mingle-mangles of many kindes of stuffe, or as the grecians call them Rapsodies, that for such are published.”\textsuperscript{154}

\textit{An Anatomy of Patchwriting}

Whereas Montaigne’s \textit{Essays} typify the problems of writing in the French Renaissance, Robert Burton’s \textit{Anatomy of Melancholy} exemplifies a more acute sensitivity to the discursive method in the English Renaissance.\textsuperscript{155} \textit{The Anatomy} has been comparatively less studied than the \textit{Essays}, and has yet to appeal even to modern readers fond of pastiche, though it too has been identified as the “product of omnivorous folio bolting and quarto gulping,” a “hodge podge” or a “compound book” with lesser “declarations imbedded in the text of the greater.”\textsuperscript{156} Scholars in the first half of the twentieth century,

\textsuperscript{152} Ibid., \textit{Essais} 2.1056; \textit{Essayes} 955-56.
\textsuperscript{153} Montaigne, \textit{Essais} 1.148.
\textsuperscript{154} Montaigne, \textit{Essayes} 109. A rhapsody in the seventeenth century meant any loose or disorderly collection of literary pieces. \textit{The Anatomy} 4.28 n. 11-12.
\textsuperscript{155} Terence Cave’s argument in the \textit{Cornucopian Text: Problems of Writing in the French Renaissance} has been applied to Burton by Mary Murphy Schmelzer, \textit{”Tis All One: “The Anatomy of Melancholy” as Belated Copious Discourse}, American University Studies 190 (New York: Peter Lang, 1999).
in particular, felt as though they had to defend these qualities against modern tastes. Sir William Osler, for example, argued that the Anatomy is more than the sum of its parts. It is a pharmacopoeia of the highest order: “Though called by [Burton] a cento, a patchwork, this is by no means a correct designation.” Holbrook Jackson, in the introduction to his 1932 edition, likewise apologized for Burton’s eclectic style or “literary mosaic” with his own Burtonesque mixture of metaphors.

Books are his raw material. Other artists fashion images out of clay, contrive fabrics and forms of stone, symphonies of words, sounds or pigment. Burton makes a cosmos out of quotations. He raids the writings of the past, which he often finds neglected or in ruins, and reassembles them in a structure of his own.

However, the very features these scholars felt needed to be excused have in more recent scholarship been interpreted as Burton’s “chief concern” in The Anatomy, “the reassertion of order in the world through the assertion of order in art.” The apparent chaos of The Anatomy, in this interpretation, requires its readers to impose their own order upon the experiential incoherence responsible for melancholy. Others have also noted the ways in which Burton’s “I” assimilates his quotations, and how he is in turn assimilated by his quotations so as to escape responsibility for his words: the fact that

159 Fox, 9 and 18.
Burton steals many of his phrases can be excused on the grounds that all writers steal.\textsuperscript{161} For others still, the concepts of propriety, of authorship and attribution, do not apply when everyone speaks in the same voice.\textsuperscript{162} These arguments each in their own way embrace the fact that Burton did label his work a patchwork, and was correct in doing so.\textsuperscript{163} In the opening couplet to \textit{The Argument of the Frontispiece}, for example, he writes of “Ten distinct Squares heere seene apart, / Are joyn’d in one by Cutters art.”\textsuperscript{164} The author is here both the cutter and the joiner of each individual part, and this is his art, although he remains sensitive to allegations of plagiarism connected with method. The nature of this patchwork will become apparent as we work through the craft properties Burton observed and his defence of his method below. Patchwriting is for Burton a defining feature of the writer’s craft and one that is safer to put on display rather than to hide – despite the arguments of humanists to the contrary – since according to Erasmus and others the failure to assimilate one’s sources in appearance would suggest an inner failing of the author’s.

The circumstances of Burton’s reading likely contributed to his patchwork since arguably many more books were available to Burton during the writing of \textit{The Anatomy} than to most authors before him. His complaint about the infinitude of books was not far removed from historical fact, “having the use of as good Libraries as ever he had.”\textsuperscript{165} At Christ Church, Oxford, for example, the college had begun acquiring books in 1562 and

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\item \textsuperscript{161} Stanley Fish, \textit{Self-Consuming Artifacts: The Experience of Seventeenth-Century Literature} (Berkeley: University of California Press, 1972), 310-11.
\item \textsuperscript{162} Fish, \textit{Artifacts} 331.
\item \textsuperscript{164} Burton, 1.lxii.
\item \textsuperscript{165} Ibid., 1.3.
\end{itemize}
in 1599, the year Burton entered, appointed its first librarian; and on 8 November, 1602, Thomas Bodley reopened the Duke Humphrey library, which at that time housed two thousand volumes but would acquire another fourteen thousand by 1620. Burton himself also had a personal library of over fifteen hundred titles. However, it was the institutions with which Burton was associated that would have shaped his views on best practices, and these institutions may account partially for his paradoxical recognition of his own and rejection of others’ patchworks. The facts of Burton’s life are few, but we know that he was at different times a scholar, tutor, librarian, vicar, rector, clerk of the market at Oxford, and amateur physician and that each of these professions had its own proprieties. As a scholar, and graduate of the humanist school in Nuneaton, “where [he] was once a Grammar Scholar,” Burton would have been expected to digest a lot of books, as he indeed must have to gain the reputation of “a devourer of authors”; as a tutor at Christ Church, Oxford he was responsible to pass that learning on; and as the “Keeper of our College Library” to catalogue it. As a vicar (and rector) in the Anglican Church he was also part of a textual community in which it was “perfectly proper to

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168 The “Account of the Author,” which includes Burton’s will as it was “Extracted from the Registry of the Prerogative Court of Canterbury,” from which this quote is taken, is not included in the Oxford edition cited above but can be found in The Anatomy of Melancholy, vol. 1 (London: Duckworth, 1905), 11.


170 Burton, 1.3 n.y
Unlike Puritans, “who preferred their sermons to be improvised, and in that sense to be original,” Anglicans “saw little difference between a borrowed sermon and an original one, provided it performed its allotted task as an extension of the liturgy.” As a clerk of the market, he would have regulated the weights and measures by which all things were mixed and matched; and as an amateur physician made “new mixtures,” as we will see below, by pouring the contents “of one Vessell into another.” Each of these craft proprieties would have in its own way secured Burton in his commitment to patchwriting where passages from extensive reading are weighed and catalogued for the reader’s instruction, poured from one work to another without any regard for ownership. In the end, Burton wrote as one would expect someone in his position would.

The fact that Burton remains nonetheless uncomfortable with the label “patchwork,” feeling as he does the need always to justify his style, demonstrates that he was clearly aware of the legacy of anxiety surrounding unassimilated borrowings. This discomfort may also have been prompted by historical circumstances. One reading of The Anatomy suggests that it is concerned not only with individual melancholy, but also with the disease’s relationship to the socio-political crises of early-seventeenth English society. As William Mueller observes in The Anatomy of Robert Burton’s England, Jacobean England suffered from “a collapse of foreign trade, a devastating inflation, crop

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173 Ibid. 159.
174 Burton, 1.9.
failures, and extensive unemployment.” These problems had three causes according to Mueller’s reading of Burton: the needless constriction of the nation’s manufacturing and commerce, the unequal distribution of wealth caused by inflation, and the displacement of populations due to enclosure. The last of these was further implicated with “the advent of capitalism, and the rise of industry, particularly the textile industry.” As “the mainstay of English industry,” textile manufacturing required large areas of the countryside for pasturage leading many wealthy sheep owners to evict farmers from their homes. Images of textiles, such as patches and rags, might have been unpleasant for Burton due to their relationship to the disintegration of the old social order brought about in part by the textile industry. The breaking up of farm land for the purposes of pasturing, which required fences, was in many ways equivalent to the fragmentation of a whole cloth, of the kind meant by ‘text,’ and would have been at odds with both Burton’s political commitment to monarchy and his spiritual values of unity as described by Mueller.

Burton’s simultaneous recognition of the need for and rejection of the label patchwork becomes increasingly apparent as he works systemically through his reasons for writing in the introduction to The Anatomy, “Democritus Junior to the Reader.” Modern readers often ask why Burton would write the way he did, since as Burton himself observed, “Quotations are often inserted in the Text, which make the stile more

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176 Mueller, 37.
177 Ibid., 42.
178 Ibid., 42. John May was enthusiastic about the gains of the cloth trade in 1613, and according to Coke in 1621, cloth accounted for nine-tenths of “all exportable commodities of this Kingdom.” For both quotes see op cit, 116 n.22.
179 Mueller, 45 and 65; See also Burton 1.90.
But Burton begins with an even more pressing question—why write at all?—the same question that had preoccupied Montaigne. Writers who have first to find something to say (inventio), as they were taught by the ancients, inevitably find that everything worth saying has already been said, and at some point said well (eloqutio). All that writers contribute then is the order in which they repeat that which bears repeating (dispositio). This is Burton’s answer to both questions: first, why he wrote the way he did; and second, why he bothered to write at all given everything that had already been written. However, it is a writer’s answer, not a reader’s, which may explain why The Anatomy is more often quoted than read. In “Democritus Junior to the Reader,” Burton proposes several reasons for the “usurped name, title, and subject” of his great compendium, ranging from reviving, prosecuting and finishing Democritus’ treatise on madness, to ordering his own reading and attempting to cure his own idleness and melancholy; but he also suspects that his readers will find no cure for their own idleness, will have difficulty navigating through his sources, and will discover nothing but a reiteration of the laughing philosopher.  

Yea but you will infer, that this is actum agere, an unnecessary worke, cramben bis cotam apponere, the same againe and againe in other words: To what purpose? Nothing is omitted that may well be said, so thought Lucian in the like Theam. How many excellent Physitians have written just Volumes and elaborate Tracts of this Subject? No newes here, that which I have stolne from others, Dicitque mihi mea pagina, fur es. If that severe doom of Synesius be true, It is a greater offence, to steal dead men’s Labours, then their clothes, what shall become of most Writers? I hold up my hand at the Barre amongst others, and am guilty of Fellonie in this kind, habes confitentem reum, I am content to be pressed with the rest.

180 Burton, 1.19.
181 Ibid., 1.1-7.
182 Ibid., 1.8.
The problem here is one of conflicting expectations. Readers may detect repetition, Burton remarks, but they are wrong to dismiss it as unnecessary. Repetition was part of the writer’s craft, just as doing what has already been done (\textit{actum agere}) was the necessary work of the empirical science practiced by “many excellent Physitians.” According to the epistemology of the sixteenth century, as Michel Foucault has noted, resemblance could be fixed only by referring to another similitude and knowledge could proceed only by infinite accumulation: “The only possible form of link between the elements of this knowledge is addition. Hence those immense columns of compilation, hence their monotony.”\textsuperscript{183} For those who held this worldview, then, repetition was not only necessary but appropriate. And proprieties determine form. Burton defers constantly, proceeding by accumulation, “againe and againe,” although in each repetition the idea is rephrased or another author is quoted. The words are never the same, having been repeated because re-iteration occurs always in new contexts, or as Burton remarks, “in other words.”

The public arrangement of these materials defines Burton’s own voice. Burton may speak in Democritus’ name, but he is not Democritus; he speaks in his own voice, and each repetition is accented accordingly.\textsuperscript{184} “Democritus’ Junior to the Reader” exhibits many of the characteristics Walter Ong identified as “oral residue,” and the discontinuity of his prose in this passage might be considered “another feature of oral composition.”\textsuperscript{185} This passage, with all its many quotes and repetition, is recognizably

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\textsuperscript{183} Michel Foucault, \textit{The Order of Things}, Routledge Classics (London, Routledge, 2004), 34. See also Crane on orthodoxy 23-35.  \\
\textsuperscript{184} Cf. Cave 308, 312.  \\
\end{flushright}
Burtonian, and as Anthony à Wood records, Burton was also known for speaking this way. According to Burton’s contemporaries, “no man in his time did surpass him for his ready and dextrous interlarding his common discourses among them with verses from the poets or sentences from classical authors.” In both cases, however, repetition always occurs in a new context, whether it is a new sentence or a new audience. In the passage above, for example, Burton juxtaposes another’s words with their implications (“Don’t do what’s already been done,” because it is unnecessary), exposes clichés to their own irony (“To serve up warmed-over cabbage,” that is to say to always say the same thing), and interpellates himself into the writing’s of others, as when he imagines himself as the original plagiarist condemned by Martial: “Dicitque mihi mea pagina fur es” (my page says to me: “I am a thief”) rather than “dicitque tibi tua pagina ‘fur es’” (your page says to you: “You are a thief”). Some of these passages are naturalized, such as those of Lucian and Synesius, but others significantly are not. These passages, written (and rewritten) in a foreign language, remain exterior to the self and are attached instead to the mediate domain of the page; they remain an alien discourse. Their use is possibly worse even than stealing a man’s clothes, but in them Burton (like Montaigne) withdraws into his body and its prostheses, the materials of writings (mea pagina). Burton imagines himself as present enough to answer the charges against him, and to accept the corporeal punishment that belongs both to state machinery and the operation of printing:“I hold

186 Wood, col. 653. See also The Anatomy 4.37, n. 17.
188 Cave 272, 281, 284, 305, 307.
189 The metaphor also has gender implications connected with the phrase to “undergo a pressing,” or to “assume the lady’s part and be pressed by a man.” Wendy Wall, The Imprint of Gender: Authorship and Publication in the English Renaissance (Ithaca: Cornell UP, 1993), 1-2.
up my hand at the Barre amongst others [...]. I am content to be pressed with the rest.”

The body is not only oppressed with what it had to read, as we saw above in the passage which follows this, but it is pressed into the service of writing.

The remainder of Burton’s opening prose oration on originality is concerned with how one proceeds to write under the conditions this chapter has addressed. Plagiarism, he decides, is market driven rather than simply technologically determined. “[T]here is no end of writing of books,” nor is there is anything new under the sun, because every individual seeks to make his name known, even at someone else’s expense: every one seeks to be accounted an author or a person of great learning. For this reason, Burton argues, men rush into learning, running through other’s books, scraping what they might benefit from, and in a vicious cycle they have to write to keep the printers in business.

Books beget books. This accumulation subsequently generates a lack among writers who have not, and possibly even cannot read everything they need. Writers are forever appropriating material that promised to supply their own wants, as Burton famously illustrates with reference to apothecaries making “new mixtures” by pouring the contents “of one Vessell into another.” For there to be mixture the first vessel cannot be completely empty, but it is less full than the other, Burton suggests, for “as those old Romans rob’d all the Citties of the world, to set out their bad sited Rome, wee skim off the Creame of other mens Wits, pick the choyce Flowers of their tild Gardens to set out our owne sterill plots.” This lack is often projected onto others, but is common to all,

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190 Burton, 1.8.
191 Burton cites Ecclesiastes 12:12 (original emphasis), 1.8.
192 Ibid., 1.9.
Burton explains, who inter-“lard their leane bookees with the fat of others Workes.”

Content may change, but the vessel remains the same. Those who judge others based solely on externals, as “everie Writer” does (“as I do now” Burton admits), thus only “fault themselves,” for all writers are forever setting out their wares, rather than focusing inward on digestion: “all Theeves, they pilfer out of old Writers to stuffe up their new Comments, scrape Ennius Dung-hils, and out of Demoncritus Pit, as I have done,” or in fact as Burton just does by citing Gesner’s Bibliotheca universalis, which in turns cites Donatus’ life of Virgil.

The problem for Burton subsequently moves from why write, and how to write, to how to get away with writing that way. If all writers are thieves, and all writing is stolen, then why are not all punished accordingly? As Burton acknowledges, only one writer out of a thousand is worth reading; the rest only make things worse. However, he does not advocate for innovation, as modern readers might expect, since for Burton and his contemporaries novelty was undesirable if not impossible. Some writers might discourage others from writing unless they produce “some new invention of their owne,” but as Burton recognizes this proves to be very difficult: “we weave the same Web still, twist the same rope againe and againe,” and even on the rare occasion that something new is produced, it is usually only a toy for idle minds. His own patchwork is, of course, an exception to the rule. Burton has laboured to the make the most of his materials: “As a good hous-wife out of divers fleeces weaves one peece of Cloath, a Bee gathers Wax and Hony out of many Flowers, and makes a new bundle of all, Floriferis ut

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193 Ibid., 1.9.
194 Ibid., 1.9; The Anatomy 4.23 n. 23.
195 Burton, 1.10.
apes in saltibus omnia libant, I have laboriously collected this Cento out of divers Writers,” and it is first by virtue of the labour involved in collecting his materials, “a new bundle,” rather than new materials, that Burton claims ownership. He has read widely for himself. Burton claims to have “wronged no Authors, but given every man his owne,” like St. Nepotian, who “stole not whole Verses, Pages, Tracts, as some do adaies, concealing their Authors names,” but attributed each to their source.\(^{196}\) Here Burton goes one step more than he was even required, since from classical times through the seventeenth century only disguising the whole of another’s work as your own constituted theft.\(^{197}\) While Erasmus and others praised concealment as the sign of assimilative imitation based on the hidden activity of the body, Burton recognizes that by this same logic failure to conceal might be regarded as an inner failing and so carefully manages his appearance by focusing on externals – cutting out materials, self-consciously taking rather than conscientiously transforming. He is prepared, like Nepotian, to “cite & quote” his authorities despite the fact that “some illiterate scriblers” might construe his so doing (again with reference to the externals of clothing) as “pedanticall, as a cloake of ignorance, and opposite to their affected fine stile.”\(^{198}\) Quoting Cicero, he subsequently makes an apparent distinction without a difference: he has taken, not stolen (“sumpsi, non surripui”), for according to Cicero a man “takes” if he admits it, and “steals” if he does not.\(^{199}\)

Like Vives before him, Burton also holds writers to different standards depending upon their age and maturity. A stronger writer, for example, will take greater risks, and

\(^{196}\) Ibid. 1. 11. Burton refers to the Anatomy as a “cento” again at 1.110.
\(^{197}\) This point is also made by Terry, Allegation 14.
\(^{198}\) Burton, 1.11.
\(^{199}\) The Anatomy 4.27 n. 16.
what might be regarded as misappropriation (plagiarism) for one is appropriation (influence) for another. Since the arrangement of materials is his own criteria of ownership, these standards are for Burton the only measure of plagiarism. Plagiarism is not theft, because nothing is in fact taken. As Burton acknowledges, citing Varro, “minimè malefic nullius opus vellicantes faciunt deterius,” the bees cause no harm to the flower, but in fact help them. So too a plagiarist can do the writer he quotes a good service by highlighting his value to be quoted by others. Burton can ask, “whom have I injured?,” confident in the knowledge that he has injured no one while benefiting himself. “The matter is theirs most part, and yet mine,” since by Seneca’s approved method he has subjugated everything to himself, “which nature doth with the aliment of our bodies, incorporate, digest, assimilate, I doe concoquere quod hausi, dispose [dispositio] of what I take.” Burton’s crime, if any, is a victimless crime. He has appropriated others’ work without depriving them of their glory; he has taken, not filched. Although a bee extracts honey from the flower, it does not deprive the flower of pollen, which it has in store; but the bee still gains. Again, the content remains the same until it is introduced into a new setting, as in the case of human digestion, in which case it becomes something different.

The strength of a writer, and his subsequent claims to ownership, corresponds to the strength of his body and its ability to manipulate and assimilate matter. As he states elsewhere, “I respect matter, not words.” A man who esteems words over matter is, like

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200 Burton, 1.11.
201 This was Malcolm Gladwell’s attitude, though only after writing a letter accusing the author of Frozen of stealing material from his columns. “Something Borrowed,” The New Yorker (November 22, 2004), 40.
202 Burton, 1.11.
the nightingale of legend, a voice and nothing more (“vox es, prætereà nihil”). The body is responsible for producing the sounds of the spoken word, just as throughout The Anatomy the labour of the body produces the written word. Writing matters to Burton as writing matter. Like Seneca, Burton argues for the adaptability of content to form, and responds to the Renaissance problem of sources by stressing both the historical dependency of authors, where every authority has its precedent, and the cumulative value of their work. Each time a work is digested, or enters a new setting, it becomes a property of the consumer. However, unlike Seneca, Burton represents this struggle also as one of bodies of matter in conflict. Whatever Burton takes he conforms to a shape of his own choosing, and of which he is the sole owner, but he can do so only through acts of physical strength and aggressions. He makes them “pay tribute,” and because he must “usurpe” even the observation that everything worth saying has already been said, and pay tribute to those who said it first, “the method only is myne owne.” These proprieties, or formal practices, also exist in specific communities: “we can say nothing but what hath beene said, the composition and method is ours onley, and shewes a Schollar.” Likewise, physicians who “have all out of Galen” have it “to their own method, diverso stylo, non diversa fide.” An author’s individual style (stylo) may be attributable to an individual pen (stylo), but the movements of that pen are guided by training in best practices. Styles also change as an author and his circumstances change. However, while individuals change over time, the authority of the past remains

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203 Ibid., 1.18
204 Ibid., 1.11.
205 Ibid., 1.11.
206 Ibid., 1.11.
constant for Burton. The fact that everything worthy of saying has already been well said does not prevent Burton from repeating the great authors of the past, for by attesting to their continued relevance he can only add to their greatness or, with the benefit of time, correct their blind spots and bring them in line with the future. Instead, he embraces his own belatedness, which as we shall see in chapter three was a problem for most writers in the English Renaissance: “hee that comes last is commonly best,” and even the most famous of lines attributed to Burton on the subject is not only, in fact, borrowed from another – attributed by John of Salisbury to Bernard of Chartres – but also premised on the relative size of bodies and their respective abilities: “I say with Didacus Stella, *A Dwarf standing on the shoulders of a Giant may see farther than a Giant himselfe.*”

The benefit of belatedness, of a deferred copiousness, is to be placed in new contexts where Burton may more “likely adde, alter, and see farther then [his] Predecessors.”

In Burton’s concluding words to this particular declamation, we might “solve it thus.” What separates Burton from the writers discussed above is that while they dismiss patchwriting as the undesirable outcome of the notebook method of imitation, Burton defends it as the inevitable outcome of the writer’s craft. Theirs is the difference between theory and practice, idealism and pragmatism. For Burton, there is simply too much a writer is expected to read, and too little time for extended reflection. The meditative tradition was all very well and good, “as approved by Seneca,” but the demands upon the writer’s body implicit in the metaphor of digestion proved to be too

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209 Burton, 1.12.
210 Ibid., 1.12.
much for writers at the turn of the seventeenth century. What was intended to provide nourishment only produced indigestion, and what was designed to help readers bring order out of chaos only produced more chaos. The means justifies the end. Although linked to tactics and technologies such as the commonplacing that resulted in patchwriting, instrumental reading practices were more efficient than meditative practices, and patchwriting was simply their inevitable consequence. Embracing patchwriting enabled Burton to validate his reading habit, “his want of good method,” and to alleviate the pressure of having to find his own voice.211 A writer might be expected to repeat all of this in his or her own voice, but in light of the polyvocality of the literary tradition, there was no way to determine whether an individual voice could even be recognized. A writer’s voice might be located in the deep recesses of the human body, where the act of assimilation is presumed to take place, but it is just as possible, according to Burton, that this process never takes place at all. The best one can hope to do is identify all the other voices one echoes. Whereas others upheld a belief in an individual voice, and continued to advocate for digestion as an alternative to patchwriting, Burton believes only in a physical arrangement determined by the physical materials of writing that the writer can subsequently claim as his or her own. If writers are to write at all, they will have to rely upon each other. They should not attempt to conceal this debt, but should recognize instead how, if each voice is different in a new context, they can claim ownership of this context rather than the voice. The problem with most of his contemporaries, as we shall see in the next chapter, however, is that they

211 Ibid., 1.4.
were less willing to accept their dependence upon others than they were eager to assert
the assimilative powers of their own authorizing body.
Chapter 2
A Crisis of Sameness, or
“The dead honnie-bee my brother”

So England’s wits (now mounted the full height,)
Having confounded monstrous barbarisms,
Puft up by conquest, with selfe-wounding spight,
Engrave themselves in civil warres Abismes,
Seeking by all meanes to destroy each other,
The unhappy children of so deere a mother.¹

The tyme was, men did judge the tree by his fruite,
but now they will judge the fruite by the Tree.²

The notebook method of imitation may have facilitated unassimilated borrowings, but the accusations of plagiarism that followed were motivated by the competing interests of individual writers. As writers in the English Renaissance looked to the past for examples of what to say, and how best to say it, they did so always in the knowledge that their peers were doing the same. Writers had not only to distinguish their voice from what had already been said, but also from what their contemporaries were saying, and it is in the context of these rivalries that the first accusations of plagiary in English took place. The trajectory from the early modern grammar school, where students learned the notebook method of imitation, was analogous to England’s own history at the close of the sixteenth century: students moved from competing with absent voices from the past to competing with the present voices of their peers, just as the English moved from fighting Spain to fighting among themselves. The defeat of the Spanish Armada, though a great victory for

England, was not without negative consequences, for as Everard Guilpin noted, England’s political energies and animosities would be redirected inward. “England’s wits” exhibited the conflicts of a family no longer united in a common goal, conflicts that often manifested themselves as sibling rivalries. As Francis Bacon later observed, “Men have a foolish manner (both Parents, and Schoole-masters, and Servants) in creating and breeding an Emulation between Brothers, during Childhood, which many times sorteth to Discord, when they are Men; And disurbeth Families.” And Elizabeth’s court was full of such men.

A problem with the competitive curriculum of the grammar school, which was designed to prepare England’s youth for debates on questions of domestic polity, was that it also threatened to prevent them from ever reaching a consensus regarding issues of national importance. In the 1580s, dissatisfaction with the Anglican Church, for one, threatened to undermine the Elizabethan settlement and precipitated the censoring of the Puritan press and the Star Chamber trials of 1591 and 1592. The Marprelate controversy, for another, further raised doubts about the authority of the past and, as

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4 According to Eric S. Mallin, emulation was a major feature of life at court where “the proliferation of emulous factions was a crucial component of Elizabeth’s method of rule.” “Emulous Factions and the Collapse of Chivalry: Troilus and Cressida,” *Representations* 29 (1990), 146. Emulation was a method of advancement whereby courtiers were encouraged to imitate their fellow courtiers so completely as to render their rivals obsolete (Mallin 151) just as they competed publicly for the attention of the Queen through chivalrous competitions such as tournaments (151-8). See also Anthony Esler, *The Aspiring Mind of the Elizabethan Younger Generations*, Durham: Duke UP, 1966), 51-86. The irony of this convention, as Mallin points out, is that copying and longing for what one longs to destroy, is to demolish the very rivals one depends upon, “rivals who are the very impetus for self formation” (152). This threat has been theorized at length by René Girard, “The Plague in Literature and Myth,” *To Double Business Bound*: *Essays on Literature, Mimesis, and Anthropology* (Baltimore: John Hopkins UP, 1978), 136-54.

McLuhan observed, the role of the *trivium*, just as they had emerged earlier in the century in debates between Humanists and Scholastics. Given the open hostility of these debates, the 1590s not surprisingly marked “a new era in Elizabethan satire” culminating in the Bishop’s Ban of 1599, which forbade the publication of satire by a number of England’s leading writers. Nor is it surprising that they provoked the first recorded use of the terms ‘*plagiary*’ and ‘parody’ in English, the former having been anglicised by Joseph Hall in his satires of 1598 and the latter by Jonson in his comic satire *Every Man in His Humour* in 1599. For as Guilpin proceeds to observe, England’s wits, like England’s statesmen, did not stop at championing political causes; they continued to seek, as they had been taught, both to advance their own interests and to hinder their rivals’ through emulation, which unlike straight imitation involved “admiration for a model mixed with envy and contentiousness.”

Poetry in England had by most accounts also “mounted the full height” of excellence in the 1590s, the decade when Edmund Spenser published *The Faerie Queene* and Sir Philip Sidney’s legacy was affirmed in his sister’s revision of the *Arcadia*. But it was in light of, or perhaps even because of such excellence that envy emerged as one of the prevailing concerns of Elizabethan satire. Envy threatened trade harmony by dividing writers into two groups: those who wrote well and those who wished they could. The difference would be decided in writing by a jury of their peers. Satire was a means of self-governance for writers; it was how they kept each other in place. However, because not all writers in the 1590s agreed on their role in the social order, satire could also be a

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means to displace one’s rivals. This kind of satire turned writing against itself and relied upon either ‘parody’ or accusations of ‘plagiary’ to make its point: both placed conflicting proprieties in juxtaposition so as to highlight the superiority of one over the other. These were the primary tactics of three sets of late-Elizabethan rivals that contributed significantly to the rhetoric of proprietary authorship: Gabriel Harvey and Thomas Nashe (1592-1599), Joseph Hall and John Marston (1598-1599), and Marston and Ben Jonson (1599-1601). Harvey and Nashe, as we shall see, began a competition to discredit each other in prose; Hall and Marston continued it in verse until satire was banned in 1599; and Marston and Jonson transferred it to the theatre, where Shakespeare un-rivalled in *Troilus and Cressida* finally ended it for them. These writers all behaved like siblings who accused each other of being, in Oliver’s words from *As You Like It*, “full of ambition, an envious emulator of every man’s good parts, a secret and villainous contriver against me his natural brother” (1.1.143-45). However, by emulating rivals they longed to replace, they also risked destroying the very impetus of their success, or in the case of failure, merely proving their indebtedness to a superior. This chapter historicizes the earliest accusations of plagiarism by both tracing them to the humanist pedagogy discussed previously and situating them within the personal animosities of popular writers at the turn of the seventeenth century; it also theorizes, when appropriate, the importance of the genres in which these accusations took place by highlighting the

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inherently emulative qualities – and near plagiarisms – of satire and parody. Why, one
might ask, do these writers seemingly practice what they preach against?9

Placed as Adversaries

The rivalries of the 1590s first gained momentum in the early modern grammar school,
where as Bacon remarked, schoolmasters encouraged emulation among peers. Students
had not only to compete with the schoolmaster, as we saw in the previous chapter; they
had also to compete with each other for his attention. Competition was an important
component of early modern schools, particularly those run according to the guidelines set
out by John Brinsley. In 1612, Brinsley published his pedagogic treatise Ludus Litareus
with a commendatory preface by his brother in-law Joseph Hall, then the Bishop of
Norwich. Hall did not share Brinsley’s utilitarian view of education, and in the preface
emphasizes the individual’s religious responsibility to the “spiritual house of God.”
Brinsley, on the other hand, argued that students were “to be fitted for divinity, law, or
what other calling or faculty soever they shall after be employed in,” and to this end,
everything was to be done “with strife and contention […] for the furtherance of the
public good.”10 The aims of Brinsley’s program are similar to those of the instrumental
tradition outlined in the previous chapter; they are directed toward the public good rather
than private transformation. But its means are different. Strife and contention do not
sound like instruments of public good, but they were a common strategy of discoursing

9 The point is raised by both Thomas, “Eschewing” 277 and Richard Burt, Licensed by Authority: Ben
10 John Brinsley, Ludus Literarius (1612): A Scolar Press Facsimile, ed. R.C. Alston, English Linguistics:
collective resistance to those in authority. Thomas Wilson, for example, noted that there were “some good Lawes made to avoid emulacion amongst nobleman and gentlemen and also factions,”\(^{11}\) but as Eric Mallin has argued, these served only “to entice by seeming to prohibit.”\(^{12}\) Emulous factions were, in fact, “a Principall Part of Policy” throughout Elizabeth’s reign.\(^{13}\) As competition among students had for the schoolmaster,\(^{14}\) factionalism deflected hostility from Elizabeth by encouraging her nobles to see each other as their only obstacle to advancement.\(^{15}\)

Emulation in Brinsley’s pedagogy, as at Elizabeth’s court, was also a method of advancement. Brinsley had himself contended with others: he claims both to have tested every theory for himself and, in his treatise which reflects these competing views, to “give every one his due particularly.”\(^{16}\) The treatise itself is fashioned as a dialogue between an inexperienced and seasoned schoolmaster, Spoudeus and Philopnus, respectively. The latter, a thinly veiled spokesperson for Brinsley himself, takes pleasure “observing the earnest strife and emulation” among students; he argues that they should both “strive to goe before their fellowes” and “be placed as adversaries, that they may contend in all things, whether of them shall doe the better, and beare the bell away.”\(^{17}\) These competitions would not only encourage students to pursue expedient measures in

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11 Qtd. Mallin, 146.
12 Mallin, 146.
13 The words are Bacon’s although he cautioned against such policies. “Of Faction,” The Essays or Counsels, Civill and Morall, ed. Michael Kiernan, The Oxford Francis Bacon 15 (Oxford: Clarendon Press, 2000), 154. See also “Of Seditions And Troubles” and “Of Followers And Frends,” 44 and 149, respectively. Mallin also notes that “the proliferation of emulaous factions was a crucial component of Elizabeth’s method of rule” (146).
15 Mallin, 146-47
16 Brinsley, sig. A_4^r.
17 Ibid., sig. B_2^r, C_1^c, H_1^y.
their reading and writing, making use of the cultural capital stored in commonplace books, but would also form the basis of a capitalist society. Brinsley’s methods seem harsh, but were typical of most grammar school: senior students are rewarded and adversaries are appointed to examine each other. But the purpose of strife is “to provoke their fellows to emulate them, to strive in all things to be like unto them” and to motivate students to be clearly communicating the rewards of learning. Brinsley also discourages truancy, or cheating, and proposes many of the solutions offered today to curb plagiarism: for example, English translations of Latin exercises should be held back, and “For preventing of stealing, or any help by the Latin book if you doubt thereof, you may both cause them to write in your presence” or choose unfamiliar passages.” The most striking feature of Brinsley’s pedagogy, however, is his steady emphasis on the contest between contemporaries as much as that between students and their models, although he was not the only one to believe “emulation, and feare of discredite, will make them envie who shall excell. Plagiarism understood as unassimilated borrowing, or a failed attempt at emulation, began in the context of the early modern grammar school, where students were first encouraged to both engage with the past and turn on

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18 Ibid., sig. Cc. Vives observed that for students not yet ready to emulate their master, “An easier and quicker method will be to let them imitate someone more learned than themselves among their fellows, and contending with him let them gradually rise to copying their master himself.” Only once the students “have had sufficient on the racecourse (so to speak) of this imitation,” should they “begin to emulate, and to compare yourself with your guide, to see where you can approach nearer to him, and how far you are left in his rear.” Vives: On Education 189, 198. Sturm proposed a similar method. “The Advice of Johann Sturm on What Organization to give the Gymnasium of Strasbourg,” Johann Sturm on Education, eds., trans., Lewis W. Spitz and Barbara Sher Tinsely, The Reformation and Humanist Learning (St. Louis: Concordia, 1995), 65.

19 Brinsley, sig. Oo. and Oo.

20 Ibid., sig. X.

each other. That these students had learned their lesson well is evident in the many contests they would enter into as adults.

**Terms of Engagement**

The literary rivalries of the 1590s, as Kenneth Burke defined all competition, were the result of England’s wits attempts to out-match or “out-imitate one another.” Each writer was seeking a similar goal through the same means, and in this way their contests can also be thought of as “mimetic rivalries.” However, it was in calling attention to the similarity of this means, primarily through accusations of plagiarism, that writers attempted to assert difference. As both Marilyn Randall and Laura Rosenthal have theorised, these accusations had less to do with the act than with the cultural status of the perpetrator. Later in the seventeenth century, for example, Aphra Behn engaged with sources in much the same way as Shakespeare but was dismissed by many of her contemporaries as a hack or plagiarist simply because of her identity as female. Such attempts to distinguish between writers and authors were also common strategy in the 1590s. However, although accusations of plagiarism promised both to raise the accuser’s reputation above his peers’ and to pre-empt accusations against him or herself, they often provoked counter accusations, as most authors accused of plagiarism responded by pointing to their accuser’s guilt. The logic behind these accusations was simple: if no one is original then

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the accused could not be singled out as culpable. But as Randall notes for the late-seventeenth century, these accusations were no less credible for having been based on enmity, since in many cases the accuser was as guilty as the accused. At the close of the seventeenth century, for instance, George Langbaine censures Dryden “for taxing others with stealing Characters from him […] when he himself does the same.”

The problem for English satirists in the 1590s was that everyone likewise accused others of things they did themselves. Like most who take different sides in a debate, they had more in common with each other than with those for whom the issues and proprieties of the debate were unimportant. These similarities necessarily resulted in a crisis of sameness, or what Freud famously termed the “narcissism of minor differences.”

Satire was popular in the 1590s as a strategy for asserting differences among writers and, together with parody, an obvious genre in which to make allegations of misappropriation. Whereas the satire of the middle ages made no distinction between the satirist and the satirized, reaffirming the cosmic unity of society, the satire of the 1590s began to take on a more derisive tone as authors sought to elevate themselves above their peers, whom they attempted to dismiss as mere writers or plagiarists. This tone derived from their assumption that ‘satire’ was derived from the Latin satira, a verse form denouncing prevalent vices, and its later conflation with the riotous behaviour of the

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Greek *satyr*. However, as Isaac Casaubon would prove in 1605, the term properly derived from the Latin *satura*, meaning full or stuffed, as in the *lanx satura* or “dish filled with varied foods.”\(^{28}\) In practice, satire conformed to this latter etymology even before it was properly understood, since satirists were forever filling their verses with the fruits of others’ labours for the purposes of parody.\(^{29}\) If everyone imitated, and only some plagiarized, the best way to prove one had done the former and one’s opponent the latter was to scrutinize the formal properties of his or her writing and subject them to ridicule. Parody posited a contest or comparison by its own etymology, the combination of the Greek *para* – ‘alongside’ or ‘against’ – and *aeido* (‘to voice’).\(^{30}\) Parody did not have to either be negative or always ridicule,\(^{31}\) and as such remained one of satire’s most powerful and versatile agents,\(^{32}\) but it did function as a “militant irony”\(^{33}\) or “imitation with a vengeance.”\(^{34}\) These aggressive tendencies of parody characterized many of the earliest accusations of plagiarism, since the only way to demonstrate the inferiority of a plagiarist’s work was to contrast it with the satirist’s superior handling of the same


\(^{30}\) The latter could also plausibly derive from either *aoide* (‘song’ or ‘ode’), or the homonym *odos* (‘way’ or ‘method’). Robert L. Mack, *The Genius of Parody: Imitation and Originality in Seventeenth- and Eighteenth-Century English Literature* (New York: Palgrave Macmillan, 2007), 63.

\(^{31}\) See Bakhtin, *Rabelais 84*.


\(^{34}\) Ulrich Weisstein qtd. Mack, 38.
subject. Satire and parody, like plagiarism, both involve copying; however, while satire targets the content of another work for criticism, parody self-consciously exposes its formal properties by encoding the same discourse with two or more messages.\textsuperscript{35} As such, parody is on more of a logical continuum with plagiarism than satire. Parody imitates, speaks alongside, and imitation is a form of taking.\textsuperscript{36} Parody differs from plagiarism only insofar as it is “repetition with a difference,”\textsuperscript{37} a definition that has been accurately identified as “a variation on the Renaissance notion of \textit{imitatio} with an added dash of irony.”\textsuperscript{38} To degrade an opponent in this manner did not simply demonstrate his inferiority, but was “to bring forth something more and better.”\textsuperscript{39} Parody and plagiarism thus represent two extremes on the same scale:\textsuperscript{40} empty repetition and creative imitation.

To misquote T.S. Eliot, immature poets plagiarize, mature poets parody.\textsuperscript{41}

The symbiotic relationship between satire and parody in the 1590s is best illustrated in Joseph Hall’s “His Defiance of Envy,” the first poem in his book of satires, \textit{Virgidemiarum} (1598), which is named for a harvest of the schoolmaster’s \textit{virga}, or rod of discipline. After dismissing prevailing Elizabethan genres such as panegyric, heroic and pastoral, Hall anticipates opposition and associates it, like Shakespeare’s Oliver, with envy and emulation; however, rather than remaining content to stand secure with the “safer shrubs” that fall below Virgil’s “prouder Pines of Ida,” the speaker recognizes that for his poetry to escape being dismissed as lowly he must aim for those heights he

\textsuperscript{35} qtd. Linda Hutcheon, \textit{A Theory of Parody} (London: Methuen, 1985), 49.
\textsuperscript{37} Qtd. Mack, 42
\textsuperscript{38} Mack, 42.
\textsuperscript{39} Bakhtin, \textit{Rabelais 21}.
\textsuperscript{40} See for example, H. M. Brown, “Between Plagiarism and Parody: The Function of the Rimbaud Quotations in Brecht’s ‘Im Dickicht der Städte,’” \textit{The Modern Language Review} 82 (1987), 672.
previously eschewed.\footnote{Joseph Hall, “His Defiance to Envie,” The Poems of Joseph Hall, Bishop of Exeter and Norwich, ed. Arnold Davenport, Liverpool English Texts and Studies (Liverpool: Liverpool UP, 1969), 7. (Lines 1 and 7).} This rhetorical move at the beginning prepares the reader for the central paradox later in the poem, when Hall outlines the satirist’s dilemma of having to treat low subjects that will subsequently determine his or her own worth.\footnote{cf. Alvin B. Kernan, The Cankered Muse: Satire of the English Renaissance, Yale Studies in English 142 (Hamden: Archon Books, 1976), 23.} Masquerading his own efforts as “lowly Satyres […] not worth their envying” (65-66) Hall proceeds to anatomize their worth according to their paradoxical relation to their object of criticism:

\begin{quote}
Too good (if ill) to be expos’d to blame:
Too good, if worse, to shadowe shamelesse vice.
Ill, if too good, not answering their name:
So good and ill in fickle censure lies.
Since in our Satire lyes both good and ill,
And they and it, in varying readers will.
\end{quote}

(67-78)

The satirist, as Hall depicts him, is above reproach. His verses cannot be faulted for accurately reproducing the poorer verse they aim to satirize, nor can they be blamed for making it sound worse. He does not aim to eclipse the improprieties he means to point out with his own good conduct. The difficulty arises when they too accurately reproduce the ill verse and risk being dismissed as poor verse themselves rather than being recognized as satire. Ultimately, only he reader can decide when this threshold has been crossed. A successful satire does not simply offer the author’s judgment; it demands that the reader formulate her or his own.

Hall was also sensitive to what was at stake in such judgment, and concludes the “Defiance” with an example of such strife. After moving away from the image of the ruder satire and the genre of complaint, both of which are traditionally associated with
Hall’s satires, the narrator illustrates further alternatives, in this case through an episode fused together from the epic poets Virgil and Spenser:

> Or list us make two striving shepheards sing,  
> With costly wagers for the victory,  
> Under Menalcas judge: whiles one doth bring  
> A carven Bole well wrought of Beechen tree:  
> Praising it by the story, or the frame,  
> Or want of use, or skilfull makers name.

> Another layeth a well-marked Lambe,  
> Or spotted Kid, or some more forward Steere;  
> And from the payle doth praise their fertile dam:  
> So do they strive in doubt, in hope, in feare,  
> A waiting for their trustie Umpires doome,  
> Faulted as false, by him that's overcome.  

(85-96)

Satire not only involves a paradoxical relationship between subject and object, or the need to recognize formally that with which one disagrees; it sometimes also raises strife between those united in a common goal. This strife is reflected in Hall’s own fusing of two traditions, one secular and the other sacred. Menalcas was well known as the judge of a poetry contest between two shepherds in Virgil’s *Eclogues*; however, the description of the two shepherds – one offering “a carven Bole” and the other “a well-marked Lambe” – specifically aligns them with the original rivals of Christian mythology, Cain and Abel, just as the reference to their “dam” presents them more generally as envious siblings seeking to out-imitate each other. As poets (*vates*), or “skillful makers,” each contestant’s worth is determined by his ability to overcome his brother, so that a poet only becomes false, as a plagiarist is false, when he is shown to be so by someone of superior ability. As Hall implies through his rejection of such rivalry and his Stoic efforts.

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44 E.g. Kernan, 56-57.
to “conquer” his “striving selfe” with his own verse, this conflict could also take place within one’s self where the likeness to be overcome is the strongest.

Costly Wagers

The means of competition among late-Elizabethan writers may have been the same, but its goals often varied according to the agenda of particular authors. These writers should not, as James Bednarz warns, be reduced to a homogenous group that shared a common vision, despite having both enjoyed a similar education and engaged in similar means as satirists. Nor should their writing be read simply as parody with no regard for its more philosophical themes, as has often been the case with interpretations of Marston’s drama. The challenge remains to recognize similarities in their writing without unduly disregarding differences in their position. One might object, as Bednarz does, to David Riggs’ conclusion that in the case of Jonson and Marston “two men who resembled one another so closely were bound to quarrel” if one does not accept that “two individuals will behave peacefully if – and only if – they can assign each other to a graduated social hierarchy.” Such objections are reflected in the Bishop’s Ban of 1599, which forbade the publishing of satires by many of the authors discussed below. The ecclesiastical authorities responsible for the ban clearly regarded this “excessive contention for status,” as Bednarz defines it, as a threat to the social order as they perceived it. However, one

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46 Bednarz, 144-6.
must also recognize that the satirists themselves did not always share the ideals held by those in authority over them. They could not even agree among themselves about their own place in this order, so it is not surprising to find that emulation and the ranking of poets was in vogue in the 1590s. There is also no denying that, regardless of what position each one stood for either socio-politically or philosophically, late-Elizabethan writers were all interested in their individual status, whether as an author or the champion of a cause. 49

Many writers who spoke out against misappropriation took a strong position on what they believed to be the proper form of government, which was of course informed by the values of the communities with which they identified. One of the most important debates leading into the 1590s was the Martin Marprelate controversy, named for the anonymous author of a series of tracts advocating a Presbyterian system of Church government. These tracts, published between 1588 and 1599, argued for the separation of magistracy and ministry as well as the abolition of the bishopric in England, and as such posed a serious threat to the Elizabethan Settlement; they boldly ridiculed the leaders of the Church of England and argued that its carefully negotiated compromises were treasonous. There was much at stake in these debates, but they are more important for our purposes for how they were argued than what they argued. First, these debates illustrate the similarities between rival satirists, in this case brothers in a Christian commonwealth; and second, they demonstrate the importance of contesting positions. In the first of these tracts, entitled simply The Epistle, Martin argues that the bishops of England are his brothers rather than his betters, and criticises them for misrepresenting

49 Bednarz identifies specific causes with each author, 101-2.
the Puritan position: “How could their government stand,” he asks, “unless they should
slander their brethren” and convince the Queen that the Puritan’s reform would
“overthrow her regiment […] and that the seekers of reformation are a sort of
malcontents, and enemies unto the state?”

Throughout the tracts Martin taunts his opponents by addressing them as Christian brothers, sometimes bringing them down to
his level – “I pray you bishop John, dissolve this one question to your brother Martin” –
and other times elevating himself to theirs – “take heed of your reverend and learned
brother Martin Marprelate.” Either was conditional upon their answering his charges of
treason “(for no brother, Master Dean, if traitor)”: “unless you answer the former point of
antichristianism, and this of treason, I will never write again to my brethren bishops but
as to usurpers and antichrists, and I shall take you for no better than an enemy to her
majesty’s supremacy.”

Those who threaten the commonwealth, Martin states in a later tract, must of course be alien to it, “you are the persecutors of your brethren (if you may
be accounted brethren).” This controversy aimed to determine who was truly within the
body or family of the Christian commonwealth. However, as in most debates in this
period, the contestants were publicly united as Englishmen and Christians, before they
disagreed about what these labels meant and sought to prove who was the most faithful.
Civil war, as Guilpin anticipated, was not far behind.

51 “The Epistle,” 8.
52 Ibid., 9.
53 Ibid., 17 and 19.
The Marprelate controversy was further concerned with the uses and abuses of language associated with plagiarism. The bishops’ slanders, for example, were from another perspective merely misunderstandings between those united in a common goal, which Martin would later attribute in *The Just Censure and Reproof of Martin Junior* to the instability of language and the misconstruing of their words: “the bishop’s English is to wrest our language in such sort, as they will draw a meaning out of our English words, which the nature of the tongue can by no means bear.” True to his promise in *The Epistle*, “you shall have as good as you bring,” Martin likewise turned his opponents words to his advance through parody, and after re-appropriating Cooper’s words in *Hay any Work for Cooper* was only too happy to have him know it: “Lo T.C., you see that I have a good gift in imitation, and methinks I have brought your words into a marvellous good sense, whereas before in the case of Waldergrave, they were ill wrested.” The difference rests only in how and for whom the words are wrested, which led Martin to parody entire orations. A good argument, for Martin, requires a good style, which he illustrates sarcastically by quoting a tortured sentence of John Bridges that runs close to ten lines: “good matter delivered in as good grammatical words.” The weakness of their position, as Martin sees it, is reflected in the fact that Bridges “hath set down under his own name those which (to speak as I think) he never wrote himself,” producing a patchwork of contradictory statements the latter can turn to any advantage as the need

56 “The Epistle,” 12.
57 “Hay any Work for Cooper,” 134.
59 “The Epistle,” 15.
calls for it. Likewise, as we saw in the introduction, Martin questioned the bishop of Winchester, Thomas Cooper’s learning and reputation as “a great clerk” because he had copied his dictionary from others. Although Cooper had acknowledged these and other debts, Martin mobilises the accusation of plagiarism based on the inferior imitation so as to discredit his rival, and then proceeds to demonstrate his own mastery by parodying Cooper’s sermons. In *The Epitome*, the second of the Marprelate tracts, Martin similarly disparages Bridges’ learning: “He hath used such variety of learning, that very often he hath translated out of one’s man’s writing six or seven pages together, note here a new-found manner of bookmaking;” and ironically chides his inaccuracies as the consequence of scholarly method: “Learned men may easily commit such oversights, especially quoting authors upon other men’s reports.” In each case, plagiarism functions as a means of determining one’s status, in this case as brother.

In its attention to the form of the debate as much as its subject, the Marprelate controversy inspired many of the satiric quarrels that contributed to the emergence of the word ‘plagiary.’ The very nature of these debates, like the theological debates that preceded them, required authors to quote others more than they quoted themselves, which in many ways proved mutually beneficial. As Martin observes, “My worship’s books were unknown to many before you allowed T.C. to admonish the people of England to take heed, that if they loved you, they would make much of their prelates, and

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60 Ibid., 20.
61 Ibid., 40.
62 Ibid., 40.
the chief of the clergy. Now many seek after my books, more than they did.” These writers may be happy to be quoted, but they were also wary of how they were quoted. Whereas John Lyly and Thomas Nashe objected to Martin’s position more generally, for example, others objected specifically to Martin’s handling of others’ words, his reducing serious matters of state to familiar attacks, popular satire, and parody, and his forcing his detractors to reply in kind. The “prevailing ethos” of these responses, Joseph L. Black observes, was one of “literary one-upmanship,” the authors “competing not only with Martin but also with one another.” Gabriel Harvey, for one, wanted to put an end to such contests and warned that meeting levity with levity would only throw all of England into confusion, and objected to the disorderly conduct of Thomas Nashe, specifically, whom he accused of taking “upon him in civill learning, as Martin doth in religion, peremptorily censuring his betters at pleasure.” According to Harvey, Nashe was every bit a threat to established order as Martin.

The implications for these contests were more than political. There was also much to be gained and lost personally, as the ensuing Harvey-Nashe quarrel would show. These feuds, compared with the more private exercises of the grammar school, continue to be important for how they were prosecuted, especially as they spilled into the public sphere where the consequences for rivals were dire. Competition among boys in the grammar school was for the most part limited to the interpersonal and the impermanent, but more mature conflicts in the public sphere had more lasting and wide reaching consequences. As Thomas Nashe remarked of his rival Harvey’s criticisms, bodily

64 “Hay any Work for Cooper,” 101.
assaults were more easily born than those that affected the author’s reputation: “Spittle may be wip’t off, and the print of a broken pate or burse with a cudgel quickly made whole and worn out of men’s memories, but to be a villaine in print, or to be imprinted at London the reprobatest villaine that ever went on two legs,” as Nashe believed Harvey had done of him, “is an attainder that will sticke by thee for ever.” Despite appearing to be perpetuated by petty grievances modelled on a juvenile blame game, as one is tempted to read Nashe’s account of his long-standing quarrel with Harvey – “he began with mee, and cannot tell how to make an end; and I would faine end or rid my hands of him, if he had not first begun” – the threat of defamation in a period obsessed with reputation was serious. Nashe, for example, pretends rather unconvincingly to be less concerned with blaming Harvey than with promoting the idea that he did not write out of hatred. He hoped to show that he could answer his critics, which was necessary for his “credits sake,” and also recognized that his answer in *Have with you* would have to be circulated “abroad and publisht” like his rival’s defamation.

The social economy of “credit” was not only frequently invoked in defamation suits of the sixteenth century, but was also one of the trade proprieties of writers in the 1590s. Respect for another’s reputation required that writers give credit where credit was due, and only where it was due. Those who did not might be labelled as thieves, but plagiarism was never a legal offence; it was instead a breach of norms punished by social sanctions. As early as the second century, for example, Martial claimed to need

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68 Nashe, 3. 19 and 3.31-32.
70 Thomas, “Eschewing” 278. Terry connects this idea also to fame. *Allegation* 27-32.
“no judge” but encouraged Quintianus to shout repeatedly the former’s verses had been stolen – as he himself announces publicly in the epigram – so as to shame the plagiarist.\textsuperscript{71} Martial, of course, had no other recourse, since the law, at least in England, only began to recognize words as a movable property subject to theft with the Statute of Anne in 1710. Even today the precise nature of these properties still remains contended.\textsuperscript{72} The social sanctions against plagiarism at the turn of the seventeenth century suited the crime, for as one lawyer observes, public shaming of offenders offers to reclaim the very thing their “unattributed copying is intended to elicit—namely, the esteem of [their] peers and the benefits that flow from such esteem, such as academic credit, prestige, and financial reward.”\textsuperscript{73} As Max Thomas has argued in a close reading of an infamous case of misattributed printing in the early-seventeenth century, dramatists such as Thomas Heywood were less interested in more modern notions of literary property and more anxious “about names and circulation.”\textsuperscript{74} Allegations of plagiarism were implicated in “a large-scale perception of escalating loss,” which was aggravated in Jacobean England by debased currency, usury, and extensive borrowing on credit.\textsuperscript{75} The difficulty with plagiarism, then, was “not that it takes away any particular property from a particular writer, but rather it renders it impossible to know just what the coin of that writer is made of, and one must take it on credit.”\textsuperscript{76} Nashe like Heywood does not wish to take any such thing on credit: he is concerned not only with his own credit rating, but also with

\textsuperscript{71} Martial, Epigrams 81. (Epigrammata 1.52 and 53).
\textsuperscript{73} Greeen, 196.
\textsuperscript{74} Thomas, “Eschewing” 286. Original emphasis.
\textsuperscript{75} Ibid., 282.
\textsuperscript{76} Ibid., 286-87.
ensuring that Harvey does not profit from books marketed under the names of “Sir Phillip Sydney, Master Spencer, and other men of highest credit.” Harvey was not made of the same coin of the writers with whom he identified, although he knew that forging such an alliance would prove profitable even if it meant confusing his mettle with his rivals’. As Nashe complains, Harvey “takes a new lesson out of Plutarch, in making benefit of his enemie, & borrows my name, and the name of Piers Pennilesse (one of my Bookes), which he knew to be the most saleable.”

The benefit of, or fame for a work was what the plagiarist sought to obtain, what the victim sought to maintain, and what the latter as accuser sought to reclaim. However, as the case of Piers Pennilesse reveals, one person could occupy one or all of these positions at the same time. Nashe’s pamphlet was indeed one of his most “saleable” works, having gone through five editions (STC 18371-18375) by the time Have with you was published in 1596, and it may have been justly regarded as his book, but Nashe was no less guilty than Harvey of profiting from the labour of others. As R.B. McKerrow notes, Nashe frequently borrowed from other authors, which rather than being a sign of “moral delinquency” was simply evidence of an attempt to appear well read. No one hesitated in Elizabethan England to quote others without crediting them, especially when the passages were, in McKerrow’s words, “merely scraps.” Those who borrowed more than scraps, however, were accused of outright theft, as when in Jonson’s Poetaster Tibullus judges “the ditti’s all borrowed” (4.3.95, emphasis mine). Nashe borrowed more

77 Nashe, “Have with you” 3. 35.
than scraps in *Piers Pennilesse*; he includes nearly the whole of Pictorius’ *Isagoge* (1563) without acknowledgment, and this source alone forms approximately one eighth of the whole pamphlet. Nashe had to have been mindful of this fact when he complained that one of Harvey’s associates had “imitated [him], & would embezill out of [his] Piers Pennilesse sixe lines at a clap, and use them for his owne,” especially since his use of Pictorius was the more secret (‘embezzle’ *OED* 1a.), but this example reveals less about Nashe’s moral character than it does about the importance of who was doing the judging and the standards by which others were judged.

The example of *Piers Pennilesse* reveals how in the satire of this period a text’s use mattered less than the cultural status of its user; its potential misuse only mattered at all when spotted by a rival. Propriety is a matter of perspective. Nashe, for instance, regarded himself as an author who assimilated texts and dismissed Harvey and his associates as mere writers who embezzled them, a metaphor that places the offence once more in the realm of the interpersonal than the intertextual. Plagiarism was more the product of satiric competition, and the social quality of the writer, than it was of the copying of whole passages, or the quantity of material borrowed. Harvey, the better read of the two, had nothing to say in his *Four Letters and Certain Sonnets* about Nashe’s specific use of Pictorius, for example, but claimed that Nashe generally “searched every corner of his Grammer-schoole witte to make emends for his estate” and censured him for the borrowed bombast of the “Martinish and Counter-Martinish age”:

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80 McKerrow, 120.
81 "To Saffron-walden,” 132.
82 Gabriel Harvey, *Four Letters, and certaine Sonnets* (London, 1592), Df.
this mightie lashing Gentleman (now well read in the late exploites of Untrusse, and for Tarltons amplifications A per se A) was no fo much as idoneus auditor civilis scientiae? What hee is improved since, excepting his good olde Flores Poetarum, and Tarletons surmounting Rhetorique, with a little Euphuism, and Greenenesse inough, which were all prettily stale before he put his hand to penne. I report me to the favorablest opinion of those that know his Prefaces, Rimes, and the very Timpanye of his Tartonizing wit, his Supplication to the Divell, oh that is the & al. 83

Harvey disapproves of Nashe’s Pierce Pennilesse, with a pun on “per se” (Percy/Pierce), since it is unbecoming of a proper student of polite learning. Unlike the learned Harvey, Nashe had merely exploited the Flores Poetarum, an anthology of phrases from the Latin poets, and his contemporaries – Richard Tarleton, John Lyly (the author of Euphues) and Greene – whom he “may thank […] for his garland.” This accusation, not surprisingly, provoked Nashe confidently to refute Harvey a month later in Strange News:

Wherein have I borrowed from Greene or Tarlton, that I should thanke them for all I have? Is my stile like Greenes, or my jests like Tarltons? Do I talke of any counterfeit birds, or hearbs, or stones, or rake up any newfound poetry from under the wals of Troy? If I do, trip mee with it; but I do not, therefore Ile be so saucy as trip you will the grand like. Ware stumbling of whetstones in the darke there, my maisters. This I will proudly boast (yet am I nothing a kindred to the three brothers) that the vaine which I have (be it a median vaine, or a madde man) is of my owne begetting, and cals no man father in England but my selfe, neyther Euphues, nor Tarlton, not Greene. 84

Denying that his work resembles Greene’s or Tarlton’s in either form or content, respectively, Nashe not only counters Harvey’s claim, but turns it against him, threatening to judge him by the very measure with which he judges. Nashe then reasserts his own uniqueness by claiming no other precedent for his behaviour than his own inclination.

83 Harvey, Four Letters E2r - E1r.
A common feature of these rivalries was an attempt to achieve renown for oneself by both disparaging a rival’s reading practices and parodying his discourse, which was the necessary last step toward proving mastery over him. For Nashe to achieve mastery over Harvey, for example, meant that he had not only to allege Harvey was a plagiarist; he had also to prove that he (Nashe) was not. Nashe thus portrays Harvey in *Have with you* as an instrumental reader prone to unassimilated borrowing and records the legend that, as a boy, Harvey “ran through Didimus or Domedes 6000. [sic] books of the Arte of Grammer.” He likewise censures Harvey’s efforts to “botch and cobble up as manie volumes as he can”; his reading of Conrad Lycosthenes “which showes plodding & no wit” and which “he hath giv’n a twinckling glimps of”; and how, again “like a school-boy” Harvey “tells what Authors he hath read, when he floted in the sea of encounters; which for ought he hath alleged out of them, he may have stolne by the whole sale out of Ascanius, or Andre Maunsells English Catalogue.” This portrait corresponds with Nashe’s critique of orators, as we saw in chapter one, “who stealeth not whole phrases but whole pages out of Tully” and divines who have “skumd over the Schoolmen, and of the froth of theyr folly made a dish of divinitie Brewesse.” Such are superficial readers, who rather than plunging into the depth of the text and allowing it to contribute to the flow of their life, float and skim in the froth, taking what is ready-at-hand.

One way for Nashe to distinguish his own abuses in *Pierce Pennilesse* from those he condemned in others was to demonstrate his mastery of them through parody. Nashe

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85 Ibid., (iii.60)
86 Ibid., 29.
87 Ibid., 123.
88 Nashe, “The Unfortunate Traveller” 2. 251.
89 Nashe, “Pierce Penilesse” 1.198.
thus includes in *Have with you* “An Oration, including most of the miscreated words and sentences in the Doctors Booke,” which includes the account, alleging to be in Harvey’s voice, of the abuses against him and the deceased Richard Harvey, “the dead honnie-bee my brother,” one who has either failed or is no longer capable, as Seneca advised, to assimilate his readings, and turn all to nourishment as the bee turns pollen into honey. Coming from Nashe’s pen, these last words have the added effect of irony, suggesting the ways in which Richard, while he was alive, put to death Seneca’s ideals in order to keep up his “hateful scribbling and a pamphleting” about a multitude of subjects that proved both specious and “dull-headed” to Nashe. In Nashe’s attempts to establish his position as author by setting forth Harvey’s “miscreated words and sentences,” the difference between what is said in Harvey’s voice and what Nashe might mean typifies the ways in which “irony is usually at someone’s or something’s expense” and subsequently serves a mocking or satiric function. Nashe’s caricature of Harvey and the fact that he makes little attempt to disguise his target’s identity again places his work in the realm of satire, while his efforts to expose the conventions of Harvey’s discourse and to “lay bare its devices through the coexistence of the two codes in the same message” is clearly parodic.

*A parody! A parody!*

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90 Nashe, “Have with you” 3.45.
91 Ibid., 12.
92 Hutcheon, *Parody* 54-5.
93 Ziva Ben-Porat as quoted by Hutcheon, *Parody* 49.
As the primary strategy for establishing one’s own moral and aesthetic superiority and degrading one’s opponent in the 1590s, satire had to elevate itself above its object of criticism, which often involved discrediting other genres. Hall, for example, begins his satires by targeting what he perceived as lesser genres such as lyric and in *Virgdemiarum* specifically targets the “Plagiarie sonnet-wright.” However, rather than either directly or indirectly accusing anyone of unassimilated borrowing, the narrator merely references plagiary as one example of how the subject’s, Lolio’s son’s shame will be made public:

As a Catch-pols fist unto a Bankrupts sleeve;  
Or an, *Hos ego*, from old Petrarchs spright  
Unto a Plagiarie sonnet-wright.

(82-84)

Employing indefinite articles, the narrator is evidently unconcerned with specific accusations, but compares the plagiarist to a financial derelict, those who like Harvey have abused the lending and borrowing practices of both a literary and literal commonwealth. Hall is here also strangely heedless of correctly attributing the phrase “*Hos ego*” to Virgil. Rather than being an oversight of Hall’s, who was no doubt familiar with either Donatus’ account of the phrase in his *Life of Virgil* or Puttenham’s retelling of it in the *Arte of English Poesie*, the idea that Petrarch himself would borrow from another, as we will see further in the next chapter, destabilizes the idea of the model poet and threatens his status later in *Virgdemiarum* as “honest Petrarch” (6.1.252)

That Hall never regarded sonnet writing as a worthy genre to pursue but continued to uphold the name of Petrarch highlights the symbiotic relationship between

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poet and genre; it also reveals the paradox of “an, Hos ego, from old Petrarchs spright.”

The Petrarch of the Canzoniere served in the 1590s as a model for the kinds of poetry Hall satirizes, while Virgil was decidedly a laureate poet beyond reproach.\(^\text{95}\) However, the key distinction for Hall was that, whereas Petrarch had succeeded in what had by the 1590s become known as an amateur genre, the “Plagiarie sonnet-wright” had failed to elevate his form, a fact made evident by contrast with the laureate poet of epic fame, Virgil. Hall’s reference to “Petrarch’s spright” may also have been an attempt to do the same with Petrarch, another poet of laureate status whose Sonnet 129 concludes by locating the narrator’s heart “with the one who steals it from me” (“ivi è ’l mio cor et quell ache ’l m’invola”) and reduces him to a kind of spectre (“qui veder poi l’imagine mia sola”).\(^\text{96}\) The problem with an up-and-coming young poet like Samuel Daniel, according to this understanding, was that he should not have been compelled to translate Petrarch from the French, “Or filch whole Pages at a clap for need / From honest Petrarch” (6.1.251-52), just as Hall criticized a “Plagiary Priest” for “having stolne [a] whole passage (as most of the rest) verbatim out of Bellarmine."\(^\text{97}\) In each case, Hall is unconcerned with the theft of component parts, regarding only the theft of the whole page, or whole passage as plagiarism.

Hall’s disapproval of poets working in a specific genre, and his related concern for the integrity of their work, illustrates how critical differences between writers were often motivated by the different generic proprieties which they observed, with some authors pursing pastoral, some epic, and some satire. Those like Hall who favoured satire

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were, not surprisingly, critical of the formal expectations of other genres. He is especially
critical, for instance, of the “patched Sonettings” of Elizabethan lyricists (1.7.11).

However, the two lyric poets most often accused of plagiarism among his
contemporaries, Daniel and Michael Drayton, were also considered to be two of the most
accomplished poets of the 1590s by their fellow lyricists. It is even possible, as one
editor has suggested, that Drayton was at some point accused of plagiarizing Daniel,
prompting the former’s claim in the dedication to *Ideas Mirror* that his verses

[...] wrong not other men,
Nor trafique further then thys happy Clyme,
Nor filch from *Portes* nor from *Petrarch*’s pen,
A Fault too common in thys latter tyme.

However, Drayton’s debt to Sidney is more obvious, since he quotes the latter’s own
affirmation of originality from *Astrophil and Stella* 74 in his defense:

Divine Syr *Phillip*, I avouch thy writ,
I am no Pickpurse of anothers wit.\(^98\)
(9-14)

These lines identify the plagiarist’s filching more specifically as a breach of trust or an
intimate theft, as the picking of another’s purse can only be accomplished in proximity to
that person. Accusations against Daniel have also led editors to connect him with Hall’s
denunciation of the “Plagiary sonnet-wright.”\(^99\) In the *Second Return from Parnassus*, for
example, the third play in a trilogy staged at Hall’s alma mater sometime between 1599

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\(^{98}\) Sidney, “*Astrophil and Stella*”184 (74.8); *The Works of Michael Drayton*, vol. 1, ed. J. William Hebel
(Oxford: Shakespeare Head Press, 1931), 96. See also Tillotson commentary on these lines, *The Works of
Michael Drayton*, vol. 5, eds. J. William Hebel and Kathleen Mary Tillotson (Oxford: Shakespeare Head
Press, 1941), 137-39.

and 1603, Judico summarizes the contemporary reservations about the otherwise brilliant Daniel:

Onely let him more sparingly make use
Of others wit, and use his owne the more,
That well may scorne base imitation.\(^\text{100}\)

These lines could be interpreted as an accusation of impropriety. However, unlike early twentieth-century critics who strongly objected to Daniel’s appropriations and proceeded to document them at length, the author of the *Return* wishes only that Daniel would borrow less, rather than not at all.\(^\text{101}\) Daniel had already proven himself capable of rising to a superior imitation. A plagiarist was not simply guilty for unacknowledged borrowings but for borrowing too much on credit, a habit that in the economy of early modern society threatened ideas of social order.\(^\text{102}\) Likewise, plagiarism was feared because it threatened to corrupt an author’s text, as evidenced in the common use of excrement as a metaphor for the misappropriated text in this period.\(^\text{103}\)

Some of these genres posed more of a threat than others, for just as the satirists looked down upon genres as pastoral and lyric, they also feared that their own parodic weaponry, which came to be regarded as a threat to linguistic stability, could also be used upon them.\(^\text{104}\) It is not surprising then that Jonson, who did so much to popularize the term ‘plagiary,’ should also have been the first to anglicize ‘parody,’ since he perhaps

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\(^\text{104}\) Mack, 59.
more than any of his contemporaries was fearful of the ways in which his own words
could be used against him and how these uses threatened the stability of his texts. As
Virgil observes in Jonson’s *Poetaster*,

‘Tis not the wholesome sharpe moralitie,
Or modest anger of a satyrick spirit,
That hurts, or wounds the bodie of a state;
But the sinister application
Of the malicious, ignorant, and base
Interpreter: who will distort, and straine
The generall scope and purpose of an authour,
To his particular, and private spleene.
To which Caesar agrees,
A most dishonest practice, in that man,
Will seeme too wittie in anothers worke.

(5.3.137-44 & 146-47)

Parody and plagiarism were more dangerous to the state than satire, which had been
banned in 1599, because they not only participated in an already unstable economy of
credit but also threatened the linguistic stability upon which political consensus rested.

Such activity was dangerous not only for authors, but also for the state, as Jonson
makes clear in the conclusion of *Every Man in His Humour*. The key character in this
scene is Matthew, “the town gull,” who more than anyone in the play attempts to benefit
socially from plagiarism. At the end of the play, Matthew fails Justice Clement’s
challenge at extemporaneous composition and, threatened with a “writ o’ rebellion,” has
his pockets searched. “What! all this verse?” Clement exclaims at the result.

Bodie o’ me, he carries a whole realme, a common-wealth of paper, in’s
hose! let’s see some of his subjects!
Unto the boundlesse Ocean of thy face,
Runnes this poore river charg’d with streames of eyes.
How? this is stol’n!

(5.5. 20-25)
The gentlemen Edward also recognizes here the opening lines of Daniel’s first sonnet in the sequence Delia, and Matthew’s shameless substitution of “face” for Daniel’s original “beauty” and “eyes” for “zeale,” which prompts him to echo, “A Parodie! a parodie! with a kind of miraculous gift, to make it absurder then it was” (5.5. 26-27). Whether by “this” he means Daniel’s original or Matthew’s copy is also suggestively ambiguous given Daniel’s reputation: Daniel may have been “a good honest man,” according to Jonson, “but no poet.” In either case, Clement subsequently orders Matthew’s verses to be burned and observes that they have been caught in time, there being “enough to have infected, the whole citie.” Matthew’s activity is not only a threat to the authors he has copied; it is a threat to linguistic stability and ultimately the City itself. The fact that he is threatened with a writ of rebellion, a document issued by the crown against suspected traitors, equates his activity with treason; and as Clement’s puns indicate such threats exist also in the realm of paper (pronounced ‘ream’ as in a ream of paper, or a literary commonwealth). The fact that Clement compares parody with a plague and burns the papers as though they were contaminated, an act which would have no doubt called to mind the burning of satire in 1599, also indicates that much more was at stake than an individual’s reputation. Matthew’s parodies serve no satiric purpose; they do not move the nation to moral reform, but rather appropriate verse that has already been poorly appropriated, only in the end to make things worse than they are already, “to make it absurder then it was.” Jonson also parodies Daniel in this scene; however, in placing his


106 Mack, 55-56.
concern in the national context he demonstrates his ability to emulate and subsequently scorn base imitation.

Like accusations of plagiarism, genres were pragmatic: their value and the uses to which they were put was determined by the cultural status of those working with them, just as the writers’ value was in turn determined by the genres in which they excelled. Jonson could accordingly engage in parody while at the same time eschewing it, just as looking at the same passages Marston could condemn him for being a “translating-scholler” and later Dryden could praise him for being “a learned plagiary” who “invaded authors like a Monarch.”107 Translation can be thought of as imperial plagiarism, which was only appropriate, as with all imperial activity, for the strong.108 Jonson thus criticizes authors like Daniel and Marston as the courtier Hedon in Cynthias Reuels, when Crites upbraids the later for his Petrachean excesses:

You that tell your Mistres, Her beautie is all compsode of theft; Her haire stole from APOLLO’S goldy-locks; Her white and red, lilies, and roses stolne out of paradise; Her eyes, two starres pluckt from the skie.

(5.4.597-601)

Bednarz demonstrates how this portrait of the thieving hedonist corresponds to Marston, who provoked Jonson with Histriomastix; however, Hedon also calls to mind Daniel’s attempts to model himself after Petrarch.109 Daniel’s Petrarchanism was mostly mediated by French translations, which he then translated directly into English.110 And as Daniel’s

108 Randall, 189-217.
reputation as a plagiarist suggests, such translations were not always well received. John Southern’s attempt to do the same with Ronsard’s *Odes* in 1584, for example, provoked George Puttenham to write in the *Art of English Poesie* that he deserved to be “indited of petty larceny for pilfering other men’s devices from them and converting them to his owne use,”¹¹¹ here reinforcing the legal roots of plagiarism with specific reference to the felonious carrying away of another’s goods and putting them to the taker’s use (*OED*). However, as a national project of proving English’s superiority, “converting” foreign sources, particularly through translation,¹¹² was only cause for anxiety when undertaken by men regarded as unsuitable to the task, which is why rather than calling for “judicial inquiry,” plagiarism of foreign sources remained common throughout the seventeenth century.¹¹³ Likewise, Jonson’s issue seems more to have been with the translator than with the translation, especially since as Drummond observed “he neither doth understand French nor Italian.”¹¹⁴ Jonson frequently drew from foreign sources leading Thomas Carew not to “think it theft” but to praise him for his “trophies” and “rich spoils” torn “from conquered authors” and Dryden to conclude “what would be theft in other Poets, is only victory in him.”¹¹⁵ Jonson thus satirizes Hedon both for his poor selection of genre and his failure to assimilate conventional rhetoric, just as he ridicules Matthew for not making “choise of one excellent man above the rest,” as Jonson recommends in

¹¹¹ Puttenham, 339.
¹¹² See Randall, 194.
¹¹³ Lee, *Renaissance* 249; Randall, 189 ff.
¹¹⁴ “Conversations,” 596. Of course, Jonson believed he “knew more in Greek and Latin, than all the poets in England,” and had translated Horace and “a whole oration of Tacitus” in *Sejanus*. Ibid., 608-9.
Discoveries, and failing even to emulate a known plagiarist, both of whom Jonson the master parodist rises above.

Matthew’s example also raises the question of translation’s value in relation to mimetic competition, since one might argue then that what sets him apart from Daniel is that he does not borrow from a foreign poet but from an English one. As George Langbaine would later argue, those who “steal of our own Nation” are properly esteemed plagiarists because they contribute to the escalating sense of loss; they import nothing of value but, instead, “make us pay extortion for that which was our own before” (original emphasis). The fact that Matthew carries “a whole realm, a commonwealth of paper” in his pockets would seem to indicate such a context. Yet, the problem again seems less to be whom he borrows his verses from than what he does with them, which, since he borrowed them from a greater talent, could only to be make them worse. The same might be said of Thomas Lodge, who like Daniel not only borrowed extensively from foreign sources, but also translated Middle English works, such as the anonymous Gamelyn, into the language of his contemporaries. Lodge at times even relied upon already current sixteenth-century remakes to this end, such as the Dialogues of creatures moralised. However, as Lodge himself indicates in the dedicatory epistle of A fig for Momus, a miscellany of eclogues, epistles, and some of the first satires in English, he chose to pursue these forms, not because his readers had objected to his previous sources, but so that “no man might challenge me with servile imitation, (wherewith heretofore I have

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116 Qtd. Randall 194.
been unjustlie taxed.)". His contemporaries’ primary objection was evidently that he proved inferior to the sources he adapted, a servant rather than a master.

Matthew’s primary crime nonetheless remains parody rather than theft. Jonson’s choice of terminology is strange, however, given that by hiding his verses in his pockets Matthew seems not to have wanted his debt to Daniel to be known, in which case his actions qualified more as unacknowledged borrowing than parody: for parody, like allusion, works best when the source text is known or recognizable. The fact that Christopher Marlowe closely copied a whole passage from Spenser, for example, appears never to have proved a problem for his contemporaries although, like Matthew, he changed only a few key words; unlike Matthew, however, Marlowe made no attempt to disguise the borrowing, but succeeded in making it better than it was. Nor did theatregoers object to plays like *Julius Caesar*, which as we saw in the introduction borrowed many passages from North’s lives of Marcus Brutus, Julius Caesar and Marc Antony. Such borrowing were excused, however, because Shakespeare, like Marlowe, was working across genres with different proprieties. The only theatregoer to object to Shakespeare’s posing as someone above his station, or men of higher credit, appears to have been Robert Greene, who as we have seen accused the young bard of being “an upstart Crow, beautified with our feathers,” and implicated him with apes, usurers and tyrants that threaten “past excellence” and “admired invention.” But Shakespeare quickly proved his ability to improve upon such sources.

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118 Thomas Lodge, *A fig for Momus* (London, 1595), A3v.
120 Greene, *Groats-Worth FJ* v.
Poetomachia: A Poet’s War

Few dramatists were as free from accusations of plagiarism, and as uninterested in making them, as Shakespeare. Marston, on the other hand, was forever either crying foul or running afoul of his peers, troubles which began with a rivalry with Hall and ended in his being labelled the first plagiary in English. The existing evidence is not clear on what provoked Marston, but as Arnold Davenport has documented, he was clearly influenced by his contemporaries and often parodied specific passages of his rivals.

For one, “Marston did not scruple to use Hall’s satire as a quarry for words or phrases.” Nor was he concerned with doing so to others. The difficulty with attempting to establish the priority of a source text, and subsequently to document Marston’s “plagiarisms,” was the difficulty his contemporaries avoided by attaching blame to the cultural status of the perpetrator rather than the appropriation. However, most of the passages in question would be regarded today as clear-cut plagiarisms. For example, while labelling Hall a “starved Satyist” (1.2.111) who tickles his cure “with some stolne stuffe” (1.3.175), Marston borrows without acknowledgment the phrase “her husbands

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121 Davenport, “Introduction” xxviii-xxxiv. The possibility that Hall wrote the Second Return from Parnassus, as Frank Huntley has hypothesized, is appealing in light of its many references to the poetmachia of the late-sixteenth and early-seventeenth centuries though otherwise improbable; it was unlikely to have precipitated John Marston’s attack on Hall in his Scourge of Villany (1599), given the clear reference to Marston’s satires in the first play in the trilogy, The Pilgrimage to Parnassus (line 210). “Joseph Hall, John Marston, and The Returne from Parnassus,” Illustrious Evidence: Approaches to English Literature of the Early Seventeenth Century, ed. Earl Miner (Berkeley: University of California Press, 1975).


luke-warm bed” (1.3.121), which Hall in turn had originally borrowed from Juvenal (4.1.145). Likewise, Marston’s

Broker of another’s wit

and

Laboring with third-hand jests, and Apish skips,
Retayling others wit

(1.4. 60-61)

recall Sidney’s “Pickpurse of another’s wit” as well as Berowne’s condemnation of Boyet in Shakespeare’s Love’s Labour’s Lost,

He is wit’s pedler, and retails his wares, […]
This is the ape of form

(5.2.317,325)

although more substantially, Marston’s contempt for those who plagiarize Shakespeare,

from whence doth flow
Naught but pure Juliet and Romio […]
Now I have him, that nere of ought did speake
But when of playes or Plaiers he did treate.
H'ath made a common-place booke out of plaies,
And speakes in print, at least what ere he sayes
Is warranted by Curtaine plaudeties

(3.11. 38-45)

recalls the crowd-pleasing First Part of The Return from Parnassus:

We shall have nothing but pure Shakespeare, and shreds of poetrie that he hath gathered at the theators. […] Marke Romeo and Juliet: o monstrous theft.126

The more Marston was accused of plagiarism, the more he seemed to delight in openly defying his critics by quoting from other plays. In What you Will, for example, he

126 The Three Parnassus Plays, 183-4. (Lines 986-87 and 992).
conflates lines from the induction of the anonymous *Mucedorus* with a line from *Richard III*, which appears also in *The Scourge of Villanie* 7:

> Ha, he! Mount Chival on the wings of fame!
> A horse, a horse, my kingdom for a horse!
> Look thee, I speak play scraps.\(^{127}\)

Were Marston able to speak in his own defence he might easily claim to have parodied Hall, to have forgotten the source of the lines from Juvenal (crypto-amnesia), to have alluded to Shakespeare (even to deny the specious resemblance altogether), to have embraced the apparently then common practice of gleaning lines from plays, just as Albius observes in Jonson’s *Poetaster* that a speech he got “by seeing a play last day,” did him “some grace”: “’tis good to collect sometimes. I’ll frequent these plays more than I have done, now I come to be familiar with courtiers” (2.3.84-87).\(^ {128}\) Or simply to have intended the irony.

Marston’s use of Hall’s verses, like Nashe’s of Harvey, further illustrates the role of parody and the reactionary nature of satire during the 1590s, as in the case of his aptly titled fourth satire in *Certaine Satyres*, “Reactio,” which responds directly to Hall’s “Defiance of Envy.” Throughout his career, Marston objected both to the form and content of his contemporary’s satires, and targeted, for instance, the latter’s criticisms of Samuel Daniel and Michael Drayton. According to Marston, neither the author of *The Complaint of Rosamond* (1592) nor of *The Legend of Piers Gavenston* (1594) could

\(^{127}\) Qtd. Bednarz, 166.

\(^{128}\) Amorphus similarly exclaims of Asotus’ rhyme in “Cynthias Revells,” “O, that peece was excellent! If you could picke out more of these play-particles, and (as occasion shall salute you) embroider, or damaske your discourse with them, perswade your soule, it would most judiciously commend you” (3.5. 118-22).
“Ope their sweet lips without detraction” in Hall’s poetry (4.82). Nonetheless, Marston’s primary target remained Hall himself, and he often turned his rival’s satire against him. In the concluding forty lines of “Reactio” alone, Marston reproduces fourteen whole or partial phrases from Hall’s “Defiance,” three of which include whole lines with only small changes in the personal pronoun, such as “thy” for “my” in Hall’s “To lead sad Pluto captive with my song” (4.143). Yet, whereas the cleverness of such parody may be held in doubt, the uncharacteristically magnanimous alternative offered by Marston at the end – that they reconcile their differences by embracing their common aim as satirists – places the parody of these lines in new light. Hall must have seen through this ploy, however, since Marston proceeded to launch more scathing attacks on the whole of Virgidemiarum in The Scourge of Villanie. Advising Envy to forget Hall’s poem, which will succeed despite critical disproval, Marston concludes his parody of Hall in “Reactio” by advising his muse to,

Eate not thy dam, but laugh and sport with me
At strangers follies with a merry glee.
Let not maligne our kin. Then Satyirst
I doe salute thee with an open fist.

(4.167-70)

Like Guilpin, Marston imagines a kinship between envy and satire, but unlike Hall he is wary of a self-consuming muse that, as was believed of the viper, devoured its mother like Spenser’s Error. Although Marston was neither known for his “merry glee” nor his ability to “laugh and sport,” his proposal “Let not maligne our kin” enables him to move from apostrophizing envy to saluting Hall with a friendly gesture that only at the

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129 Huntley suggests that, since Hall nowhere explicitly rebukes these authors, it was The Returne from Parnassus, which Huntley suggests was written by Hall, rather than the Virgidemiarum that here provoked Marston (13-14).
130 See Davenport’s note on these lines, The Poems of John Marston 247.
very end of the line returns to an image of violence.\textsuperscript{131} These lines also reveal Marston’s awareness of how by publishing his critique he made his words public and subsequently open to retaliation by Hall: by keeping a tight fist on Hall’s words, through his parodic recycling of Hall’s “Defiance,” he could both escape having his own misappropriated by rival satirists and turn his offer of friendship into a mocking farewell.\textsuperscript{132}

The individual poet’s status remained in the hands of the public where it was often subject to conflicting opinions. Guilpin may have sided with Marston in his conflict with Hall, but in his collection \textit{Skialeheia}, published in the same year as Marston’s \textit{Certain Satires}, he agrees with Hall that a poet’s reputation remains with “varying readers.” Guilpin notes, for example, that although Drayton “is condemned by some for imitation, […] others say t’was the best Poets fashion” (6. 85-86).\textsuperscript{133} These judgments stem from different proprieties, or “fashions,” which Guilpin ranks with an obvious bias by identifying the latter as the consensus of the “best Poets.” Guilpin also clearly has Hall in mind as one of the better poet’s detractors since he proceeds to grant that, although as Marston informs Envy,

\begin{verbatim}
The double volum’d Satyre praised is
And lik’d of divers for his Rods in pisse,
Yet other-some, who would credite crack
Have clap’d Reactioes Action on his back.
\end{verbatim}

(6.93-96)

The offender has here been found out as one who cannot be safely credited with the reputation to which he pretends, and the fact that his back is turned suggests that he has

\textsuperscript{131} As Jonson famously remarked, “Marston wrote his father-in-law’s preachings, and his father-in-law his comedies.” \textit{Conversations} 599.
\textsuperscript{133} For Drayton’s possible connection with Hall’s allegations of plagiary see Davenport, “Introduction” 1; and \textit{The Works of Michael Drayton} 5.138.
proceeded further in doing so than he should have been permitted before the satirist has
cought up with him. Here, Guilpin calls attention to how Marston, like Hall’s Catch-pols,
brings a similarly metaphorical legal action against his rival by serving the office of the
bailiff or “shoulder-clapper.”134 However, as Marston’s cousin and the dedicatee of his
“Satyra Nova” in 1599, Guilpin finds reason to favour Marston over Hall and traces of
his influence can be found throughout Skialeheia.135 One might expect such favouritism
from a family member; however, it could not always be taken for granted given the
satirists’ tendency, as Guilpin acknowledged, to “selfe-wounding spight” and sibling
rivalries. It was also sometimes better not to take sides. In the prefatory epistle to his
*Epigrammes* (1599), for example, John Weever knows that he must choose wisely “this
Poet-pleassing faction” lest either Hall or Marston threaten his overthrow.136 When he
finally overcomes these fears, he chooses Marston, only to decide a year later in Hall’s
favour.137 Weever evidently wanted to make it clear that in choosing Marston, as he did,
he was “Detracting nothing from the excellencie, / Of the Rhamnusian Scourge of
Villanie” (1083-84).138 Weever does not here sound confident enough for the position he
would later take.

The frequent mention of whips in the satire of the 1590s again calls to mind the
schoolmaster’s *virga* or the mistaken etymology of ‘*plaga*.’ In the classroom, the
schoolmaster had decided who the best writers were; outside the classroom, they had to

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134 See Caroll’s note on these lines, *Skialetheia* 228.
136 John Weever, *Epigrammes in the Oldest Cut and Newest Fashion*, ed. R.B. McKerrow (Stratford-upon-
Avon: Shakespeare Head, 1922), 11
137 Weever, *Epigrammes* 17 and 19. (Week 1, Epigram 1 and Week 6, Epigram 11).
decide for themselves. As Weever remarks in *Faunus and Melliflora or, the Original of our English Satyres* Jove had, in fact, destined that the sons of Faunus “Should evermore be utter enemies” only “To lovers pastimes, sportfull veneries” (1069-70). However, because these conflicts threatened to go on forever without an impartial judge to decide a winner, Weever takes up this role in the *The Whipping of the Satyre* (1601), wherein he “Dares scourge the Scourger of base villainy” (line 14). Carefully disguised as an allegorical narrative so as to avoid the scrutiny of the censor following the Bishop’s Ban on satire the year before, Weever’s satire targets three individuals whose hatred has spoiled both the English Commonwealth and Church: the Satirist (Marston), the Epigrammist (Guilpin), and the Humourist (Jonson). As author, Weever also recognizes the threat of reprisal, pleading with the Epigrammsist “doe not wring my words to wrong my speech,” and concludes with a combination of paradoxes from both Hall’s “Defiance” and *Virgidemiarum* 2.1.21-6. Weever’s pamphlet prompted uninspiring responses from both Breton and Guilpin, but the eventual collaboration between Marston and Jonson on *Eastward Ho*, both of whom Weever celebrated together in one epigram, and Marston’s commendatory verses printed with Jonson’s *Sejanus* (1603), attest there was still hope that rival satirists could be reconciled toward a common goal.

139 John Weever, “The Whipping of the Satyre,” *The Whipper Pamphlets* (1601), ed. A. Davenport, Liverpool Reprints 5 (Liverpool: University Press of Liverpool, 1951), 8. The argument that plagium, the root of plagiary, derives from the punishment for kidnapping, whipping, and the resulting wound (as discussed in the introduction above) is all the more tempting in light of the many references to whipping and scourging in the satires implicated in the history of plagiary.
140 Weever, “The Whipping of the Satyre” 34. (line 620).
141 Weever, *Epigrammes* 96. (Week 6, Epigram 11).
All did not always go well between Jonson and Marston, however, and Dekker would later identify their conflict famously as a “Poetomachia,” or war of the poets.142 The relationship between the commonwealth, envy and poetry is a concern of Jonson’s comic satire, Poetaster, which was in part prompted by personal rivalry with Marston. As Jonson reported to Drummond in 1618-19, recalling Nashe’s claim that Harvey had begun a rivalry he did not know how to end, Marston began a fight with him that he could not finish: “He had many quarrels with Marston: beat him, and took his pistol from him; wrote his Poetaster on him. The beginning of th[e]m were that Marston represented him in the stage.”143 As with the rivalry between Marston and Hall it is unclear who began this conflict. Nonetheless, by as early as 1599 Jonson had it in for Marston whom he satirized as Macilente in Every Man Out of His Humour and Crispinus in Poetaster (1601), characters who both suffer from an unhealthy envy of their superiors. “It is a barbarous envy,” Jonson recorded in his commonplace book, “to take from those mens vertues, which because thou canst not arrive at, thou impotently despaires[t] to imitate”; such a writer can at best only produce “petulant paper, or scoffing verses.”144 Imitation may be the highest form of flattery, but those who cannot even imitate in a manner worthy of their superiors, such as plagiarists, either pass themselves off as their masters or, rather than admitting defeat, deny that they are worthy of imitation.

Poetaster begins with the story of Ovid, a young Inns of Court gallant who, though wishing to become a poet, is admonished to become a lawyer by his father and early on appears to be the eponymous poetaster; however, as the play progresses it

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143 “Conversations” 601. The beating of Marston is repeated on page 598.
144 Jonson, “Timber or Discoveries” 571.
becomes increasingly clear that this title is reserved for the aspiring poet Crispinus. Any doubt is expelled in act three when he attaches himself to Horace. Horace affects to be much put upon by the doting Crispinus; but when the latter suggests that they together supplant “Virgil, Varius, and the rest” who enjoy the favour of Rome’s patrons, Horace is no longer able to restrain himself, and lashes out at Crispinus’ depiction of his primary patron:

Sir, your silkenesse
Cleerely mistakes MECŒNAS, and his house;
To thinke, there breathes a spirit beneath his roofe,
Subiect unto those poor affections
Of under-mining envie, and detraction,
Moodes, onely proper to base grovelling minds.

(3.1.248-53)

“That place is not in Rome,” Horace proceeds to obverse; Rome is not build upon “such low, common evils” (3.1.254). Rome, like its poetry, is established upon a clearly established hierarchy which is reflected in the play’s movement from Ovid the lyric poet in his study, through Horace the satirist composing verses in the street, and finally to Virgil the established epic poet at court. This hierarchy is also reaffirmed in the final act. “Happy is Rome of all earths other states,” Gallus proclaims, “To have so true, and great a president / For her inferior spirits to imitate / As Caesar is” (5.1.38-41). Even Horace is deferential to both Caesar and Virgil:

For, what I know is due, I'le give to all.
He that detracts, or envies vertuous merit,
Is still the covetous, and the ignorant spirit.

(5.1.91-93)

The consensus of the worthy, Caesar declares, confirms Horace’s merit (5.1.139-41). This view also corresponds with Cordatus’ diagnosis of Macilente’s disposition in Every Man Out of His Humour and Jonson’s attitude toward Marston:
for the true condition of envie, is Dolor aleinae felicitatis, to have our eyes continually fixt upon another mans prosperitie, that is, his chiefe happiness, and to grieve at that. Whereas, if we make his monstrous, and abhord actions our object, the griefe (we take then) comes neerer the nature of hate, then envie, as being bred out of a kinde of contempt and loathing in our selves. (1.3.164-71)

Accordingly, Macilente’s only relief in the play comes at the end when the good fortune of the others is reduced to nothing, at which point his introspection ceases and he begins to pity them. Crispinus is also purged of his crimes at the conclusion of Poetaster and agrees never again to “maligne, traduce, or detract the person, or writings of Quintus Horatius Flaccus,” who represents Jonson in the play, “or any other eminent man, transcending you in merit, whom your envy shall find cause to worke upon” (5.3.595-98). A well-digested man like Horace, “an Author of much Civilitie,” (and the corpulent Jonson), on the other hand, is above reproach (5.3. 355-77).

One of the aims of Poetaster was, of course, to show Marston up and thereby confirm Jonson’s own authority over the writer of Jack Drum’s Entertainment and What You Will, and this required first that he destroy Marston’s credibility. The London theatre was only big enough for one Author of city comedy. In order to highlight Marston’s inferiority and subsequently banish him, Jonson has Horace offer Crispinus an emetic at the end of Poetaster to purge the play of words, approximately thirty in total, distinctive of Marston’s oeuvre. Jonson here attempts through parody to exorcize the object of satire he has had condescendingly to represent on stage. But it is not enough that Crispinus gives up these words; Jonson has also to subject them to ridicule by having Horace and others facetiously repeat Crispinus’ offerings and thereby demonstrate his mastery over

145 Jonson, “Timber or Discoveries” 642.
Marston’s own vocabulary. He even goes so far as to invent a word resembling Marston discourse, “pinnosity,” that appears nowhere in his rival’s work.\(^{146}\) The episode’s dependence on digestive metaphors also calls to mind the diagnoses of Harvey and Daniel above, the former who read and the latter who borrowed too much, for as Virgil observes, Crispinus suffers from too much reading – “Caught by so many surfets; which have fill’d / His bloud, and braine, thus full of crudities” (5.3. 533-34) – and not enough digestion. The prescription? He should keep a strict diet, observe Cato’s summary writing style, work over his text “Till it be well digested,” and “Shun Plautus, and old Ennius” for “they are meates / Too harsh for a weake stomacke” (5.3. 542-43). Jonson, on the other hand, comes out with a clean bill of health: he has proven the superior strength of his stomach to Marston’s through his ability “to convert the substance, or Riches of an other Poet, to his owne use,” as he put it elsewhere.\(^{147}\) However, as Shakespeare would subsequently argue, building upon Marston’s own fear of the self consuming muse, such appetites lead ultimately to self-destruction.

*End Game*

The danger of encouraging emulation was that it would not only prevent England’s wits from ever reaching a consensus; it would inevitably plunge them into the abyss of self-wounding spite and violence, which are the central concerns of Shakespeare’s *Troilus and Cressida*. Coming at the end of the war of the theatres, *Troilus and Cressida* is regarded by many scholars as the last word on the conflict, and by some as an act of

\(^{146}\) This observation is made by M.J. Kidnie. *Ben Jonson: The Devil is an Ass and Other Plays*, ed. M. J. Kidnie, Oxford English Drama (Oxford: Oxford UP, 2000), 449.

\(^{147}\) Jonson, “Timber, or Discoveries,” 638.
retribution against Jonson specifically.\textsuperscript{148} Many editors note that Shakespeare’s “prologue Armed” recalls Jonson’s “armèd Prolgoue” in \textit{Poetaster} (63), although Shakespeare significantly adds, “not in confidence / Of Author’s pen or actor’s voice” (23-24). Instead, Shakespeare dramatizes the ill consequences of “an envious fever / Of pale and bloodless emulation” (1.3.133-34) between the Greeks and Trojans, which Thersites – who can been identified with Marston – deems “a good quarrel to draw emulous factions and bleed to death upon” (2.3.73-74).\textsuperscript{149} Variations of \textit{emulatio} appear at least eight times in the play and, as in the early modern grammar school and the poet’s war of the previous years, always as the explanatory center of violence in a world where emulation is the order of things.\textsuperscript{150} However, rather than emulating their solution of parodying the envious, Shakespeare turned to Homer and Chaucer to dramatize the dangers of turning upon one’s peers.

The problems begin in the play, as they had for England, when the young hero, Troilus, first compares himself unfavourably to the Greeks, and is then envious of his own brother, Hector, and they have implications for the nation as a whole. A similar conflict exists at large between the Greeks and the Trojans, which Nester characterizes as “corrivall’d greatness” (1.3.44). Theirs is a sympathetic rivalry, “as roused with rage, with rage doth sympathize (1.3.53),” and manifests itself in a combination of both homoerotic and political rivalry, the simultaneous recognition of similarity and

\textsuperscript{148} E.g. Bednarz 32-52.
\textsuperscript{149} Ibid., 47.
The problem with the Greeks, according to Ulysses’ diagnosis, is that emulation has crept within the army. Among the Greeks, a symbolic rivalry occurs between Achilles and Ajax, which Nester identifies again with imitation.

And in the imitation of these twain –
Who, as Ulysses says, opinion crowns
With an imperial voice – many are infect.
Ajax is grown self-will’d, and bears his head
In such a rein, in full as proud a place
As broad Achilles; keeps his tent like him.

(1.3.185-90)

The play, like the society it satirizes, is both infected with this kind of imitation and plagued with varying opinions as characters continuously compare each other, commenting on whom they perceive as superior, just as they are pitted against each other in the events of the play: Achilles against Ajax and both against Hector, Hector vs. Troilus, Troilus vs. Diomedes, Helen vs. Cressida, and an implied comparison between Pandarus and Thersites. As Ulysses remarks, “emulation hath a thousand sons” (3.3.156). The plague upon England was that some siblings, in stubbornly pursuing the opinions of others, forgot who they were and that they need not be regarded as someone else. Furthermore, as the authors of The Whipper Pamphlets argued, violence would never enable them to become their rival: Troilus is Troilus not his brother Hector, “there’s no comparison” (1.2.62).

The problem with “so many hollow factions” as Ulysses famously articulates it Troilus and Cressida, was that they threatened the classical unities of “degree, priority, and place, / Insisture, course, proportion, season, form, / Office and custom” (1.2.75-

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151 Mallin, 158 ff.
137). This threat was similar to that of patchwriting discussed in the previous chapter. However, whereas the abuse of commonplacing endangered accepted definitions of orderly imitation, the mimetic rivalries of the 1590s grew out of conflicting definitions of order and an attempt among writers to assign each other to a graduated social hierarchy. These disagreements are most vivid in *Troilus and Cressida*, where those who did not share the same proprieties are not only clearly divided into opposing camps but also contend with each for supremacy within their own camps. Shakespeare renders the metaphysical physical, in the same meta-legal and poetic manner as Jonson, thereby providing a space where the crisis of sameness can be imagined and confronted. Whether or not Shakespeare directly responded in *Troilus and Cressida* to the so-called *poetomachia* cannot be proven, but it illustrates well the anxieties of his contemporaries, such as Bacon, who feared that Elizabeth’s strategy of maintaining factions would soon lead to her nobles’ mutual self-destruction. The competitions between the many writers above, as among courtiers, were an attempt to out-imitate each other, and their goal was to imitate a rival so completely as to render him obsolete. 153 The games themselves were, of course, as different as their participants: there can be no complete copy of another, but only what Renaissance writers recognized before Wittgenstein as “family resemblances.” 154 Nonetheless, the anxiety that some of the writers felt was realistic, if for no other reason than because they believed in both the possibility of being rendered obsolete by their contemporaries and the necessity of preserving their own sense of self-

153 Mallin, 151.
importance. Shakespeare does not offer a cure; he may be credited with putting Jonson in his place, but the outcome of *Troilus and Cressida* is hardly reassuring. The play remains problematic and morally ambiguous, ultimately ending in defeat and loss, just as Guilpin anticipated the “selfe-wounding spight” of his contemporaries would lead to civil war, as it did only a generation later.  

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156 Ulysses similarly depicts the problem of power, will and appetite in *Troilus and Cressida* as a universal wolf that feeds upon itself (1.3.119-24). Or as Thomas Browne put it more vividly in a different context, “we are what we abhorre, *Anthropophagi* and Cannibals, devourers not only of men, but of our selves.” “Religio Medici,” *The Prose of Sir Thomas Browne*, ed. Norman Endicott, The Stuart Editions ( New York: New York UP, 1968), 45.
Chapter 3
Travels in “Plagiana”
The Metaphorics of Misappropriation

The process of making certain things one’s own becomes inseparable from making other things (and persons) alien, so that the act of appropriation must be seen always to involve not only self-projection and assimilation but alienation through reification and expropriation.¹

Property is theft.²

Writers held themselves accountable to a shared set of standards in the English Renaissance. They were expected to conceal their literary debts privately, as they had been taught, and would be publicly discredited by rivals if they did not. But their peers were not the only rivals with which they would have to compete; Renaissance writers had also to contend with the past. As Caelius Calcagnini observed in the early sixteenth century, “we must contend not only with our equals and contemporaries, but also with those who wrote long ago, whom we call our ‘mute masters.’”³ Or as Jonson later put it, “wee envy the present, and reverence the past; thinking our selves instructed by the one, and over-laid by the other.”⁴ Envy had led Jonson and his contemporaries to seek

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difference through imitation. Some writers had so much in common already that the only way to distinguish themselves from each other was to imitate a competitor so completely as to render him obsolete. The past was different. Those who wrote long ago were dead, and were thus unable to reclaim credit from a later generation that might pass off their work as its own. Furthermore, the specific writers Calcagnini had in mind had already triumphed over their contemporaries, and would be remembered for the excellence of the writing they left behind. The problem of writing in the Renaissance, a period so-named for the rediscovery the classical past, was acutely one of belatedness since everything worth saying seemed already to have been said. In order to overcome the sense of paralysis that accompanied this realization, a writer had then either to discover something unknown to the ancients or to prove them wrong. The displacement of origins also proved to be an inescapable project of language itself.

One way in which Renaissance writers attempted to make an original contribution of their own was to replace whatever had come before it, a move that was often depicted in terms of space. In the conclusion of “Democritus Junior to the Reader,” for example, Burton expresses his desire to make a “Utopia of mine own, a New Atlantis, a poetical commonwealth of mine own.” However, he also implicitly recognizes that there will be no place for his own Utopia unless he can distinguish it from those that came before. In this imaginary space, Burton “will freely domineer, build cities, make laws, statutes” as

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7 Burton, 1. 85.
he pleases. “And why may I not?” he demands. He is entitled to the same “liberty poets ever had,” the liberty to remake the works of the past in his own image. He remakes what he takes, but he does not originate. Burton makes no attempt to create anything new; he wants only to own what others have had before him. In fact, he cannot even conceive of a poetical commonwealth apart from the precedents of Thomas’s More’s *Utopia* and Francis Bacon’s *New Atlantis*: he adopts the former’s title for his project, and places his most immediate predecessor as its appositive. All that Burton contributes of his own is a synonym for what came before, “a poetical commonwealth,” the same again in other words. He may be free to build whatever he wishes, and to govern as he chooses, but he knows that he must first build where others have built before him. He will have to clear the space for his own Utopia. A truly original Utopia would have not only to clear space occupied by Burton’s more immediate predecessors; it would also have to obscure their sources in the classical past, such as the original Atlantis described by Plato in *Timaeus* (25ff) and *Critias* (113e) or the perfect state outlined in the *Republic*.

Another way in which Renaissance writers made space for themselves was to discredit their predecessors through allegations of plagiarism, which many attempted through a directed attack on Homer. Burton may have observed that all “our Poets steale from Homer,” but he was also quick like many of his contemporaries to excuse this behaviour based on the belief that Homer must have stolen his materials from someone else. As George Vasari remarked in 1550 the only reason Homer is recognized as an original is because his sources are no longer extant:

8 Ibid., 1.85
9 Ibid., 1.11.
Homer is by common consent admitted to be the first of the poets, not because there were none before him, for there were, although they were not so excellent, and in his own works this is clearly shown, but because all knowledge of these, such as they were, had been lost two thousand years before.\(^\text{10}\)

To recognize Homer’s influence in literary history was enough to place him in a tradition of successive influence in which no one could claim to be original. He must have had his sources. However, given the importance of Homer’s example, many Renaissance writers also called into question the way in which he obtained his material. What they could not find out, Renaissance writers freely made up. As Samuel Butler concluded in the mid-seventeenth century,

> There is no one Originall Author of any one Science among the Ancients known to the world, […] for the old Philosophers stole all their Doctrines from some other that went before them, as Plato from Epicharmus and as Diognes Laertius say’s, Homer stole his Poems out of the Temple of Vulcan in \(\text{Æ}gypt\) where they were kept, and sayd to have been written by a woman, and from him and Ennius, Virgill is sayd to have stole his.\(^\text{11}\)

Homer’s alleged thefts, which are repeated in Donne’s “A Valediction: of the Booke” and Joseph Hall’s *Mundus Alter et Idem*, are important in the history of proprietary authorship in England not only because they demonstrate again how allegations of impropriety served to diminish the authority of a rival, but also because they illustrate the importance of place in the metaphoric relationship between a writer and his literary property.

In Donne’s “A Valediction: of the Booke,” the speaker implicates Homer in a list of ancient authors whose authority is rendered suspect because of their debt to women.


The poet’s belatedness and subsequent anxiety of influence stems from a woman rather than a father figure. Women are not only the generative source of humankind but also the deities that preside over its fate: they are the source of the poet’s life and his inspiration. Behind every great man, the speaker reluctantly admits, is a great woman. The only way for the male speaker to rehabilitate his own image as a male poet then is to reverse the displacement by substituting himself metaphorically in her place by speaking for her:

How thine may out-endure  
Sybills glory, and obscure  
Her who from \textit{Pindar} could allure,  
And her, through whose helpe \textit{Lucan} is not lame,  
And her, whose booke (they say) \textit{Homer} did finde, and name.\textsuperscript{12}

The speaker’s female muse here owns nothing but the future glory that may result from the male poet’s praise. She may be remembered longer than the legendary prophetess, the Cumeaen Sibyl, or eclipse the glory of both the poetess Corinna, who defeated the great Pindar in poetic comparison, and Polla Argentaria, who assisted her husband Lucan with his poetry (6-8). She may even supplant the woman “whose booke (they say) \textit{Homer} did finde, and name” (9). But she owns nothing. A woman could not be displaced, only dispossessed. Homer’s source, known in legend as Phantasia, was a victim of theft; her works were taken from the temple by a man. Likewise, the mistress in Donne’s poem is dispossessed of everything by the male speaker, even the very task he instructs her to do. The speaker has already accomplished what he exhorts his mistress to do.\textsuperscript{13} We do not hear the mistress’ voice, only that of a male ventriloquist. What others might regard as a form of theft, however, the speakers concedes as a form of collaboration in the next


\textsuperscript{13} Harvey, \textit{Ventriloquized Voices} 117.
stanza. These are their manuscripts, belonging to them jointly, the manifold correspondence that passes “twixt thee and mee” (11), between female and male. The generative powers of woman are thus reduced to reproduction as a form of textual intercourse, the result being their Annals or progeny by which they will be remembered. The book, like a child, will outlive them.

In Hall’s *Mundus Alter et Idem*, Homer’s thefts are linked specifically to problems of place in ways that implicate language itself. In the *Mundus* (translated as *The Discovery of a New World* by John Healey in 1609), Hall provides the longest treatment of Homer’s alleged plagiarisms by emphasizing the importance of place in the allegation that Homer found both the Iliad and Odyssey ready-made in a foreign country and removed them from the building in which they belonged. The *Mundus* has been one of the first works to be labelled dystopian, since it recounts the travels of a fictional Academic through the *terra incognita* of the southern hemisphere in which he discovers regions resembling his own but of a more satiric nature; however, its blend of jest and seriousness are also characteristic of Menippean satire. The *Mundus* in many ways continues the scourge of vices begun in *Virgidemarium*, which together were the only secular works published by Hall before his installation as Bishop of Norwich. However, whereas the *Virgidemarium* only mentions plagiary once, the *Mundus* devotes a whole chapter to the description of the “province of Plagiana,” an allegorical place in the land of “Lavernia,” or theft, wherein is found the remains of poets, such as Homer. Whereas, as a whole, Hall queries the Renaissance push toward discovery and the development of novel or original discourses, in his metaphorical description of Plagiana, he specifically targets Homer’s claim to originality in terms that reveal how “plagiary” and literary
“property” functioned as metaphoric territories. In the case of plagiary, which began life as a legal term for a man stealer, these metaphoric boundaries also encompassed the body, which as we shall see functioned for Fletcher and Tomkis as a microcosm of the cultural economy in which acts of appropriation were common.

**Travels in Plagiana**

Hall’s *Mundus* exemplifies the paradoxical position of the Renaissance author as one who, despite benefiting from the discovery of the classical past, endeavours to surpass it, while at the same time recognizing that posterity will subject him to the same treatment. Earlier in the narrative, the narrator orders that “by this testament” he be buried in the land of fools with anyone who either immoderately condemns or flatters his work, “or resolves to imitate it in the future” (102), and the description of Plagiana in the penultimate chapter of his thirty-year travel log reiterates this challenge. This chapter might be read as Hall’s own “*Hos ego*” to the “plagiarie,” recalling his earlier comments in *Virgidemarium* (4.2.83-84). Like Virgil’s original challenge to future imitators and plagiarists, the *Mundus* was published anonymously but would have been easily recognizable to his contemporaries.\(^{14}\) However, the folly of imitating the narrator’s journey might better be read as the logical conclusion of Hall’s critique of Renaissance ideology and a prophecy of the kind of world the Renaissance push for discovery would

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\(^{14}\) In “To the Reader, Greetings,” which some scholars believe was written by Hall, William Knight identifies the author not as someone liable for punishment but as an agent authorized to punish the unauthorized publication of his work (p. 5).
produce.\textsuperscript{15} The problem with the claim upon unexplored territory was twofold. Those who endeavoured to assert their own voice had first to displace the authority of the classical tradition; and second, the recognition of a source meant that all subsequent work would be regarded as derivative. Even the \textit{topos} of the source in Renaissance literature was itself derived from classical sources, where it was defined as both a geographical place and a symbolic commonplace.\textsuperscript{16} In his description of Plagiana, which is fittingly situated at the source of a river (fig.1), Hall inverts this tradition to explore both the topology and tropology of the copy, and in so doing self-consciously highlights his own vexed relationship with the past.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{map.png}
\caption{Map of \textit{Terra Australis Incognitas} (left), province of \textit{Lavernia} and city of \textit{Plagianus} (right). \textit{Mundus Alter et Idem} (London, 1605), sig. B2\textsuperscript{v} and N1\textsuperscript{v}.}
\end{figure}

Hall makes three important rhetorical moves related to literary misappropriation and its metaphoric (as well as etymological) links with propriety, proper nouns, and


appropriateness and property in his description of Plagiana. First, he situates plagiary as a geographical location. The “most spacious region of Plagiana,” together with the land of greed, the reader is told, occupies the western-most lands of the *Terra Australis Incognita*, just east of the Holy Land (*Terra Sancta*), and is thus positioned relative to the New World, reinforcing the title’s taunting paradox – another world and yet the same – as well as Peter Beroaldus’ opening remarks that wherever one goes one finds men to be the same (9). Hall’s unknown lands are no exception, nor is their descriptor. As Richard McCabe has observed, the narrator, Mercurius, is named not only for the Greek god of travel but also the patron of thieves, the principal deity of Lavernia where the *Mundus*, we are told, was written.\(^\text{17}\) In his ambiguous position relative to Plaginana, however, Mercurius would have the reader believe that he did not in fact visit the province, despite its “spaciousness,” and thus remained distant from this apparently common form of theft. “In the west,” the chapter begins, “can be discerned the most spacious region of Plagiana, where the city of Rigattiera,” named for a dealer in second-hand goods,\(^\text{18}\) “not new, indeed, but newly renovated, borders Scapulius Hill” (115). That city is, in Italian, named for a dealer in second-hand goods and plays into anti-travel sentiment, and cautions against visiting Catholic Rome in particular, as well as worry about the classical precedents of Roman civilization more generally. It is also unoriginal. In keeping with conventional understandings of imitation, only the labours applied to the city are regarded as new. Second, Hall discovers plagiary in a lexical context. Scapulius Hill is named for Johan Scapula who in 1579 published an abridged version of Henri Estienne’s

\(^{17}\) McCabe, Hall 79.

\(^{18}\) Hall, *Another World* 196.
**Thesaurus Graeca** entitled *Lexicon Graeco-latinum Nouvum*. Lexicographers were frequently accused of theft, as we saw in the introduction; however, Hall cites Scapula specifically in the margin of his text as both the inspiration for the locale and an example of the newly renovated (plagiarised) advertised as new (original): “*Having stolen his dictionary from Stephanus, Scapula proclaims: ‘But I contend this Lexicon to be new’*” (original emphasis). The promised other is again the same, as the title leads us to suspect, although the resemblance is apparent only to the discerning.

Finally, Hall presents plagiary as a question of discernment. The rhetoric of proprietary authorship assumes that others will observe whatever remains alien or out of place. An other may be in fact the same, but this resemblance is apparent only to those as discerning as the narrator. Just as originality for Scapula was a matter of contention, plagiary for Mercurious, like the superiority of cultural groups and time periods, is a matter of scrutiny and perspective: “He who is *observant* will *discover* here not a few remains, hoary with age, of critics, and especially of poets” (emphasis mine). As we saw in the previous chapter, the detection of plagiarism is empowering, establishing distinctions between authors and writers based more on the subject position of the alleged perpetrator and his accuser than on the act itself. Everyone imitated, borrowed, and appropriated in the sixteenth and seventeenth centuries, but only those singled out by rivals of superior cultural influence were dismissed as plagiarists. An attempt to discredit canonical authors, particularly those of the classical past, was consequently more of an

19 Ibid., 115 n.29.
20 Seneca the Elder’s criticism of an undiscerning audience that fails to detected even the most egregious plagiarisms has been examined closely, and usefully, by Scott McGill, “Seneca the Elder on Plagiarizing Cicero’s *Verrines*,” *Rhetorica* (2005), 337-46; “Plagiarism or Imitation? The Case of Abronius Silo in Seneca the Elder’s *Suasoriae* 2.19-30,” *Arethusa* (2010), 117-19.
attack on their authority than a critique of their means of production. An attack on their imitation was simply a means of getting at the person. The narrator is subsequently confronted with his own disbelief upon discovering possible evidence of Homer’s sources, although he conceals his belief that such discoveries give him advantage over classical authority: “Though nothing seemed more improper, I am certain I saw a stone inscribed with Homeric verses but ascribed to another author.” The verses that follow have parallels in Orpheus and Musaeus, the discovery of which Hall traces to the second century saint Justin Martyr, who also argued (with his own obvious agenda) that Homer stole his major works from Moses (not Phantasia) while visiting Egypt. That Homer might have borrowed from Orpheus also positions him symbolically in a time bound tradition that, as David Quint has shown, privileged the precursor and necessarily rendered Homer’s own verses plagiarisms. Looking back is the death of originality in the present.  

The narrator’s discovery of Homer’s plagiarisms is pragmatic; it is a means by which to challenge the authority of the classical past. Recognizing what is out of place is a way of keeping others in their place. However, according to Hall’s marginal notes, the narrator’s “discovery” is also unoriginal and, therefore, ironic. In addition to his writing in Latin, the fact that these thefts are not easily recognizable suggests that Hall was writing for an educated audience that would have had an ear for the voices of the past and would thus be amused by detecting parallels in classical texts and alert to Hall’s own borrowings. The irony of Mercurius’ position would thus not be missed. As commentators on the Mundus have gone through great pains to document, Hall’s text is

21 Quint, 32-42.
in Roland Barthes’ phrase “a tissue of quotations without parenthesis” bringing together a large body of classical learning to satiric effect, all of which, as in Erasmus’ *Encomium Moriae*, is in the spirit of a serious joke. Commentators in Erasmus’ lifetime were keen to note his use of sources, and as Richard McCabe remarks, Hall’s “annotations to the Mundus were intended to ape such commentaries.” The question of where one belonged was relative. The *Moria* might also have informed Hall’s views on plagiarism. As one of the inspirations for the *Mundus*, the *Moria* also attributed humanist philology with enabling his contemporaries to discern the historical impossibility of either discovering something unknown or, in Scapula’s case, establishing a new lexicon. Accordingly, in the world of Folly, objects have no intrinsic value but are valued instead for what their owners are led to believe about them, in which case value is relative to an individual who is in most cases unreliable, wanting to believe that he or she is always in possession of something more valuable than it is. In the case of plagiarism, the plagiarist is able to pass off his work as his own creation rather than for what it really is, since the authenticity of this claim is no longer located in the text but in the plagiarist. A writer’s success, Folly concludes, is based upon the degree to which he can convince others to adopt his own high opinion of what he had written, regardless of whether the object was worthy of it or not. For Folly, this means not writing for the fit though few, but for popular audiences who cannot spot the deception. The “best joke” is when plagiarists buoyed by their own success misprize each other and, for their mutual

22 Barthes, “Death” 146.
23 McCabe, *Hall* 84.
24 For more on Erasmus’ own views on literary property, particularly as they concern the *Adages*, see Eden, *Friends* 142-63.
25 Quint, 10.
26 Ibid., 10.
benefit, “look for an opponent, to add to their reputation as rivals.”

The humour lies in the inappropriateness of the joke; laughter emerges when someone expects one thing and gets another.

Where one belongs also determines what belongs to whom. “The breadth of the term ‘propriety’ in early usage is instructive,” as Mark Rose remarks, “because it suggests the way that matters of ‘owness’ flow into matters of ‘ownership in the early modern period.”

Not only did thinking about metaphor in these terms help early modern authors to articulate what was appropriate and inappropriate in literary composition, but their choice of the Latin legal term plagiary specifically demonstrates that they also recognised the legal implications of their arguments. As Kathy Eden has noted, propriety was a pervasive concept not only in Roman rhetoric but also in Roman law, where *proprietas* specifically designated an individual’s private property. Propriety in the legal sense designated those things that were neither common (*commune*) – belonging to everyone – or alien (*alienum*) – belonging to another; it also specified outright ownership rather than mere possession (*possessio*).

“The foolish greed of mortals makes a distinction between possession (*possessio*) and ownership (*proprietatemque*),” Seneca observed, “and believes that it has ownership in nothing in which the general public has a share.”

Some like Seneca were opposed to the idea of private property in literature, and elsewhere in the *Epistles* he would famously argue that

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28 Rose, *Authors* 18 n.4.


30 Qtd Eden, “Literary Property” 32.
“the best ideas are common property,” just as in the *Ars Poetica* Horace would caution against making proper what belonged to the common store. However, there were also those who believed that argument of these ideas was unique to each individual judgement. As Eden notes, Petrarch argued that “each of us naturally possess something individual and personal (*suum ac proprium*) in his voice and speech as well as in his look and gestures,” and Montaigne that these qualities result in a unique arrangement of alien material that subsequently becomes “*propre et sien.*”

The metaphoric properties of misappropriation in the *Mundus* map onto the symbolic territories of geography (property), lexicography (the proper) and discernment (propriety), just as Mercurious’ attention to the alleged impropriety of Homer’s borrowings, “though nothing seemed more improper,” uncovers tropological significance in the topology of Plagiana. In the *Poetics*, Aristotle treated metaphor as a lexical category, arguing that a noun may be either ordinary or strange, a word in general use in one country and one used elsewhere, respectively: “Metaphor consists in giving the thing a name that belongs to something else; the transference [*epiphora*] being either from genus to species, or from species to genus, or from species to species, or on grounds of analogy” (1457b). The reason for this transference, Cicero would continue, is that metaphor enables one to speak of something for which no word exists: it springs “from

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necessity due to the pressure of poverty and deficiency”\textsuperscript{35}: “if a thing does not have a name of its own, necessity requires it to borrow one.”\textsuperscript{36} For Cicero, “A metaphor is a short form of simile, contracted into one word; this word is put in a position not belonging to it as if it were its own place (in alieno loco tanquam in suo positum), and if it is recognisable it gives pleasure, but if it contains no similarity it is rejected.”\textsuperscript{37} The word ‘\textit{alienus}’ here, as Patricia Parker points out, can be simply translated ‘other,’ but in the Aristotelian context of substitution and transfer carries with it also the suggestion of usurpation, or appropriation: “A metaphor can be imported to supply a local need, but if a word already exists to occupy the place, the ‘alien’ or ‘translated’ term must justify its displacement of the rightful occupant not only by its ‘resemblance’ to it but by its superiority.”\textsuperscript{38} When a metaphor enters a “place that does not belong to it,” according to Cicero, it must do so only with a “proper introduction,” an emphasis on propriety that for Quintilian would be the defining characteristic of a successful metaphor.\textsuperscript{39} According to Quintilian, a metaphor shines with a light proper to itself (\textit{clara proprio tamen lumine eluceat}), and is pleasing only when used appropriately: it transfers a word from the place where it properly belongs to a place where no appropriate word exists or where the translated word is more appropriate (\textit{Transfertur ergo nomen aut verbum ex eo loco in}

\begin{itemize}
\item \textsuperscript{35} Cicero, \textit{De Oratore}, vol. 2, ed. Trans. H. Rackham (Cambridge, MA, 1942), 121 (\textit{De Oratore} 3.38.155).
\item \textsuperscript{36} Ibid., 2.125 (3.40.159)
\item \textsuperscript{37} Ibid., 2.123 (3.39.157)
\item \textsuperscript{39} Ibid., 2.129 (3.41.165)
\end{itemize}
quo proprium est, in eum in quo aut proprium deest aut translatum proprio melius est),

and when a metaphor fails, it is “out of place” or “inappropriaite” (improprium).40

Metaphor thus understood is important in Hall’s travel narrative, and the history of proprietary rhetoric, for Aristotle’s lexical or substitution theory of metaphor primarily involves a “change with respect to location” that reflects metaphor’s literal meaning as “bearing or transporting across (a boundary),”41 as one find illustrated throughout the Mundus. It also involves an alien voice. As William Knight notes in “To the Reader, Greetings,” which may have been written by Hall, the reader of the Mundus is to embark on a metaphorical journey: “you will recognise the shape of this old world to be such that although you see it to be another world, you believe it to be the same [;] it is the same one the Platonists dreamed of so many generations ago; which the ancients called the invisible world and the archetype of the world” (3-4). Hence the title: Mundus Alter et Idem, which Wands translates, “Another World and Yet the Same.” This trip takes place without the perils of travel, for as Beroaldus remarks in “The Occasion of this Travel” boundaries are illusory: every land falls under the same sky, and “each and every province mirrors the customs and habits of every neighbouring people” (10). The narrator encounters an example of this in the metropolis of Pamphagonia, where two cities “contended with each other for first place,” like the “two most learned academies in the whole world,” Oxford and Cambridge, “both of them my mother, and one of them even my wet nurse, true sisters” (25). This passage has been mobilised in support of

Hall’s authorship of the anonymous *Mundus*. The narrator’s suspicion of travel is also thematically consistent with Hall’s position. As Beroaldus remarks in the “Occasion,” a proper traveller discovers something drastically new, although as the problem of the *terra incognita* presents itself, a name must be known, although it cannot be named unless known.

The substitution theory of metaphor helps explain both why Hall would describe misappropriation using a Latin legal term, and what he might have understood misappropriation to mean. The Latin legal term ‘*plagiary*’ was for Hall not only a substitute for something which had no material standing: authorial rights were, of course, *terra incognita* in the early-seventeenth century. It also remained sensible only as metaphor. The word ‘plagiary’ helped distinguish misappropriation from accepted forms of appropriation by supplying a label for improper imitation, just as the plagiarist attempted to distinguish himself by attaching his name to the work of others. Metaphors are used less for describing accepted behaviours than for understanding deviations.42

Regarding Homer’s alleged plagiarisms, Mercurious claims that “nothing seemed more improper” [*quod indignius nihil videbatur*] than to find Homer’s verses “ascribed to another author” [*alieno tamen authori*]. The impropriety here is ambiguous: the narrator may be upset to find credit for Homer’s verses given to others, or he may be upset to find evidence that Homer took credit for another’s verse. Proper names marked not only the property writers had in themselves, according to the theory of possessive individualism,

42 Ricoeur, 316.
but also the literary property they imagined themselves to possess. As William Webbe observed in 1586, “Homer made matter which was common to all propper to himselfe.”

However, the question of propriety may be associated with the crossing of property boundaries in either direction. Metaphor is by definition ambiguous. As “metaphor consists in giving the thing a name that belongs to something else,” one word comes to mean different things in different contexts; it is “doubly alien,” belonging elsewhere but standing in for the word which belongs. The thing in this case is the verse, which is assigned conflicting proper nouns. The reader is told that the lines that follow are Homer’s [versibus Homericus], but they are attributed in the text to either Orpheus or Musaeus. The observant reader is expected to recognise the strangeness of this transfer, thus heightening his or her awareness of the tropology of Plagiana. In John Healey’s 1609 translation any doubt of Homer’s guilt is removed: “One stone I saw here whereon were engrauen certain Greek verses, (b) stolen by Homere from Orpheus and Musaeus. From Orpheus, these. (c) […] And from Musaeus this.” These observations can again be attributed to Martyr, but as Hall notes in the margin “Theodore Canter, in Variae Lectiones, part 2, chapter 3, numbers these among the robberies of Homer.” Whereas Healy also omits these notes, however, Hall objects to Canter: “He does so unjustly, for

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45 Ricoeur 19; Parker 133.
Homer imitates Orpheus and Musaeus, he does not plagiarize” [non spoliat], just as Martyr notes that Homer “alters” [mutat] the verse.47

For Hall, as indeed for Aristotle, assigning a new name to a verse is insufficient grounds for ownership; instead, there must be some alteration (mutation) in the verse (noun) to warrant a new name. The former constitutes plagiarism, the latter imitation. If Homer is to substitute his name for the verses, he must first create a void to fill by displacing their original name. In the first example provided by Hall, for instance, Homer copies a single phrase – “The wrath sing, goddess” (Μῆνιν ἄειδε, θεά) – from Orpheus; the rest of the opening line in the Iliad is his own.48 In the second example, the two poets’ verses are virtually the same, and clearly meant to disparage Homer’s alleged source: “there is nothing more frightful or more shameless than a woman” (‘Ως οὐ κόντερον ἦν καὶ ρῖλον ἄλλο γυναικός), or in in Robert Fagles’ translation, “there’s nothing more deadly, bestial than a woman” (ὅς οὐκ αἰνότερον καὶ κόντερον ἄλλο γυναικός).49 The third example, again from Orpheus, is identical.50 In the forth and final example, however, the resemblance between the lines in question leads the printer – or perhaps Hall – to mistake one for the other, printing Homer’s line from the Iliad, as for the leaves “so of men one generation springs up and another passes away” (ὥς ἀνδρῶν γενεὴ ἡ µὲν φύει ἡ δ’ ἀπολήγει) as Musaeus of Athens’ “The generations of men spring

47 Hall, Another World 116. This note is omitted in Healey’s translation.
49 Translation from The Odyssey, vol. 1, trans. A T. Murray, rev. George E. Dimock, Loeb Classical Library 104 (Cambridge: Harvard UP, 1995), 431 (Odyssey 11.427); transcription from The Discovery 135, where the accents can be more easily discerned than in either the 1605 or 1607 printing of Hall’s original. Translation from The Odyssey, trans. Robert Fagles (New York: Penguin, 1996), 263; transcription from The Odyssey, trans. A.T. Murray, 430.
50 See The Discovery 195.
up in turn, even as the foliage” (Ὡς δὲ καὶ ἀνθρώ του γευεὴ και φύλλον ἑλίοτει). Homer adds, rearranges, adapts and copies. These examples are not the unequivocal proof of Homer’s theft they pretend to be; rather, they illustrate a conventional distinction between imitation and plagiarism based on a degree of emulation that Hall defines elsewhere again in terms related to travel: “As one therefore that in worthy examples holds imitation better than invention, I have trod in their paths, but with an higher & wider step.”

The emphasis here is to choose only worthy examples to add to or improve upon, rather than to strip away or plunder. Slavish adherence to the past is satirized in Book 3 of the Mundus not as theft but as folly. In the nation of Moronia, the narrator encounters the people of Lisconica, or the land of flattery; these people are “two faced, two tongued, their front half in the shape of a ape, their rear in the shape of a dog” (92). In short, they are “born to servitude.” “There is nothing that they wear, or do, or speak, of which someone did not give them the example.” Whereas it was commonly recommended that one imitate only that which is worthy, one Lisconian even mimics the limp of a neighbour with a broken leg. A Lisconian mimics everything, and notably “whatever you says he copies into a notebook” (93). The problem with such adherence to the past is that it does not allow for the kind of progress associated with travel.

Hall concludes his description of Plagiana in Book 4 of the Mundus with a rare authorial intrusion into the narrative, this time moving his defence of Homer from the

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51 Translation and transcription from The Iliad 284-5 (Iliad 6.149); translation and transcription of Musaeus from Another World, 197. In the Renaissance, Musaeus of Athens, the legendary founder of poetry referred to here, was often confused with Musaeus Grammaticus, the author of the original Hero and Leander. Christopher Marlowe, “Hero and Leander,” The Collected Poems of Christopher Marlowe, eds. Patrick Cheny and Brian J. Striar (New York: Oxford University Press, 2006), 196 n.52.

52 Joseph Hall, Characters of virtues and vices (London, 1608), sig. A₆⁺.

53 This passage recalls Castiglione’s own critique of artless imitators. Castiglione, 31-31.
margin into the main body. Homer may be a plagiarist, but if so then so are all those who follow him: “On the other hand, I have found many small verses in Virgil which are an almost word-for-word plagiarism from Homer and Hesiod, and I don’t know how many pages are carried over to Petrarch from a certain vernacular Tuscan poet,” namely Dante.  

54 These thefts are the last to be mentioned in the narrator’s description of Plagiana, and in both Hall’s original and Healey’s translation highlight the moral ambivalence surrounding misappropriation. Healey’s narrator dismisses them as hearsay among the inhabitants of Lurtch-witte, while Hall’s determines that they are equally indecent regardless of the identity of the alleged perpetuators or the quantity of verse borrowed (either “small verses” or “many pages”). In light of the cultural status of the accused the reader cannot help but question the definition of plagiarism instead of the respective morals of Homer, Virgil, or Petrarch, just as in the Virgidemiarum Hall had censured those who “filch whole Pages at a clap for need / From honest Petrarch” (6.1.251-52, emphasis mine), without pursuing the implications of Virgil’s “Hos ego” coming from “old Petrarchs spright” (4.2.82-83).  

55 Petrarch’s status, in particular, again alerts us to the metaphorics of plagiary, and how substitution of one name for another in the absence of any alteration in the form constituted misappropriation for Hall and his

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54 Hall, Another World 116. In a note to his translation, Healey offers “Dante, or messier Cino, or Senuccio, or some of those times.” The Discovery 135. These observations were not unique to Hall. Dryden likewise observes, in a manner very close to Hall’s, that “Virgil has evidently translated Theocritus, Hesiod, and Homer, in many place; besides what he has taken from Ennius in his own language.” Qtd. Terry, Allegation 174n.16.  

55 Adopting Virgil’s proclamation of authorship was evidently not uncommon: in the Second Return from Parnassus, Amoretto calls attention to the irony of such a position by dismissing the propriety claims inherent to “a song of maister Dowland’s making” (lines 1979-80) with the reply, “‘Or Hos ego vesiculos feci, &c.? A pox on’t, my maister Amoretto vseth it very often: I have forgotten the verse” (lines 1981-83). That the page cannot remember the lines further links his words with the original account in Donatus where Bathyllus, who had falsely claimed Virgil’s lines as his own, could not finish them when challenged by Virgil, for he had neither read nor, in fact, composed them. The Three Parnassus Plays (1598-1601), ed. J. B. Leishman (London: Nicholson & Watson, 1949), 353.
contemporaries, and how the crossing of boundaries was not only an attempt at appropriation but also of usurpation. Out of his poverty and deficiency as a poet, the misappropriater borrows from others; he takes passages that properly belong to another and transfers them into his own work; and his actions are inappropriate precisely to the extent that they remain out of place there. Finally, to the south of Plaginina are observed the remains of Troy, which the narrator explains had been torn down in order to convert its many villages into two large cities. The destruction of Troy was, as Thomas Greene has argued at length, a *locus classicus* for the Renaissance writer’s struggle simultaneously to rediscover and displace the classical past. It was the ruin of Troy that forced Aeneas into exile and, ultimately, to found a new and grander city that could only be built with its predecessor in mind; the original was both an inspiration and a relic.

*Outside Looking In*

The metaphoric properties with which Hall and his contemporaries were concerned did not exist only in the environment, or the space surrounding the human body, but were also deeply rooted inside the body itself. While Hall represented misappropriation as topographically alien and remote, for example, others mapped that which was naturalised anatomically within the personal confines of the human body. Homer transgresses by crossing proprietary boundaries, just as a kidnapper does by removing a body from where it belongs, and these improprieties were defined by moving plagiary from its proper place in Roman law to its new one with literary meaning. However, it is the human body that

moves through space and make sense of that movement. According to George
Puttenham, metaphor consisted of an alteration in the sense of a single word that was
both meaningful (sententious) and perceptible to the senses (sensible), the former
ensuring it was appropriate and the latter that it was evident. Ex
panding upon the sense of place inherent to the substitution theory of metaphor, Puttn
ham classes metaphor as a “sensible” figure, which in his examples he locates specifically in the human figure, or
body. He also departs from a purely substitutional view of metaphor, which would view
it as a form of catachresis, by distinguishing between words transported to another place
that bears “some affinity or convenienty” to their natural place (sens propre) and those
that are simply out of place; the former he defined as Figures of Transport and the latter
Figures of Abuse. The body was one of the controlling metaphors through which
Renaissance authors made sense of the world. In the examples, “I cannot digest your
unkind words” and the lawyer who says “‘I feel you not,’ for ‘I understand not your
case,’ because he had not his fee in his hand,” the body is as much the grounds for
comparison as its vehicle. In each case, communication is regarded as a function of the
body, which is why it is possible to speak of an author’s body of work and digesting
what another said, as well as why the Latin legal term for kidnapping, or the unlawful
removal of one’s body (literally man stealer), was a convenient metaphor for the
misappropriation of another’s words.

The metaphor of digestion not only helped define mimetic assimilation, but also
illustrated the crossing of boundaries from once place to another, for as in the human

58 Puttenham, 263.
body, the digested material becomes wholly other in its new place. Hall’s *Mundus Alter et Idem* was not alone in exploring this meaning. In Phineas Fletcher’s *The Purple Island* (1633), for example, the final frontier is a journey of inward discovery. Here framed by the competition between two shepherds, as in Hall’s “Defiance,” the poet Thrisil allegorises the human anatomy as a journey within the eponymous Purple Island. Thrisil, however, is faced with the same problem of discovery exposed by Hall:

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Tell me, ye Muses, what our father-ages
Have left succeeding times to play upon:
What now remains unthought on by those Sages,
Where a new Muse may trie her pineon?\(^{59}\)
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As he recounts in the stanzas to follow, there is not only a precedent for everything he has to say, but there are also contemporary authors, such as Jacopo Sannazaro and Guillaume de Salluste Du Bartas’ English translator Joshua Sylvester who have already said it better. The “twice-sung” story of Troy may have been “the second time twice better sung” (1.12.1-2), but these “Hard daies,” Fletcher complains, “afford no matter, nor reward!” (1.17.2). English poets had also to contend with the memory of Spenser, although they could not match him: poets like streams return to their spring (1.23), like “owls or crows” they imp “their flaggy wing” with “stoln plumes, their notes through th’ayer fling; / [...]. They howl & croke, while fond they strain to sing” (1.24.5-7). In Fletcher’s attempt to establish man as the index to the book of nature (1.43), he is likewise forced to follow Spenser: the origins of the first half of *The Purple Island* can be found in canto nine of the second book of *The Faerie Queene*, just as the eleventh canto

of book one provides Fletcher with the framework for the second half of his pastoral epic.

The problem with such genetic inheritances was one of family resemblance. Bodies could be outwardly confused with each other. Fletcher closely modeled himself after Spenser throughout his career. His early poems included a Spensarian pastoral in memory of Queen Elizabeth, published in the collection *Sorrows Joy* (1603), and an anti-Catholic satire entitled *The Locusts, or Appollyonists* (1627), which also echoes Spenser. However, it was with the publication of *Britain’s Ida* in 1628 that Fletcher most closely resembled his mentor. Published by Thomas Walkley, who had also published several plays by Phineas’ cousin John Fletcher, *Britains Ida* was advertised as the work of “that Renowned Pöet, Edmond Spencer,” for as Walkley remarks in its dedication to Lady Mary, “Daughter to the most Illustrious Prince George, Duke of Buckingham,” he was assured “by the ablest, and most knowing men, that it must be a Work of Spencers.”

There may have had good reason to think so: the poems begins with an echo from the *Faerie Queene* (7.6.36), “In Ida Vale (who knows not Ida Vale?),” contains a Bower of Bliss, and reproduces to the extent of parody Spenserian patterns of repetition, opposition, and especially parenthesis.  

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61 However, as F.S. Boas suggested in his edition of the Fletcher’s poems in 1908, the poem also reproduces many passages from Fletcher’s own work. A.B. Langdale collated these auto-plagiarisms in his biography of Fletcher, after Ethel Seaton confirmed Boas’ suspicions in 1926 with the discovery of a manuscript including an additional stanza that clearly identifies Thrisil – Phineas’ pseudonym – as its author. Abram Barnett Langdale, *Phineas Fletcher: Man of Letters, Science and Divinity* Columbia University Studies in English and Comparative Literature 125 (New York: Columbia UP, 1937), 211-15. Ethel Seaton, *Venus & Anchises (Brittain’s Ida) and Other Poems by Phineas Fletcher* (Oxford: Oxford UP, 1926).
The fact that Fletcher could be mistaken for Spenser must have been flattering to the young poet who set out to prove himself equal to Spenser, but as he set down to write his own epic he realised that too close a resemblance would be detrimental to his own reputation. At the beginning of *The Purple Island*, Fletcher faults his contemporaries for failing to value anything other than themselves. The majority did not recognise England’s best poets because opposites do not attract, “*Like to his like will move*” (original emphasis), while by implication Fletcher was alike enough to Spenser to not only appreciate his talent but also reproduce it. In reality, however, Fletcher has more in common with the “witless vulgar” than he admits. By elevating Spenser to the position he does Fletcher shares an implicit envy of superior talent, which simply produces in him a different reaction: he praises rather than sneers. If his success was to be determined by the extent that he resembled Spenser then it was also necessary that he remained distinct from him; otherwise, all the praise for *Britain’s Ida*, for example, would go to someone else. Such was also the problem with emulation, for in attempting to occupy Spenser’s place it would be necessary to remove him. However, Fletcher remains concerned more by the love of likeness, than the assertion of difference. In his depiction of covetousness later in the poem, he attributes man’s desire for gold to his affinity with the Earth, “for *Like his like still loves*” (original emphasis) and it is the sexual connotations of such love that trouble him the most. In his description of men and women in Book 3, for example, he is careful to note that although “alike in all the rest” they disagree in part, “For nothing is produc’t of two in all agreeing” (3.24.7). This was the same problem he faced with Spenser, for in celebrating their similarities he would be unable to produce anything
of any notable difference. There is no reproduction when, as Fletcher defines sodomy, "Like with his like is coupled" (7.22.7).

The only real family resemblances, and subsequent difference from other poets, were for Fletcher internal rather than external. This latent homoeroticism which one might see as being directed toward Spenser is different from the relationship the narrator Thrisil enjoys with his brother and closest friend at the beginning of *The Purple Island*. They are not alike in the externals of the body, but their blood flows "from self-same fountains," and their "self-same" soul grow nearer in love, "So seem’d two joyn’d in one, or one disjoyn’d in two (1.3.5-7). This nearness of voice corresponds to a likeness in body, a consanguinity, which is genetically similar in the case of brotherhood; therefore, the only way to tell these two apart is by consent or "common voice" of the others (1.4.1). Different voices, on the other hand, are the product of different bodies. As Fletcher notes, the lungs are "cloath’d" with "a light and thinne tunicle," whose primary purpose is "to frame the voice aright; / (The voice which publishes each hidden notion" (4.28.1-4). The voice proceeds through the windpipe, which ends "at the foot of Cephal" (4.285-6), and is thus the sound of the stomach at work. According to the allegory of the house, the windpipe is the chimney through which the air escapes from the ovens, and is designed so "To fit each severall voice with perfect sound" (4.29.2). These voices are distinct from one another, or accented, because stomachs and their contents differ from person to person. Together with the larynx, the mouth (and teeth) also assist with "the voices better modulation" (4.31.2), or "the voices guiding” (4.31.6), by keeping private notions hidden within the confines of the body. That which distinguishes the origins of one voice from another is thus as inscrutable as the process whereby distinct voices are
recognized, for the ear functions as the gateway whereby “each voice and sound” enter
the body of an interlocutor (5.39.3). There sounds are given accents (5.46.2), and a shell-
like passage “dooms each voice aright” (5.39.7) and the ear drum itself discerns “every
voice” (5.48.3). The process of the mouth and the production of voice, however, is
distinctly associated with the activity of consumption, for Fletcher locates language
(“Lingua”) in the mouth where it is related to taste (“Gustus”) (5.56).

The internal, private space from which the individual voice originated was
inscrutable and therefore inalienable. Fletcher’s detailed descriptions of human organs
might have been drawn either from others’ observations or his own at dissections, but as
Thrisil admits in the invocation to canto 3, there is no way to describe the inner workings
of a living body apart from divine inspiration.62 These processes remain hidden “from all
the world” and are revealed to Thrisil only in “[his] mistie breast” (3.4.2-4). The place
where the poet receives his inspiration is thus as individualised and inscrutable as the
place where he makes it his own. A number of changes take place within the body: when
blood passes through certain arteries, for example, it “Doth lose his former name and
qualities (2.11.3). However, none is more important than the naturalisation of foreign
elements which the body relied upon for nourishment: as Seneca observed, digested food
also changes qualities before it enters into the blood and tissue of the human body.63 It is
perhaps no coincidence then that the origins of Fletcher’s allegorization of the digestive
tract can be traced to Spenser’s descriptions of the House of Alma in the Faerie Queene
2. The “twice sixteen warders” which stand for human teeth in the Faerie Queene

62 Langdale, 206.
(2.9.26), for example, become “twice sixteen guarders (5.59) in the Purple Island, and the “maister cooke [...] cald Concoction” (2.9.31), “The Islands common Cook, Concoction” (2.33). Spenser only provides Fletcher with a topical outline for the digestive tract, however, since what in Spenser spans only a few stanzas, Fletcher expands into half a canto (twenty stanzas).[^64] However, the fact that Fletcher reminds his readers of the need for digestion at the same time that he relies the most upon Spenser – whose immortal memory he later remarks lives “In Alma’s house” (6.51.5-7) – only demonstrates that Fletcher was too consumed by Spenser to digest him. Spenser, as evident in his literary corpus, was the stronger poet. Fletcher could only hope to join his allegorised body with Spenser’s rather than to displace it.^[65]

The body was also a potent image of the present and the domestic. Spenser is just one of two poets for whom Thrisil expresses “love with just adoring,” the other being Virgil, although “That Mantuan swain” is quickly succeeded by Spenser’s “home-bred” poetry (6.5.1-5). The contrast between international and domestic poets here points to another way in which Fletcher imagines the process of naturalisation. However, the way Fletcher imagines writing as travel, for example, differs from Hall. Whereas Hall claims to follow the paths laid out by others with a higher and wider step, Fletcher admits to “not following close, but farre admiring” (6.5.6). The one aims at exceeding and the other at succeeding. Fletcher does not move forward by mastering those that came before, but aspires to “lackey one of these” (6.5.7), and to frustrate “expectations” with his “backward tale” (6.6.1-2). A utopian society for Fletcher is subsequently conservative

[^64]: Langdale, 146-47.
[^65]: Langdale maintains, however, that “Even if Fletcher were a modern poet, he could scarcely be accused of plagiarism, because he made four important statements in which he frankly set forth his dependence upon Spenser.” (132). Langdale analyzes Flethcer’s debts to Spenser and others in great detail (105-52).
rather than progressive, although like Hall’s *terra incognita*, his “purple Islands nation”
is both another world and the same, its inhabitants

> A people never seen, yet still in light;  
> Our daily guests, and natives, yet unknown;  
> Our servants born, but now commanders grown;  
> Our friends, and enemies; aliens, yet still our own.  
> (6.6.4-7)

Conservative, but not from the past. The faculties Fletcher subsequently allegorizes, such
as conscience and the will, are not the heroes of “better times,” the Edenic parents that
first inhabited this “happy Island,” but a redeemed population stewarded by Christian
disciplines. Likewise for the perversion of these faculties. Neither can be seen, but both
have been revealed in scripture. They are a present reality for those in *The Purple Island*,
gifts from outside the human bodies but residents therein, faculties which start out small
but can later come to govern a man. Whether a benign or malign influence, these
faculties may not derive from the body but they belong to it. However, like human
populations they can be naturalized as citizens. The image of assimilation here fits in the
context of Fletcher’s admiration for Virgil and Spenser, both of whom exert an influence
over Thrisil, who attempts to make these alien poets his own.

Fletcher’s values were in keeping with the meditative tradition outlined in the
first chapter. The perversion of some of these faculties bear on plagiary, since as we have
already seen, covetousness proceeds from an obsession with likeness. For example,
thievery and detraction are linked, since as Fletcher observes they are almost the same:
“one stole the goods, the other the good name: / The latter lives in scorn, the former dies
in shame” (7.84.5-7). The world of mammon, or greed, also produces “man-like apes”
who in their greed mistake things for more than they are worth and peddle “packs of
apish fashion” for others (8.5.5; 8.6.5). However, even virtuous faculties such as knowledge are implicated in the symbolic economy of plagiarism. One who seems to be a scholar might, as we saw in chapter one, “gather / Many large volumes in a narrow place” (1.48.1-2), while another “feasts with words” and literally hits the books, being wounded by some and making shields with other. This scholar bears the motto, “I borrow what I lend” (9.11.7 original emphasis), and travels with Contemplation, “That made good use of ills by meditation; / So to him ill it self was good by strange mutation” (9.12. 6-7). In Fletcher’s symbolic economy of knowledge, those who merely “seem’d to study” (9.11.6) never really possessed anything of their own; they merely relied upon others who in turn rely upon them. Only those who were diligent in their duties would have the energy to break down alien elements and press them into their service. Fletcher was backed by tradition in these views; however, they were not necessary shared by his contemporaries.

_The Body Inside Out_

The internal workings of the body had for centuries served as a metaphor for the privatization of common resources because of the hidden nature of its transactions, but as science continued to explore the human body and expose how it worked these workings could just as well prove the opposite. Anatomical metaphors were still applied in the context of literary production and consumption. However, rather than providing the basis for private property, they could now just as well illustrate how, as in the body itself, one remained forever indebted to another in such a way that individual possession was more difficult to imagine. When Panurge praises lending and borrowing in the third chapter of
François Rabelais’ *Tiers Livre* (1546), for example, he cites the circulation of blood as evidence that co-dependence is not only natural but also necessary. His argument is in the spirit of both Erasmus’ false encomium in the *Praise of Folly*, and Hall’s Menippean satire in the *Mundus*, for he disguises as a joke a serious point that his contemporaries, like his formidable interlocutor, Pantagruel, would have difficulty refuting. Unlike Shakespeare’s Polonius, who according to conventional wisdom advises his son Laertes in *Hamlet* “Neither a borrower nor a lender [be]” (1.3.75), Panurge praises lenders and borrowers in his own utopia on the grounds that anyone who owes will always be looked after by his creditors. A dead debtor cannot pay his debts. A society without debt, on the other hand, falls quickly into disorder: “*Car l’un ne se reputera obligé à l’autre, il ne luy avoit rien presté,*” “one will not repute himself obliged to the other,” because “he hadn’t lent him anything.” Men will hate each other rather than pursue their mutual benefit. So it is, he continues, in the body. A man will perish, if his parts war against each other by failing to recognize their co-dependence. Independence is not the natural order, Panurge argues, for in a society of lenders and borrowers there is mutual harmony, which he confirms by presenting man’s body, in its natural state, as a microcosm of society. In order to produce blood, which nourishes the soul, the body supports a hierarchy where

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67 Rabelais, *Tiers Livre* 44-45; *Gargantua* 29.
each does its “office propre,” “one lends the other, and the one is the other’s debtor.”

Nature provides the material, the limbs deliver and prepare it,

\[ \text{la langue en fait l’assay; les dens la maschent; l’estomach la reçoit,} \\
\text{digere et chylifie; les venes mesaraïques en sucent ce qu’est bon et} \\
\text{iodine, delaissent les excremens, les quelz par vertus expulsive sont vuidez} \\
ohrs par expres conduitz, puys la portent au foye; il la transmue de} \\
\text{rechef, et en fait sang.} \]

[The Tongue doth make the first Essay, and tastes it; the Teeth do chaw it, 
and the Stomach doth receive, digest, and chilifie it; the Mesaraick Veins 
suck out of it what is good and fit, leaving behind the Excrements, which 
are, through special Conduits for that purpose, voided by an expulsive 
Faculty; thereafter it is carried to the liver, where it being changed again, 
it by the virtue of the new Transmutation becomes Blood.]

This process, and the resulting “ruisseau d’or,” or “Rivolet of Gold,” Panugre compares 
to an alchemist’s attempt to transmute similar materials into gold. However, his “belles 
graphides et diatyposes,” though pleasing, do not convince Pantagruel, who remains 
convinced with Plato that it is a “grand vergouigne, toujours, en tous lieux, d’un chascun 
emprunter, plus toust que travailler et guaingner,” “a great shame [always] to choose 
rather to be still borrowing in all places from every one, than to work and win.”

The ability to see into the human body, even imaginatively, exposed the occult 
practices of the meditative tradition to the scrutiny of Renaissance science in ways that 
again highlighted the importance of perspective in ethical judgments. Plagiarism, as we 
have already seen, was a matter of perspective; it was not always a disgrace, in every 
place, but sometimes openly embraced. So too was alchemy. Panurge’s joke about waste

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68 Rabelais, Gargantua 31; Tiers Livre 48.
69 Rabelais, Tiers Livre 49-50.
70 Rabelais, Gargantua 31. Original emphasis.
71 Rabelais, Tiers Livre 50; Gargantua 31. Original emphasis.
72 Rabelais, Tiers Livre 55-56; Gargantua 34. Original emphases. Frame translates the earlier phrase as 
“beautiful representations and descriptions.” Works 273.
turned into gold, or urine, would have resonated with Renaissance readers who suspected alchemy as a great deception; however, those who believed in the possibly of changing one substance into another regarded it as a legitimate science. The possibility of transmutation would, in fact, be crucial to later formulations of private property. According to Locke, for example, man could only come into possession of property properly when he applied his labour directly to the raw material of nature and so transformed it into something else. The result of this transformation a man could justifiably claim as his own, unlike the borrower or the thief who came by everything they possessed readymade. Similar arguments were also made earlier in the century concerning proprietary authority. Thomas Tomkis’ Jacobean comedy Albumazar, for example, not only takes up the question of alchemy, of origins, and metaphors of digestion, but also contains an as of yet unremarked upon early reference in English to plagiary. The play, attributed to Tomkis both in the Dering Manuscript and the title page of two 1615 printings, was an adaptation of Giambattista della Porta’s Astrologo (printed in Venice in 1606), and was performed in English by the members of Trinity College in 1614 before James I and Prince Charles. Tomkis might have composed the play earlier, however, given its resemblance to Jonson’s Alchemist, which had been performed by the King’s Men in 1610 and printed in 1612. The question is one of priority, both in importance and precedence, for whoever came last would be proven the greater debtor. At least one contemporary believed that Tomkis had copied Jonson, and that Albumazar

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was but “a second Alchymist,” but the majority seem to have held that Jonson had copied Tomkis who, consequently, felt the need to defend his originality in an epigraph added to the revised play in his 1616 Works. Either case is impossible to prove through internal evidence, since the plays only share one phrase in common; external evidence suggests that Jonson came to the idea first. In any case, both plays are based upon stock situations and characters that can be found equally in Marston’s What You Will.

The frustration with belatedness with which this chapter has been concerned is reflected both in the reception of Tomkis’ play and the play itself. The best introduction to the themes of Tomkis’ play is also the best evidence that it predated Jonson’s. In his prologue to a 1688 revival of the play, John Dryden defends Jonson’s appropriation of his predecessor by first invoking the memory of his ancestors and then praising Jonson, as he does elsewhere, for improving upon what he takes. Tomkis’ play, on the other hand, he regards only as a “model” for Jonson’s “master piece,” and a “Subtle” adaption of della Porta’s “Astrologer.” Tomkis takes what he likes best as, in a metaphor

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77 Dick 48.

78 Dryden, Of Dramatick Poesie 90.

borrowed from Jonson, one who wears whatever is most fashionable. Jonson, on the other hand, transforms what he takes like his eponymous alchemist:

But *Ben* made nobly his, what he did mould,
What was anothere’s Lead, becomes his Gold;
Like an unrighteous Conqueror he reigns,
Yet rules that well, which he unjustly gains.

(11-14)

The end here justifies the means. Jonson may have obtained his materials no differently than Tomkis, but he does something different with them. He invades like a monarch, but he rules well as victor over his spoils. The image of Jonson as a benign but powerful ruler obscures Tomkis’ precedence with Jonson’s pre-eminence; it also allows Dryden to contrast Jonson’s art with the disorder and lack of decorum in the theatre of his age. In “our age,” Dryden complains, authors make whole plays without contributing one word of their own:

Who in this Anarchy of witt, rob all,
And what’s their Plunder, their possession call.
Who like bold Padders scorn by night to prey,
But Rob by Sun-shine, in the face of day.

(17-20)

A highwayman robs the living, “but these rob the dead” (28). These images are all inspired by the play itself which, as we shall see, openly questions the impropriety of plagiarism. However, while Dryden grants “They have the Licence,” he objects that “they want the Art” (34), making what he regards as a crucial distinction between permissiveness and propriety according to the standards of Restoration order to which he subscribed.

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The opening scene of *Albumazar* argues at length for the moral relativism of plagiarism, and its relationship to differing customs and trade civilities. For the principal characters in Tomkis’ play, as for Rabelais’ Panurge, a better understanding of the human body and the world reveals that theft is not only natural but recommended. Scene one corresponds roughly to *Astrologo*, and begins where Shakespeare’s *Timon of Athens* left off several years earlier, with a picture of the world as theft. As Shakespeare’s play illustrates, those who lend and borrow feed upon men, “their wealth and lives together,” and as the delirious Timon proclaims, thievery runs rampant: the sun robs the sea, the moon robs the sun, the sea robs the moon, the earth robs compost; “each thing’s a thief,” so all that remains for man is to “Rob one another.” “All that you meet are thieves,” he concludes; “nothing can you steal / But thieves do lose it” (4.3.435-49). In Timon’s world, as in Panurge’s, men eat each other, and cannibalism as we shall see in chapter five was another popular metaphor for misappropriation at the turn of the seventeenth century. However, such a world is the product of the fallen Timon’s delirium, and does not represent the intended order of things. In *Albumazar*, on the other hand, it is the premise upon which the play is built. There is no shame in thievery, Alumazar explains to his companions, the thieves Harpax and Ronca, for it was revered in “the dayes of old” (1.1.42): “The Spartans held it lawful, and th’Arabians, / So grew Arabia, Faelix; Sparta valiant” (1.1.44-45), and it continues to be honoured. Most nominally “honest” tradesmen, Albumazar continues, “Merchant, Lawyer, or such like” profit from theft, excepting only the “Learned,” who remain poor because their trade does not permit them to profit from another’s labour (1.1.51-54), a variation of the *topos* employed by

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81 *Albumazar: A Comedy* 163.
The implication that the scholar is honest, however, subsequently provokes Harpax to pursue a more philosophical definition of theft that brings us back to Homer:

And yet he steales one author from another.
This Poet is that Poets Plagiary,
And he a third’s, till they end all in Homer.
(1.1.55-57)

Such an understanding of theft encompasses more than either a pragmatic view of plagiarism or a positivist definition of property, for Harpax more than Albumazar knows that the scholar-poet steals neither financial capital nor moveable goods; he (or she) is incapable of profiting financially in the manner of the merchant or the lawyer. As a professional thief, however, Harpax is also incapable of viewing the scholar’s dishonesty as a victimless crime. That the learned, and by extension the astrologer Albumazar, are somehow exempt from the law is offensive to Harpax, who observes that there is as much honour among poets as there is among thieves and shuns the danger of a relativist concept of value: a plagiarist not only steals one “author from another,” who presumably stole him or her from another, but also holds others in offence. There is no honour among poets, Harpax maintains, as there is no honour among thieves: this poet has plagiarized that poet, while another judges that same poet to be himself a plagiarist, and so on all the way back to the very original, Homer.

Albumazar, by virtue of his learning, is able to push this argument even further, since his understanding of science was in line with philosophical approaches to the problem of origins more broadly. The problem for Albumazar, as for Plato, is one of infinite regress: if every poet steals from his or her predecessors, then as a poet himself

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82 Marlowe, 209-10. That a merchant is necessarily a thief is discussed by Max W. Thomas in relation to Heywood, “Eschewing” 288.
Homer must also have obtained his verses from a predecessor, who obtained them from someone else. In the absence of an absolute value above the ebb and flow of time, all authority must be regarded as derivative. Albumazar accordingly alerts Harpax to the problem of origins by systemically attacking his premise that the Ancients were the originators of culture:

And Homer filch’t all from an Aegyptian Preestesse.
The world’s a Theater of theft. Great rivers
Rob smaller brookes; and them the Ocean.
And in this world of ours, this Microcosme:
Guts from the stomack steale, and what they spare,
The meseraicks filch, and lay’th i’th liver:
Where (least it should be found) turn’d to red Nectar,
Tis by a thousand theevish veines convey’d
And hid in flesh, nerues, bones, muscles and sinewes,
In tendons, skin and haire, so that the property
Thus altered, the theft can never be discovered.
Now all these pilfries couch’t and composd in order,
Frame thee and me. Man’s a quick masse of the every.

(1.1.58-70)

These grim observations prompt the hitherto silent Ronca to exclaim, “Most Philosophicall ALBUMAZAR!” (1.1.71) while Harpax attempts to reconcile them with Albumazar’s previous comments on trade, for his syllogism offers to excuse the thief from recrimination: if everything is stolen, nothing properly belongs to anyone.

Following the course of nature, everyone robs from their superiors, and rather than being immoral these acts contribute to the well being of the body politic. Harpax challenges Albumazar’s argument, as Panurge does Pantagruel’s, by proposing that “these parts had lent and borrowed mutuall” (1.1.72), as was intended in both a literary and a literal commonwealth, but Albumazar refuses to compromise: “‘tis done with full intention / Nere to restore, and that’s flat robbery” (1.1.73-74). The inner working of the body
exposes the writer’s intention, which in this case is to cross boundaries permanently. There is no exchange in this process, no credit will be returned to the originator, and as such the writer steals rather than borrows. For Albumazar, morality comes down to the fact that in the city “No dwellers are but Cheaters and Cheateez” (1.1.82), although his blind logic comes back to haunt him at the end of the play when Harpax and Ronca cheat him out of his earnings, excusing their behaviour on the same grounds.

From the hero’s perspective, a thief is fully justified in what he does: thieves do not think of what they do as theft. As a thief, Albumazar endorses a less harmonious microcosm than either Panurge or Fletcher; he again equates mutual co-dependence with theft, for rather than working together to produce blood, as brooks feed rivers, the body’s organs simply take advantage of each other. Although the natural order, according to Panurgre, is for the mesaraic veins to lend what they have borrowed from the stomach to the guts, in Albumazar’s version the guts “steale” nourishment directly from the stomach, and the veins “filch” or borrow from them, before passing it on to the liver where it is finally turned into “red Nectar.” That this transaction is conducted in secret – “least it should be found” – is opposed to Panurge’s ideal society where debts are openly acknowledged, and consequently threatens to undermine the hierarchy inherent to the body politic. In the context of the poet’s plagiarisms, Albumazar appropriates Seneca’s metaphor for assimilation to reveal how digestion proceeds from the secret, inner workings of the essential organs to the outward, visible benefit of baser parts – skin and bones, muscles, tendons, hair – where the theft can no longer be observed but is lost in

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83 Elizabeth Hanson, Discovering the Subject in Renaissance England (Cambridge: Cambridge UP, 1998), 24-54.
the crowd of a “thousand theevish veines.” As in the busy city streets of London, where everyone is either cheated or a cheater, a busy network of thieves steals from their betters, and conceals its thefts in the lower members of society, where “property” is no longer recognizable, and “the theft can never be discovered.” So too in the literary marketplace, where every writer is indebted to another, poets attempt to usurp the reputation of greater talents, and conceal their thefts in lesser works, where properly assimilated they are no longer recognized but nonetheless remain plagiaries. Such activity forms the very fabric of society, and informs all of man’s efforts, including poetry, for as Sir Thomas Browne would reaffirm man is the living embodiment of his environment. A thief applies his labour indirectly, and secretly to another property, although he benefits publicly from it.

There was, of course, more at stake in Albumazar’s position than a poet’s reputation. Albumazar proposes to reorganize the whole social order based on the principles of nature, which Dryden, for one, saw as outright anarchy. Albumazar makes no explicit mention of the monarch in his remarks, but the image of the tributaries, in particular, though initially borrowed from Virgil, was not without political significance given that, in his first speech to Parliament, James I had announced that the “divers little Kingdoms” of Scotland and England would be assimilated into Great Britain, “as little brookes lose their names by their running and fall into great Rivers, and the very name and memories of the great Rivers swallowed up in the Ocean.” James here draws upon the natural order of rain water gathering into brooks before running into rivers and

85 Quint, 32-42.
86 Qtd. Albumazar: A Comedy 165.
eventually feeding into the ocean, and it is clear throughout the analogy which entity is superior. In Albumazar’s confused order, however, the sequence is in the first instance reversed and in the second confused: instead of being fed by brooks, rivers take from them, and they in turn take from the Ocean. There is a purposeful confusion in Harpax’s cyclical logic: the great (rivers) not only rob from the small, but the small (brooks) also rob from the great (ocean). In a social order where those with little power are swallowed up by those with more the weak are encouraged to fight back, like Robin Hood stealing from the rich and giving to the poor. One’s views regarding what is called for would, of course, be determined by the end of the river with which one identified. The fact that a river had a beginning and an end might again raise the problem of origins for the Renaissance poet; however, Harpax’s attention to intricate river systems and the thousands of veins in the human circulatory system strategically obscures the poet’s debts in the same manner that financial debts were lost in the complexity of England’s economy under James 1. Contemporary poets may have found their “end all in Homer,” and Homer may have been preceded by an Egyptian Priestess, but there was no accounting for the potentially infinite influences that came before and after her.

_A Theatre of Theft_

The previous chapter documented how literary misappropriation was a matter of conflicting perspective in the 1590s. What one writer called imitation another called plagiarism. This chapter has shown how the move from origins to originality more

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87 This complexity is neatly summarized, and well documented, by Coppélia Kahn, “‘Magic of bounty’: _Timon of Athens_, Jacobean Patronage, and Maternal Power,” _Shakespeare Quarterly_ (1987), 42-47.
generally corresponded with a shift in historical perspective, whereby the works of the past were placed metaphorically within both a time and place that rendered all works necessarily derivative and subsequently excused the debts of the present.\textsuperscript{88} In the Renaissance, proprietary authorship and the writer’s subsequent authority no longer rested in the text of which he or she was the originator but in the relative position of those evaluating it. Contemporaries evaluated each other as peers according to the various political positions they held and the trade proprieties to which they adhered; they were all writers, but writers with different values. The past they evaluated from a temporal distance. Modern readers saw themselves as better poised to measure the accuracy of the past as a result of the cumulative knowledge from which they benefited. Burton famously compared his contemporaries to “\textit{A Dwarfe standing on the shoulders of a Giant}” in a manner that, at first, highlights the relative size and importance of the present in favour of the past. The image is static: the dwarf is standing, and neither he or the giant changes in size as a result of the relationship. The two together “\textit{may see farther than a Giant himselfe},” but the giant does not in fact see anything at all.\textsuperscript{89} There is an implicit challenge here to the giant’s authority, regardless of his size and influence; he may occupy more space, but the dwarf can see farther. This is the kind of challenge Calcagnini had in mind when he encouraged his contemporaries to wrestle with the past: “Otherwise, we shall always be infants.”\textsuperscript{90} The writers we now identify with the Renaissance, or the rebirth of classical learning, would not remain dwarves. They may have copied others in their immaturity at school, and turned upon each other in their

\textsuperscript{88} Quint, 220.
\textsuperscript{89} Burton, 1.11-12.
\textsuperscript{90} Calcagnini, 181.
adolescent need to stand out, but they would eventually grow up and challenge the authority of the past. They would discover that the past was not as original as it claimed to be, and in so doing make space for their own contributions to knowledge. Their only debt to the past was to be contemporary.

Whether he meant that no one person, such as Homer, deserved to be called original, or that everyone was equally unoriginal, Samuel Butler was neither the first nor the last to remark that “There is no one Originall Author.” Others in the seventeenth similarly recognized their indebtedness to the past. However, where Butler suggests an undisrupted succession of thefts, Burton thought each generation would more “likely adde, alter, and see farther then [its] Predecessors.” These cumulative transformations, and higher and wider steps, were the essence of scientific progress, while empty repetition of one’s predecessors remained a sign of immaturity. As a man of science, Sir Thomas Browne was especially critical of his contemporaries’ “peremptory adhesion unto Authority,” particularly that of the ancients, and in his longest prose work, *Pseudodoxia Epidemica* (or *Vulgar Errors*), devoted a whole chapter to challenging it. His contemporaries should have been comfortable challenging the classical past, he argues, since even the ancients had not considered anyone infallible, and had at times questioned their own predecessors. The ancients were fallible because they too had lived in the present and would not only err on subjects that future generations would better understand but also obscure what they did know in fables. The ancients consequently did

91 See also Ralph Waldo Emerson, *Letters and Social Aims*, eds. Ronald A. Bosco, Glen M. Johnson, and Joel Myerson, The Collected Works of Ralph Waldo Emerson 8 (Cambridge: Belknap Press, 2010), 94;
92 Burton, 1.12.
not deserve to be universally praised for the few things they got right, nor did they have
to be cited to confirm a plain truth. In fact, Browne concludes, there was no need to feign
faithfulness to the past at all when so much of its learning had already been disproved.
Instead, Browne encourages his contemporaries to learn from the past’s example.

One of the reasons the ancients had erred was that they had not always questioned
everything, but had instead relied too much upon hearsay and empty repetition. Their
volumes were “meer collections, drawne from the mouthes or leaves of other Authours:
Not a few transcriptively, subscribing their unto others mens endeavours, and meerely
transcribing almost all they have written,” even to the extent of entire nations, “The
Latines transcribing the Greeks, the Greeks and Latines each other.”94 In the midst of
listing close to a dozen examples of books wholly transcribed, in some cases including
even their preface, Browne also demonstrates how plagiarism threatened a system of
knowledge as much as economic transaction:

Plinie speaketh very plainely in his Preface, that conferring his Authors,
and comparing their workes together, hee generally found those that went
before verbatim transcribed, by those that followed after, and their
originalls never so much as mentioned.95

The transcriptions here are less of a problem than the fact that Pliny had had difficulty
researching his subject because many of his sources had not indicated their sources. The
plagiarist is faulted for taking credit for another’s work rather than for taking the work
itself. Pliny, as Browne describes it, seems to object only to extra work he had to do
comparing his sources than with the fact that they had copied each other. The authors
would have saved him time had they cited their sources. They should also have been

94 Browne, Pseudodoxia Epidemica 34.
95 Ibid., 34.
grateful to those who went before them. Past writers were the most vulnerable to misappropriation. While previously Browne had defined empty repetition as subscribing, transcribing, borrowing, and translating, he subsequently calls attention to what is offered and what is owed:

Ovid is beholding unto Parthenius Chius; even the magnified Virgil hath borrowed almost in all his works: his Eclogues from Theocritus, his Georgicks from Hesiod and Aratus, his Æneads from Homer, the second Booke whereof containing the exploit of Sinon and the Trojan horce, (as Macrobius observeth) he hath verbatim derived from Pisander.96

Macrobius is an unlikely witness to call, since he was himself a notorious plagiarist, but his presence only further advances Browne’s argument that no one is original, not even those who point out the debts of others.

Browne’s argument cuts both ways. His contemporaries could not be singled out for their appropriation of the past when even the originals, such as Homer, were not original. However, in order to make such an argument, they had first to admit that they were all plagiarists. In the conclusion to his argument, Browne presents plagiarism once again as an original sin passed down through successive generations. Proprieties may change, but men do not:

the Ancients were but men, even like our selves. The practice of transcription in our dayes was no monster in theirs: Plagiarie had not its nativitie with printing, but began in times when thefts were more difficult, and the paucity of bookes scarce wanted that invention.97

The kinds of uncreative repetition that are now known as plagiarism have always taken place. The only difference between the Renaissance and the Classical past – and between them and us – was their proprietary position on these practices. Though it had taken

96 Ibid., 34-35.
97 Ibid., 35.
place, according to Browne, plagiarism had not been as major a concern for the ancients as it was for his contemporaries; it had not been the full grown monster it would subsequently become. The history of plagiary does not begin with printing, as many scholars assume, but existed even when it was more difficult to copy the works of others. However, while print aggravated the conditions of reading by increasing the quantity of books available, as we saw in chapter one, it was not the source of the proprietary rhetoric with which this project is concerned. Part one of this dissertation has examined the institutional proprieties that gave rise to the proprietary rhetoric of literary production and consumption at the turn of the seventeenth century by tracing the earliest distinction between imitation and misappropriation in the early modern grammar school, through the accusations of plagiarism among rival satirists in the 1590s, to the Renaissance’s attempt to distance itself from the classical past. Part two will further distinguish this history from the development of copyright and print by examining the proprieties of manuscript circulation and the early modern book trade.
Chapter 4
“The benefit of mine own labors”

Our basic sense of plagiarism came to be born in the seventeenth century. [...] It was printing, of course, that changed everything.¹

Again it helps to observe the force, virtue and consequences of what has been discovered, and that is nowhere more apparent than in those three things which were unknown to the ancients and whose origins, though recent, are dark and inglorious: namely the Art of Printing, Gunpowder, and the Mariner’s Compass. For these three have altered the whole face and state of things right across the globe: the first in things literary, the second in things military, and the third in navigations.²

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Plagiarie had not its nativitie with printing.³

The rhetoric of proprietary authorship associated with accusations of plagiarism in England predates the institution of modern authorial copyright by at least a century. These accusations, as we have seen, originated in the early modern grammar school where distinctions between proper and improper imitation were first articulated and where writers first began to compete for the status of author. It was not until the eighteenth century that authors would have any legal recourse in such disputes. In the sixteenth and seventeenth centuries, the law did not recognize authorial rights as we know them today: there was no such thing as authorial copyright.⁴ Because it is popularly believed that such an entity co-existed with the development of printing in England,

¹ Mallon, xii and 4.
² Francis Bacon, The Instauratio magna Part II: Novum organum and Associated Texts, eds., trans. Graham Rees and Maria Wakely, The Oxford Francis Bacon 11 (Oxford: Clarendon Press, 2004), 195. Original emphases. Interestingly, the origins of these arts are obscured in such a way as to suggest that they too were ripped off, either from the past or other countries.
³ Browne, Pseudodoxia Epidemica 1.34-35.
however, and because many scholars have confused the histories of plagiarism and copyright, the next two chapters will consider the ways in which the authors proceeded to find and assert their voice without the possibly of ever legally owning it.

Plagiarism remained distinct from what we now know as copyright infringement throughout the English Renaissance. Interference with another’s right to copy was a material deed that threatened the financial stability of those responsible for printing in England, since duplicate copies could easily prevent the original producer from making good on his or her investment in a specific work; plagiarism, on the other hand, posed a less material threat to accepted codes of conduct more generally. The reproduction of another’s work might interfere with the stationers’ right to copy in the sixteenth and seventieth centuries, but plagiarism was never prosecuted as a “copyright” violation in the modern sense. Plagiarism and unauthorized publication were both “civil rather than criminal offences.”\(^5\) They were dealt with in house. While reprinting another’s copy was a “material rather than an intellectual theft, policed by booksellers,” the “authorial implications of plagiarism were handled by the literary and academic establishment.”\(^6\)

Literary historians have not only failed to maintain these distinctions; they have also been reluctant to accept the limitations of possessive authorship in early modern England. Some have argued instead that authors at the turn of the seventeenth century were the harbingers of authorial rights and intellectual property rather than the lackeys of early modern print culture.\(^7\) The way in which authors advocated in their own best

\(^5\) Groom, 73.
\(^6\) Ibid., 73.
\(^7\) Notably Loewenstein, Due. Many examples of his teleological approach to the historical record have been usefully collated by Kewes, “Review” 619. Adrian Johns also objects to this approach. The Nature of the Books: Print and Knowledge in the Making (Chicago: The University of Chicago Press, 1998), 189.
interests, however, demonstrates that they remained without any legal power to prosecute the kinds of feuds we saw in chapter two. They had little choice but to adhere to the Stationers’ Company conventions of propriety and to draw their proprietary rhetoric from them. As Adrian Johns notes, “Authorial civility was inextricably linked with Stationers’ civility.” The only time that this might not have been the case was before the incorporation of the company in 1557, when England’s first printers were authors and authors were free to print their own works. As A.W. Pollard has noted, albeit anachronistically, William Caxton’s abilities as an author, together with his connections at Court, “might well have led to a very early recognition of an author’s right to the fruits of his brain,” but there were no needs for these rights in the absence of “any competitor possessed of sufficient capital to be a really formidable pirate.” This competition would not come until much later, when the book trade in England finally began to gain momentum, although by this time the labour of book production was divided between stationers and authors, with all the power resting with the former. Authors in the seventeenth century may have been interested in benefiting from their share of labour in the process, but they would have to make their case according to the terms of a corporation from which they were excluded. Some of these authors, such as Samuel Daniel, Gervase Markham, and especially George Wither were adept at exploiting the weaknesses in the stationers’ monopoly by deliberately blurring the boundary between the labour of writing and the politics of printing in early modern England, but they were far from the kind of legal right to a fair share in the profits that most authors enjoy today.

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8 Johns, Nature 246. See also Rose, Authors 18.
What we find instead, especially in the case of Wither, is a conception of the author defined against the marketplace and legal institutions within which the early history of authorial identity is often situated. It is precisely because he is an outcast that Wither locates his authority within himself, where he is safe from scrutiny and subject only to his own regulation.

Copy Rights and Copy Wrongs

Many authors enjoyed unique privileges at the turn of the seventeenth century. Despite being a “foren of the company,” Samuel Daniel, for example, was granted a “Speciall Priviledge” in 1618 for his *Historie of England* which permitted “him, his Executors, Administrators, Assignes or Deputies, to Print, or cause to be Imprinted, and to sell assigne, and dispose, to his, or their benefit."¹⁰ Fynes Moryson was granted a similar license for his *Itinerary*, Caleb Morely for “a book invented by him for the helpe of memory and grounding of Schollars in severall languages,” and Joseph Webb “for the teaching the languages after a newe sort by him devised, and alsoe the printing of the bookes and selling them.”¹¹ However, the most important author in recent histories of proprietary authorship has been the writer of pastoral and satirist, George Wither. His challenge to the Stationer’s monopoly on printing in England has led Joseph Loewenstein, for one, to praise him as one of the earliest advocates of “authorial

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Loewenstein locates the author’s earliest “argument on behalf of the right of literary labor” in the following lines from *The Shepherd’s Hunting* (1615):

> But, thou know’st, I am but yong, And the Pastorall I sung, Is by some suppos’d to be, (By a straine) too high for me: So they kindly let me gain, Not my labour for my paine. Trust me, I doe wonder why They should me my owne deny. Though I’m youg, I scorne to flit On the wings of borrowed wit.  

The speaker here not only defends Wither’s colleague, William Browne, from allegations of plagiarism; he conveniently “anticipates” Loewenstein’s argument that “the heightened stigma on plagiarism is functional, that it serves as an industrial convenience.” The lines “let me gain / Not my labour for my pain” offer a “sharp survey of the literary economy” that depicts poetry as labor, attribution as wage, and “contested attribution as a mask for the misappropriation of labor power.” Loewenstein’s work on the early modern literary marketplace is generally so comprehensive, and of such fine scholarship, that it is easy to forget that there is more going on here. The speaker does indeed regard the writer’s craft as labour for which he should be credited, but he also admits to being young, observes that only some object to his ambition, and requests that the reader trust that he has not aimed above his station.

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12 Loewenstein, *Due* 142.
14 Loewenstein, *Due* 142-43.
Plagiarism is not a transgression against industry or “market systems”; it is transgression against “citation systems,” which, though often much more informal, allow readers to trace how they know what they know. The fact that knowledge proceeds by trust in such systems is reflected in the lines that frame Willy’s speech above. The speaker entreats that his interlocutor, Phill, not “mis-understand mee,” since “Those that love mee may command mee” (199-200). His first concern is to be understood, which can only if he has the reader’s trust. And trust is an indicator of acceptance. The speaker is not concerned with ownership, but with membership. In his youth, a poet will submit to the judgments of those with his best interests in mind, but he recognizes that not everyone understands him. Some have judged him to be overly dependent upon his superiors. These desire to exclude the inexperienced poet from their ranks, although they allow him to gain on them. The speaker, on the other hand, attempts to escape the stigma of plagiarism by recasting his exclusion as independence:

I’ll make my owne feathers reare me,
Whither others cannot beare me.
Yet I’le keepe my skill in store,
Till I’ve seene some Winters more.

(199-214)

Though he owns very little, the speaker, unlike Aesop’s crow, has not had to borrow anyone’s feathers; the feathers that will raise him above his peers are, like the pen in his hand, connected to his body. Without the support of others, Wither will have to take himself (“Whither”) he wants to go.

The moral dimensions in an economy of trust and belonging, which is implicated in but otherwise separate from the material transactions of the stationer’s right to copy,

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16 Murray, “Plagiarism” 174.
are evident in some of the earliest plagiarism disputes involving printers and publishers. In the absence of any legal remedy, all anyone outside of the Stationers’ Company could do to prevent competing copies from outselling their own was highlight their rivals’ faults in the hopes that readers would be persuaded morally to support the author’s chosen publisher financially. Any financial profits would of course all go to the publisher, since the author would have already been paid for the original manuscript, although in the best-case scenario he may have been able to persuade the publisher to pay him for a newer more competitive edition. The moral arguments of the authors involved could nonetheless be vicious, as was the case in the longstanding feud between Richard Grafton and John Stow regarding their respective abridgments of the *Chronicles of England*. Each endeavoured not only to abridge his predecessors’ work in a way that would be more appealing to consumers, but also to reduce his rival in the eyes of his prospective readers. Theirs was also a dispute over propriety as much as property.17 When Stow appropriated Grafton’s original of 1563, for example, Grafton complained in the preface to his *Manuell* (1565) that Stow had caused him, along with Tottel, his son-in-law and publisher, “greate injurie and wronge.”18 Injury because the introduction of a competing text in the marketplace decreased Tottel’s market share; and wrong because the appropriation of his original violated Grafton’s perceived moral right to the benefits of his labour. As Grafton saw it, Stow had

counterfeacted my volume [...] and hath made my travaile to passe under his name also, by omittying some thynges of myne and worsse put

17 In the seventeenth century, the terms were virtually synonymous. Johns, *Nature* 222.
Grafton, who compiled his work from various sources, has often been charged with the same, and Stow would later accuse him of “setting as it were his marke on another mans vessel,” but like those who supported eclectic imitation in the sixteenth century he continued to believe that “he that gathereth flowers, & maketh a nosegaiæ, is worthy of some commendacion for his paine.” The idea that an individual deserved to profit from his labour in whatever form it might take is one that authors and stationers would both return to throughout the century as a means of discouraging unauthorized alterations. Grafton’s concern with counterfeiting and the debasement of his original also places his complaint within the economy of credit discussed in the previous chapter: the fraudulent “dealying” of his rival has lowered confidence in both of their names.

The stationers’ concerns were otherwise primarily financial. The only time they concerned themselves with plagiarism per se was if it interfered with an existing publication by resembling the original enough to prevent a member of the company from making good on his investment. Recycling an old text that sold well could, in fact, be a sound investment for a stationer. An enterprising printer like Thomas Gemini, though not a member of the company, could freely profit from plagiarism. The aptly surnamed Gemini is best remembered for publishing *Compendiosa totius anatomie delineatio*

(1545), an anatomical compendium that features engravings copied from Andrease Vesalius’ *De humani corporis fabrica libri septem* and *De humani corporis fabrica librorum epitome*, published abroad two years earlier. To accompany his copies of Vesalius’ plates, Gemini published extracts from both the *Fabrica* and the *Epitome*, which further enraged Vesalius, who had taken pains to secure the privilege to publish his works. It is possible that Gemini obtained these originals while staying with Vesalius in Louvain, since the latter’s brother would later complain of an English plagiarist who had once lived with the family.23 Once published, however, it was not long before Gemini’s compendium was, in turn, plagiarized by continental publishers.24 There were also many titles at home that could safely be copied to the stationer’s advantage. When in 1602 Simon Stafford printed Anthony Nixon’s *Christian glyph*: an appropriation of Barnabe Googe’s *Shippe of Safegard* (1569), for example, he was able to enter it into the stationer’s register in September 27 that same year, and subsequently receive the exclusive right to copy. This work, “Written by Anthony Nixon,” but substantially borrowed from Googe’s “newe booke,” is rightly listed in the *Short Title Catalogue* as a plagiarism of the latter, although it was never known as such in its own day.25 Nixon’s work posed no threat to either the original author or publisher: Googe died in 1594, and William Seres’ right to copy the *Shippe of Safegard* in 1569 expired with the printer’s

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death sometime between 1578 and 1580; it did not pass on to his assignees with his more lucrative patents for the publication of prose Psalters, primers and private books of prayer in general. Wither’s work, on the other hand, posed just such a threat.

**The Author’s Pains**

The principal text in which Wither challenges the stationer’s monopoly, and which has been cited as early evidence of authorial rights, is his prose pamphlet *The Schollers Purgatory* (1624), although here again he is more interested in the author’s right to belong to a recognized guild than to possess a form of literary property. The occasion of this pamphlet has been well documented.²⁶ In 1623, Wither successfully appealed to James I for a royal patent to print and bind with the metrical Psalter his translation of the *Hymnes & Songes of the Church*, which as one historian remarks, was “quite daring in light of the Stationers’ established position and his own shortage of truly powerful allies.”²⁷ The stationers had reason to be upset at this move not only because senior members of the company held a lucrative monopoly on the Psalter that was superseded by Wither’s patent, but also because, according to the terms of Wither’s grant, those who kept a large stock of Psalters would have to pay bookbinders twice to unbind their copies


²⁷ Carlson, 215.
and re-stitch them with *The Hymnes and Songs* attached. After a failed attempt to negotiate the terms of the patent with Wither, as was their custom in such cases, the stationers did everything they could to thwart it: they convinced the bookbinders not to bind his *Hymnes and Songs* with the metrical Psalter, as his patent stipulated they should; they refused to supply copies to those that requested them; they attacked Wither’s competency in theology; and they declared his rendering of the *Song of Solomon* to be obscene and his hymns for the Anglican liturgical calendar popish. In response, Wither exercised his full power under the patent, in the same way that the stationers had during the sixteenth century, searching out and confiscating bound copies of the Psalter that did not adhere to the terms of the patent. He also made several successful appeals to the Privy Council to limit interference from the company. One such ruling, dated July 12, 1624, stated that “the saide George Withers shall from henceforth without empeachment enjoy the benefite of the gracious favor intented towards him by the graunt of the aforesaide privilege and that the stationers shall accordingly conforme themselves.”

When they failed to heed this ruling, Wither published *The Schollers Purgatory* (1624), an inflammatory account of what he saw as the many abuses of the company, wherein he argued for the right as the publisher of his own book to enjoy the benefit of his labours.

Wither’s subsequent argument has been rightly cited as important in the history of proprietary authorship because of its insistence on the author’s right to benefit from his own labour. However, upon closer inspection, these benefits do not at all resemble

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28 Loewenstein, “Professional” 108.
29 Pritchard, 29.
30 Ibid., 29.
31 Ibid., 30 and Carlson, 212-15.
the modern notions contemporary scholars tend to see in them. Wither’s quarrel with the stationers was concerned with more than property; it was concerned with conflicting trade customs and properties. In fact, he nowhere accuses them of theft, but complains throughout that the stationers have acted uncivilly, unchristianly and discourteously toward him.\textsuperscript{33} The stationers likewise objected to more than his privilege. They criticized the quality of his translation and, by implication, his abilities as a poet. The songs did not belong with the Psalter, they argued, because many of its fragments were according to Wither’s account unnecessary. Wither’s response draws upon many of the metaphors we have already encountered. Variety in the psalms accommodates diversity in their readers:

For, as the severall dressings of one sort of meate, maketh it diversly agreeable to the pallats, and stomackes of men: so the various manner of things delivered in holy Scripturs, makes them applicable to our understandings; and what in one kind of delivery seems harsh, or obscure, in another kind is acceptable, and more easily apprehended. That which is easie to you, is hard parhapps to me: and what may be thought an impropriety to some great judgments, doth many times most properly insinuate the speakers meaning unto them of weaker capacityes.\textsuperscript{34}

Judgment here is a question of taste: it varies from flavour to flavour, and subsequently from consumer to consumer. The same thing might be judged proper by one and improper by another. The only difference, as we saw in chapter two, is the relative position and strength of those who judge. Wither’s opponents judge him from their respective places of authority. They “passed sentence upon [him] in their conventicles, at taphouses and Tavernes.”\textsuperscript{35} To these “juditious censurers” Wither’s lines seem “harsh

\textsuperscript{33} Wither, Schollers sig. E\textsubscript{3}, A\textsubscript{5} and B\textsubscript{7}-C\textsubscript{1}, passim.
\textsuperscript{34} Ibid., sig. B\textsubscript{2}-B\textsubscript{3}. Wither also remarks in his defense that familiarity breeds contempt: it is “tedious” to have things “perpetually iterated in the same words.” (sig. B\textsubscript{4}).
\textsuperscript{35} Ibid., sig. D\textsubscript{8}. 
and improper,” but as Wither bitterly responds, “to the fylthy all things are filthy.” The stationers find improprieties in Wither’s translation only because they themselves, from Wither’s perspective, are improper.

The stationers’ criticism of Wither’s translations was that he had similarly transgressed the boundaries of propriety. Wither, they argued, had no business translating the psalms in the first place. He was not a member of the clergy, had “undecently intruded upon the Divine calling,” and it would have “better befitted [him] to medle with [his] poetry, then to be tampering with divinity.” Translating the psalms was work “proper to a Divine,” and Wither was faulted “for medlinge with that whiche seems more properly to belong to their profession.” As Wither argues in his defense, however, it is difficult to determine what properly befits a misfit such as himself. As a writer he did not belong to a recognized trade in the seventeenth century, and it was, of course, because he had “none of those helps, or trades, or shifts, which many other have to releeve themselves withal” that Wither had to petition the King directly: “so that according to the lawes of nature, I might enjoy the benifit of some part of myne owne labours, by virtue of his Royall priviledge.” Wither had to appeal elsewhere because he was not an established member of a recognized craft community or trade.

What the stationers deemed wrong, however, Wither was able to make a strength. Wither is unique in the history of proprietary authorship because of his ability to negotiate the stationer’s trade proprieties in the absence of a writer’s guild. In fact,

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36 Ibid., sig. C_4^r and sig. D_4^r. A reference to Titus 1.15. “Unto the pure all things are pure: but unto them that are defiled and unbelieving is nothing pure; but even their mind and conscience is defiled” (KJV).

37 Ibid., sig. C_4^t and sig. B_1^t.

38 Ibid., sig. C_4^t and sig. C_6^t.

39 Ibid., sig. A_3^t.
Wither did not belong to any recognized trade. He may have “consumed almost [five?] years of an Apprenstishipp” studying theology, as he claims, but he was never officially a member the clergy.\footnote{Ibid., sig. \( C_2 \). What in some copies appears to be \( y \), but in others is illegible, may in fact be either a roman numeral \( v \) or \( x \) that picked up extra ink due to dirty type during printing; or, during the setting of type, the compositor may have begun an abbreviation for ‘years’ before being distracted from his task and spelling it out in full in the next line. There is no record of Wither completing an apprenticeship of any kind, nor is there any evidence that he completed his studies at Oxford.} Wither spent only a year at Magdalen College, Oxford, which he left without a degree in 1605, although he later enrolled in one of the minor inns of chancery and in 1615 transferred to the Middle Temple.\footnote{Michelle O’Callaghan, “Wither, George (1588–1667),” Oxford Dictionary of National Biography (Oxford University Press, Sept 2004). http://www.oxforddnb.com/view/article/29804.} These were his only institutional affiliations. Otherwise, with the security of family wealth behind him, Wither embarked upon the literary scene as an entrepreneur seeking both patronage and patents to further his name and fortune. What distinguishes Wither from others in a similar position, however, is his insistence upon proceeding “in such a manner as is proper to my owne Faculty onely.”\footnote{Ibid., sig. \( C_5 \).} In the absence of any responsibility to clearly defined proprieties, Wither endeavoured to make his own way, which not surprisingly led to his being imprisoned on at least three occasions. However, in the same way that Lovelace and Milton would later argue for an interior freedom that cannot be restrained, Wither retreated within his own body as the figurative hall where he was responsibly only to himself and his actions would be beyond the scrutiny of others.\footnote{Richard Lovelace, “To Althea, From Prison,” The Poems of Richard Lovelace, ed. C.H. Wilkinson (Oxford: Clarendon Press, 1930), 79 (lines 25-32); John Milton, “A Masque Presented at Ludlow Castle,” Milton: The Complete Shorter Poems, 2nd ed., ed. John Carey, Longman Annotated Poets (Harlow: Pearson, 2007), 213-14 (lines 662-64).} Licensing restrictions in general and the stationers' regulations in particular seem to have been as irrelevant to Wither as he was foreign to those institutions that enforced them. As Wither
argued in his own defence, his was an “inward calling which is beyond the power of any to confer,” and he was able as a result to act with complete “inward sincerity.”

Wither’s claims of independence may be interpreted as an early assertion of an author’s individual rights to his labour, but they emerge only out of his exclusion from the same benefits of either patent or copy holders in the Stationers’ Company. In *The Schollers Purgatory*, Wither is not necessarily concerned with articulating a new conception of the author but with preventing his body from being unfairly pressed into the service of an other. In short, he wants to enjoy the same protections as a stationer. The problem was that the Stationers’ Company wanted nothing to do with him. In Wither’s words, “They hold all together, keepe the[m]selves close, & marke my stepps whe[n] they see me.” Wither was an outsider, where everything he did was improper so long as he remained outside stationer’s hall where matters pertaining to the press in London were handled properly. At least three of Wither’s publications, in fact, caused trouble for stationers who wished to cash-in on Wither’s cultural cachet: in 1619 Nicholas Okes was fined for publishing Wither’s *A Preparation to the Psalter* without consent of the wardens of the company; in 1621 John Marriot, John Grismond and Augustine Mathews were prosecuted for publishing Wither’s *Motto* without license; and in 1624 George Wood had his press seized for printing *The Schollers Purgatory* similarly without license.

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45 I here depart from Ellinghausen’s thesis that “[t]he empty seat of external authority open up space for the self to enter,” and that “it is the combination of professed independence with the embrace of process that makes Wither’s sense of himself as a professional possible,” especially since the seat of external authority here remains clearly occupied.
46 Ibid., sig. E4r.
47 Creigh 49 ff; Loewenstein, “Professional” 105; O’Callaghan.
Wither did not disagree with the company’s proprieties. In fact, he is careful not “to disparage the whole profession” because of its obvious importance to the orderly production of books. The company, as he describes it, “consists of divers Trades incorporated together: as Printers, Booke-binding, Clasp-makers, Bookesellers. &c,” and each was in its own way profitable to the rest. Together, the stationers held many of the country’s most profitable patents. In order to ensure the mutual benefit of its members, the stationers also maintained a system of in house customs governing the right to copy. Wither’s description of this system is accurate:

Yea, by the lawes and Orders of their Corporation, they can and do setle upon the particulr members thereof, a peri[etual]l interest in such Bookes as are Registred by them at their Hall, in their several Names: and are secured in taking the ful benefit of those books, better then any Author can be by vertue of the Kings Grant, notwithstanding their first Coppies were purloyned from the true owner, or imprinted without his leave.

In other words, once a copy was entered in the stationer’s registers, another stationer was forbidden from copying that text. This “custome” was the stationers’ “cheife Authority” and offered each member the “assured benifite” of his own labours; it did not fall under legal jurisdiction, but as Johns notes, depended upon “unwritten, individual knowledge and face-to-face conversations.”

These customs were necessary to prevent unauthorized or pirated copies. The system of book-related patents and privileges introduced at the beginning of the sixteenth century confirmed the belief that a publisher should be able to benefit from his trade:

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48 Wither, Schollers sig. A₅.
49 Ibid., sig. A₆.
50 Ibid., sig. B₆-B₇.
51 Ibid., sig. C₄, F₈.
52 Johns, Nature 219, 246.
publishers were interested in profiting from books, and a patent helped secure their initial investment by protecting them from unfair competition. The purpose of what is sometimes misleadingly referred to as the “stationers’ copyright” was to curb these kinds of abuses rather than to allocate to stationers proprietary rights to a text and, as such, is better understood as a right to copy rather than as a copyright in the modern sense. At the end of the sixteenth century, an increase in profitable patents granted by Queen Elizabeth led a group of disaffected stationers to complain that monopolies were putting them out of work. In response, the Privy Council attributed to the Stationers’ Company “a kind of privilege among themselves” that would be governed internally by the company, and would be required of all stationers, whereas previously they had been administered solely by the crown. This privilege was the stationers’ right to copy and assured members of the Stationers’ Company that no other member would copy a work entered in their name. Since, according to the company’s charter of 1557, it was very difficult for anyone outside of the company to print in England, there was also little

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54 The phrase is Patterson’s, *Copyright* 42-42-77. As Kirschbaum notes, ownership was closely tied to the possession of a manuscript, a “physical” property (“Author’s” 44). However, Patterson *Copyright* (67) and Loewenstein each attempt to advance the idea of a much more incorporeal property. See also Robert Detobel, “Authorial Rights in Shakespeare’s Time,” *The Oxfordian* 4 (2001), 4. Following the observation of the eighteenth century lawyer, Sir John Darymple, that members of the Stationers’ Company “each talked of some favorite book as their own property” when they quarreled over the right to copy (qtd. Loewenstein, *Due* 30), Loewenstein argues that these “industrial disputes” in the seventeenth century made explicit a “modern notion of literary property” (Due 43-4). Peter W.M. Blayney, “The Publication of Playbooks,” *A New History of Early English Drama*, eds. John D. Cox and David Scott Kastan (New York: Columbia University Press, 1997), 398-9.
55 W. W. Greg, *A Companion to Arber* (Oxford: Clarendon Press, 1967), 126. The final report of the commissioners assigned by the Privy Council to look into the matter of complaints about monopolies is the third of three documents to address the issue, which are included in the *Companion* (123-33). For the political circumstances behind the commissioner’s ruling see Greg’s introduction to the conflict (117-22). The most contested patents, which were also the most profitable, are listed by Detobel, 17 and Kirschbaum, “Author’s” 45. It should also be noted that the stationers’ right to copy did not replace the system of book-related patents and privileges. Loewenstein, *Due* 113.
56 Greg, *Companion* 126. For Greg’s argument for the ingenuity of this ruling see p. 122.
outside interference. Competition among printers sometimes resulted in piracy, which increased proportionately with the number of patents granted by the crown. Profitable books were always in demand, and printers not only freely copied unprotected books but also continued secretly to exploit patented books, despite the appeals some publishers made to the good will of their colleagues in the book trade. Appeals to common decency were the only recourse prior to the stationers’ right-to-copy. Even with the legal right to print his *Breviat Chronicle* in 1553, for example, John Mychell attempted to secure protection from his “frendes, and brothers of the occupati[on] of printing,” expressing in his preface every publishers desire at the time: “to suffer me quietlye to enjoye the benefite of these myne own labours, and to have the adva[n]tage of myne owne invencion, as I shal glady suffer every of th[em] to enjoye the c[om]modities of his.”  

In the context of national labour celebrated in the preface, the terms ‘labour,’ ‘invention,’ and ‘commodity’ are all very important to Mychell, although they do not belong to a nascent capitalist discourse so much as a rhetorical flourish on Mychell’s part. What is noteworthy is Mychell’s claim that as printer and publisher of the yearbook he was entitled to the just profit of his labour, a return on his investment of capital, just as he was prepared to respect the labour of others – the same argument that authors would later apply to their own attempts at publishing. The fact that his request was denied, however, indicates the high level of competition at the time. John King reprinted the *Breviat Chronicle* in the same year, advertising his edition as “newly corrected and amended.”

58 *The Oxford English Dictionary* reveals that in the sixteenth century these three terms were synonymous. Mychell’s plea can thus be paraphrased, “… to allow me to profit from my labour peacefully, and to gain from my original labour, as I allow you to benefit from yours.”  
59 STC 9970.5
Stationers had to protect their own interests and their right to benefit from their initial investments because of the amount of capital that was required to publish a work. According to the stationers’ justification of privileges in 1586, the original publisher was “at charge for the Authors paynes” in addition to the “extraordinarie cost” of preparing a first edition, although Wither deplored the small amount of remuneration authors received for their contribution. A publisher’s expenses included everything from purchasing the manuscript, if necessary, to paying to have the book allowed by the authorities in accordance to the regulations at the time, and as some would complain, the cost of wasted paper and unsold copies. Anyone who wanted to print the book after him would not be faced with the same costs, coming to the copy “gratis,” and could potentially sell his edition more cheaply, preventing sales of the original. The stationers’ argument in support of privileges followed sound commercial sense; for without the legal protection of the crown, there was no guarantee that a publisher would see any return on his initial investment. If publishers could not make enough money to support their trade then, according to the stationers, “no books at all shoulde be printed.”

As an author, Wither did not deny them this right; he wished simply to cash in on it. His rebuttal to the stationer’s monopoly was simply that without authors there would be no books to be printed. Comparing the author’s place in the communication circuit to the family unit, Wither invokes the customs of primogeniture in the author’s favour. The

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62 Blayney, “Publication” 396 and 405 ff.
63 Arber, 2.805. Detobel, 15.
64 Arber, 2.805.
booksellers, he argues, “do peremptorily challenge an interest in every man’s labour of this kind” on the grounds that “the benefit arising from the sale of books, was their ancient and lawful birthright.” For them to be right, Wither argues, the author must have “sold them his birth-right.” Either this was the case, he adds sarcastically, or the stationers’ legal counsel “was a Kentish man, where in some place, the youngest brother inherits by custom of Borough English.” The problem with the stationers was that they were not content to govern themselves, but “incroched” upon the author’s “proper rights.” Wither complains throughout, as both George Sandys and John Milton would after him, that by this “unjust custom” the “Stationers have so usurped upon the labours of all writers,” and in his most vitriolic attack of their monopoly compares them to common rodents parasites. “For, many of our moderne booke-sellers,” he argues, recalling images from Marston and Donne,

are but needless excrements, or rather vermine, who being ingendred by the sweat of schollers, Printers, and book-binders, doe (as worms in timber, or like the generation of vipers) devour those that bred them. While they did like fleas, but sucke now and then a dropp of the writers blood from him, and skipp off when he found himselfe diseased, it was somewhat tolerable: but since they began to feed on him, like the third plague of ÆGIPT without remooving, and to lay claim to each Authors

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65 Wither, Schollers sig. Bg7.
66 Ibid., sig. Bh7.
68 Ibid., sig. Bg7.
69 Erne records that “In his petition for a patent for his Paraphrase upon the Psalms, George Sandys wrote that, ‘whereas the Company of Stationers have an order, that no Printer shall print any booke but for one of their own Societie, whereby to ingrosse to themselves the whole profit of other mens Labours; He humbly desireth, that your Majestie wilbe pleased to grant him a Patent of Privilege for these his Paraphrases’” (8). Bodleian MS Bankes 11/62, dated 1635, as printed in Greg, Companion 321. Milton, who famously characterized books “as active as that soule was whose progeny they are,” and “the purest efficacie and extraction of that living intellect that bred them,” objected to the Stationers’ argument for “Propriety of Copies” on similar grounds. “Areopagitica,” Complete Prose Works of John Milton, vol. 2, ed. Ernest Sirluck (New Haven: Yale UP, 1959), 492 and 570. The argument itself can be found in Edward Arber, ed. A Transcript of the Registers of the Company of Stationers of London, 1554-1640 A.D., vol. 1 (London, 1875), 587. Wither, Schollers sig. Af7. For a discussion of another instance in which Wither launches a similar complaint see Ellinghausen, 128-29.
labours, as if they had beene purposely brought upp to studye for their mayntenance. Yea, since they take uppon them to publish bookes contrived, altered, and mangled at their owne pleasurs, without consent of the writers: nay and to change the name sometyms, both of booke and Author (after they have been ymprinted) and all for their owne private lucre; like traders in stuffes, who under new names, many tymes shift off their old wares. And yet further also, to disparage, or censure maliciously, both writers, and their labours, and so usurp unto themselves the high authority of the Church and State. I say these things considered, it is high tyme to seeke a remedie, and a remedy (I hope) wil shortly be provided in due place.\footnote{Ibid., sig. A\textsuperscript{5}.}

This is the most biting of Wither’s criticisms, but it was not too far from the truth. Stationers held considerable power over authors, to the extent that anything they laid their hands to could be fair copy so long as it was entered into the stationer’s register. The stationer threatened to own the writer’s body. All that remained for the author to own was the pen and paper upon which he wrote. The manuscript was all the author held in his power, and he had to be careful not to let it out of his hands as Wither recalls, “having composed a new Booke, which no man could claime a share in, while it remained myne owne, and in mine owne power to make publike or no.”\footnote{Ibid., sig. B\textsuperscript{5}.} Wither wanted to retain control over his work as long as possible, although he knew eventually that he would have to surrender it to others. He was reluctant to work for the Stationers’ only to increase their capital, and resented the fact that he had to in order to secure the kinds of profits from work that they enjoyed.\footnote{See Marx’s famous comment upon Milton and unproductive labour, \textit{Capital} 1044.}

In the sixteenth and seventeenth centuries, when the printing trade was coming into its own in England, writers were indeed vulnerable to enterprising stationers. The
publishers, printers, and bookbinders that made up the Stationers’ Company, the corporation responsible for almost all printing in the sixteenth and seventeenth centuries, for example, were unconcerned with the livelihood of authors. In the words of one historian, “While stationers effectively enhanced their powers, legal as well as economic, writers were compelled to be lackeys who supplied material for the printing presses without a fair share in the profits.” So long as it was in effect, the stationer’s right to copy enabled the company to prevent the publication of any book that might prevent him from meeting his costs, regardless by whom it was written or published. An epitome, abridgment, translation or paraphrases could cause offence, as could revisions even by the author. In 1586, for instance, the Stationers’ Company requested Timothy Bright, the author of *A Treatise of Melancholie*, to sign a declaration “not to medle with augmenting or alteringe the saide book untill th[e] impression is printed by the said John Windet be sold.” Such requests were not intended to suppress an author’s right to revise his work, as is clear from Bade’s letter to Erasmus concerning the latter’s delayed revisions to the *Adages*, but to ensure that it would be possible for publishers to make a return on their investment; if Bright altered or enlarged his work while the printer was still printing the first edition, then additional costs to the publisher would be incurred; or if he sold a revised copy to another publisher before Windet had a chance to market the original edition, the new edition would certainly outsell the first, leaving Windet in an awkward

75 Blayney, “Publication” 399.
77 Arber, 1.457.
financial position. Either abuse would put Windet in a position where he could not afford to produce any books at all.

It was possible, however, for writers occasionally to appeal to a higher authority. There is no evidence to suggest that Bright was upset with the stationers on this occasion, or that he had any reason to be. However, his next project marks a precarious shift in the balance of power between authors and stationers at the end of the sixteenth century.

Apart from being remembered as the author of the *Treatise of Melancholie*, Bright is also recognized as one of the founders of modern shorthand, and in 1588 Windet published Bright’s *Characterie*, an introduction to “shorte, swift[e], and secrete writing by character.” Bright’s technique so impressed Queen Elizabeth that she granted him an exceedingly liberal patent: “free liberty and License [...] to print and sell all such bookes as he heretofore hath or hereafter shall make devise translate or abridge to furtherance of good knowledge and learning.” Damian Nussbaum has suggested that the free range of this patent was partly the product of Archbishop Whitgift’s influence at court, but it is equally probable that Elizabeth expected Bright to apply his newly devised technique of shorthand since any book he produced in “characters” would necessarily be either “translated” or “abridged.” In either case, the project that Bright immediately embarked

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79 Cf. Patterson, *Copyright* 71-72.
80 Timothy Bright, *Characterie. An arte of shorte, swift[e], and secrete writing by character* (London: 1588).
82 Nussbaum, 146. Kirschbaum’s reduction of Bright’s patent to the right “to print for fifteenth years all works in shorthand” is based upon the same assumption (“Author’s” 46). For Company records related to Bright’s patent see Arber, 1.534, 547, 2.16, 534 and W.W. Greg, E. Boswell, eds. *Records of the Court of Stationers Company, 1576-1602*, from Register B (London: Bibliographical Society, 1930), 31-2.
upon, at the suggestion of Whitgift, was a strategic abridgment of the profitable *Acts and Monuments* of John Foxe, a decision that only further antagonized the Stationers’ Company, who had previously enjoyed the rights to this profitable work and must have anticipated such trouble when they paid a considerable sum to have a transcript of Bright’s patent copied from the rolls.\(^83\)

Publication by non-stationers was also possible though increasingly difficult by the end of the sixteenth century. Bright’s was just one of many liberal patents granted to individuals outside of the Stationers’ Company during Elizabeth’s reign. However, such patents did not make it any easier for authors to act as their own publishers and so enjoy the benefit of their labours: an author still could not enjoy legal protection if he was not a member of the company.\(^84\) Though possible, publication by non-stationers was viewed as both a “potential disruption” of the company’s activities and “an abuse of company regulations.”\(^85\) In order to discourage printing for non-stationers, the company subsequently passed a ruling in 1598 that forbade members to print for “forens of the company” under the conditions that the right to copy would pass to the company if a member printed or published any book that was not

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\text{proper to hym self and whereof he shall not reap the whole Benefite to his own use by selleinge it in the Compye but shall suffer any other person or persons that shall not be of this companye to have the benfit of the sale or disposition thereof.}^86
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\(^{83}\) Arber, 1.547. Whenever a private individual obtained a profitable patent the stationers company usually sought to buy them out. James McManaway, “Privilege to Print,” *Studies in Bibliography* 16 (1963), 203. However, the action the company took against Bright and Windet appeared to have failed. Cf. Greg and Boswell 31-2 and Arber, 1.534.

\(^{84}\) Ibid., 73.

\(^{85}\) Loewenstein, *Due* 96. See also Johns, *Nature* 229.

\(^{86}\) Greg and Boswell, 59.
What is noteworthy about this ruling is the stationers’ evident concern with protecting their exclusive right to benefit from the production and distribution of books. It was this right that the increase of patents granted to authors directly threatened, rather than the “stationer’s intellectual property.”

Authors could still and did cause trouble for the stationers, however. Wither may have complained that stationers frequently altered texts to their own advantage and “under new names, many tymes shift off their old wares,” but writers were also known to recycle their own works to make them appear novel, since unless an author revised his book, profits from subsequent editions would go directly to the stationer. These revisions were not a right, as some scholars have understood them, but a means by which authors could maximize their benefits while minimizing labour. Gervase Markham was perhaps the most notorious for this practice in the seventeenth century: he often revised his works and marketed each revision as a new work. These auto-plagiarisms may have been the result of crypto-amnesia, as Markham may have forgotten that he was drawing upon his own material already in print; or they may have been prompted by enterprising booksellers, like Roger Jackson; or they may have been a more conscious attempt on Markham’s behalf to exploit a vulnerability in the stationer’s right to copy. There is, of

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87 Loewenstein, Due 94. Elsewhere, Loewenstein speaks of “industrial property” (ibid. 123).
88 Miller, 139-40; Pollard, “Company” 25.
89 Phoebe Sheavyn notes that “authors probably shared in some of the odium caused by the malpractices of cheating publishers, who not infrequently cozened the reader by re-issuing old works with new title, and binding up unsaleable work with others for which there was plenty of custom.” The Literary Profession in the Elizabethan Age, Publications of the University of Manchester, English Series 1 (Manchester: Manchester UP, 1909), 160. She cites Thomas Nashe’s comments on the practice, “Strange News” 1.332.
course, no way of knowing for sure. Working in many different genres, most successfully in animal husbandry, Markham often released editions of his works with only minor changes, sometimes only altering the title – and although this tendency, combined with his vulgar style has resulted in his being labelled an “industrious hack,” Markham ranked among the best selling authors of the early seventeenth century. His books “were so popular in his own day that they were almost literally read to pieces.” The demand for two works, in particular, led to frequent revisions that would allow him to profit repeatedly from essentially the same text. His first book, *A discourse of horsmanshippe* (1593), was printed roughly twelve times, each time in either an enlarged or abridged version, and appeared as part of at least four different titles: *How to chuse, ride, traine, and diet horses* (1595), *Countrey contentments* (1615), *Markham’s maister-piece* (1615), and two years after Markham’s death *The complete farriar* (1639). Likewise, his widely popular book, *The English husbandman* (1613), was printed approximately twenty times as a part of as almost as many different titles. These titles involved several different printers, booksellers, and publishers, and did not to infringe upon anyone’s right to receive the benefit of his labour, the advantage of his invention, or the profit of his commodity.

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substantially change his work and thereby create the need for a new copyright, it was the publishers who was defenseless, not the author” (p. 13).

92 Poynter, 2.
93 STC 17346, 17361, 17342, 17377, and 17341. See Poynter, 86 for further titles.
94 STC 17355. Five of the titles listed above were entered in the stationers’ register; *How to Chuse* was not because it was printed for the original owner of the copy, Richard Smith.
Revisions or auto-plagiarisms of this nature were one way that authors could frustrate the stationers’ monopoly. Not all of Markham’s revisions were as mutually beneficial, and the trouble that they inevitably instigated highlights a potential weakness in the company’s regulations in favour of the author. If it had been profitable for Jackson, for example, to commission Markham to produce new editions of old works, then it would have been equally profitable for Markham to sell similarly revised manuscripts to other stationers. That he did so on at least a couple of occasions is clear. In a company record dated 10 June, 1616, Jackson claimed that Thomas Langley’s *Markham’s method* (entered 1616) infringed upon his rights to Markham’s *Cheape and good husbandry* (entered 1613) and his *Country contentments* (entered 1614), the latter of which contained elements of Markham’s discourse on horsemanship.  

And again, on 19 August, 1617, Jackson complained that John Marriot’s *Markham’s farewell to horsmanship and husbandry* (entered 1617), infringed upon the same rights. In both cases, the warden ruled in Jackson’s favour, although the bookseller was required to purchase the right to copy from both Langley and Marriot. Jackson could have pursued the matter further since traces of both Markham’s texts on horses and husbandry can be found in at least a half of dozen other works, but it was apparently not worth the trouble. In any case, the fact that in the midst of these proceedings Markham was singled out as the originator of the works in question, and the subsequent trouble they caused, suggests that he was not without power as a writer. On 14 July, 1617 the company invited Markham to Stationers’ Hall to publicly sign a declaration, not unlike Bright’s in design,

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96 Poynter, 22-23; Jackson, *Records* 95. STC 17372.
“Never to write any more book or bookes to be printed, of the Deseases or cures of any Cattle, as Horse, Oxe, Cowe, sheepe, Swine and Goates &c.” 97 In theory, this pledge would prevent Markham from publishing on the subjects for which he was known. In practice, however, the fact that his works continued to be published and cause disputes over the right to copy only a month later reveals how little bearing their trade proprieties had on him as a non-stationer. His declaration may illustrate the power stationers had over authors, but it also demonstrates how authors could easily frustrate this power by interfering with the company’s regulations. 98

Unless it was the stationers themselves making the revisions, which is doubtful, Markham must have stood to gain something more than revenge or cultural capital, for he was evidently unwilling to allow his publisher solely to profit from subsequent editions of his books. 99 As a best-selling author, Markham endeavoured to capitalize on his success, since he would have been paid for each manuscript that warranted a new entry in the stationers’ register. 100 In Patterson’s oft quoted observation, “the right of an author to receive payment for his works is such an elementary right that the major point can be easily overlooked,” especially in light of the fact that the first printer was “at cost for an Authors paynes.” 101 Another explanation is that Markham hoped to assert his power as a best-selling author in order deliberately to upset the Stationers’ Company’s system of regulations concerning the right to copy. Rather than colluding with printers to

98 Two years after Markham signed this declaration, the Stationers’ Company gave license to Reynold Smith “to imprint his table and Compunction that he has made and to sell them without interruption of the Company.” Qtd. Patterson, Copyright 66. See also Detobel, 7.
99 Poynter, 22.
100 Patterson, Copyright 72.
101 Ibid., 69.
cheat consumers by “reissuing old works with new titles,” Markham’s decision to reissue many of his books represents “one of the earliest efforts made by an English writer to thwart the exploitation by the publishers, with no regard to himself, or his literary property.”

Yet, while it is true that Markham displayed no concern for what can only be anachronistically referred to as his “literary property,” there is no evidence to suggest that he was concerned with anyone’s interest but his own.

Wither’s privilege might be regarded as a similar attempt to thwart the trade customs of the Stationers’ Company, though like Markham he anticipates little financial gain. The credit he received for creating a work, like “the good repute” Wither had attained, “never got [him] any outward profit.” Instead, Wither desires the same right as stationers to make good on his investment, since they have threatened the “overthrowing both of [his] credit and estate,” or the good standing of his name in public. He claims somewhat disingenuously to have no interest in the intangible returns of translating spiritual texts. “If I have deserved any thing,” he writes,

> let them leave me to the fruit of mine owne labor, & if that be not able to reward it selfe without their cost, I wil suffer the losse. I have hitherto spent my owne tyme & fortunes, in my studies; never ayming at any of their spirituall promotions, (no not so much as at a lay Prebhend) for my labor.

As much as he eschews the rewards of theological service, however, Wither still appeals to the inscrutable and equally spiritual motivations that his adversaries misconstrue when they judge him according to their own standards.

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102 Poynter, 3.
103 Wither, Schollers sig. A\_6\(^v\).
104 Ibid., sig. A\_6\(^r\).
105 Ibid., sig. F\_6\(^v\).
For, the principall reward I seeke, is that which every eye seeth not, & that which those who judge my affections by their owne, think me to have least thought on. As for that outward benifite which the necessityes of this life, & my fraylties urge me somewhat to looke after; it is that little profitt only, which my worke naturally brings with it selfe: nor shall I be long discontented, if that alsoe be taken from me.  

Wither’s readers, like his interlocutor in *The Shepherd’s Hunting*, have to hold in trust that his motivations are in line with the task, while the injustice of those who deny him a living are apparent for all to see. One the eye cannot see; the other must be looked after. Wither has to look after his own living because he does not belong to a trade guild or fraternity, while those on the outside “have already a strong expectatio[n] to see [him] wholly deprived of it.” His opponents argue that the monetary profit would be too great for such little work, which Wither claims shows “their grosse partiality.” The grandees of the Stationers’ Company are for the most part established men who inherited ancient estates with little work of their own, “Yet, they esteeme one hundred too much for him that hath performed a worke honest & profitable to the publike· because he performed it in a shorter tyme then some would have done.” They also do not take into account the “many yeares practice & expences,” Wither had invested “to make himselfe fit for such an[d] never considering what he might have gained, if he had bestowed the same tyme, charge, & industry in other professions; never regarding [h]ow lo[n]g he might have bene without hope of profit, if that had not happened.” Had Wither been a member of a recognized trade, as he hoped to be, he would have been much more likely to make a living from his labour.

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106 Ibid., sig. F₂r-F₄r. Wither elsewhere speaks of what is “naturally myne owne” (sig. A₂r).
107 Ibid., sig. F₄r.
108 Ibid., sig. F₄r.
109 Ibid., sig. F₄r.
Wither “dances on the brink of authorial property,” according to Loewenstein, and “was no doubt aware of the fragile novelty of this line of argument,”\(^{110}\) but the fact that he everywhere appeals to public good suggests that he wished to be accepted as a member of society rather than a productive individual. He does not want to be singular, as his opponents have accused him of being, and is careful to “acquiteth himselfe of seeking his owne profitt (to the publike prejudice,) as his Adversaries untruly affyrme: and demonstrateth his Patent to be neither Monopoly, as the Stationers alleage (& as some of their Pate[n]ts are) but rather a benifite.”\(^{111}\) He does not want to interfere but belong. A benefit was different from a monopoly in that it did not necessarily carry the same kind of financial connotations; it could mean anything from a thing well done, a kindness or favour, to a natural gift or advantage, as well as an ecclesiastical living or pecuniary advantage, profit, gain (OED1, 2a, 3a,b,d, 4c). Although Wither was not a member of the Stationers’ Company, he claims still to “have orderly proceeded in receiving the benefit of [his] own labours, without taking away the least part, either of their, or of any mans just profit” according to the customs of the company, and accuses them of objecting because he “would not let them have the benefit therof at their owne rates.”\(^{112}\) Some in the company, according to Wither, also claimed that he composed his book, “and gott priviledged by Patent, meerely for my private benifit, to the oppression of the Common-wealth.”\(^{113}\) But Wither throws the same argument back at them:

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Oh god! how partiall are all men bewitched with selfe-love, in the prosecution of their base ends! and how uncharitable in their censures!
For the Stationers have not onely labored to deprive me of the benefit
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\(^{110}\) Loewenstein, *Due* 149.

\(^{111}\) Wither, *Schollers* sig (:2\(^v\)).

\(^{112}\) Ibid., sig. A\(^r\).4.

\(^{113}\) Ibid., sig. B\(^r\).1.
due to my labours, but also to make me appeare without Christianity in my intentions by affirming that I sought myne owne benyfit onely, in composing my booke of Hymns, & in publishing it according to the kinges commaund. My Poem [...] last devulged was sayd to have been written in myne own prayse· & the Hymnes for my private profit.  

Wither’s poems may be, as Charles Lamb wrote, marked by “a generous self-seeking,” but they are presented as a public performance. Wither desires to be the stationers’ equal, selling at the same price, rather than their rival. Wither further hopes that no man in authority “envies me the honor of my emploime[n]t nor grudges mee that poore profit which my labors may honestly bring.” These are not “the yttings of singularity; nor the ticklings of selfe love,” although even if he published for his own advantage, Wither argues, he deserves to profit from his higher study. These are the arguments of an outsider looking in.

**Mutual Benefits**

The ideal for Wither was a mutually beneficial relationship between writer and stationer, although literary historians are generally less inclined to such a balanced view. Lukas Erne typifies the desire to present Wither as an early proponent for an author’s independent rights when he complains of the bibliographer’s counter argument that, “while the influence of the printing press had spread by the late sixteenth and early seventeenth centuries, modern notions of individuality, authorship, and copyright had

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114 Ibid., sig. B₄⁺
115 Qtd. Loewenstein, Due 143.
116 Wither, Schollers sig. B₃⁺
117 Ibid., sig. C₈⁺.
118 Ibid., sig. E₂⁺ and sig. F₁⁺.
not.” Yet, while revisionists such as Erne have argued at length that such was not the case, and that the “growing number of patents that allowed authors to reap the benefits of their inventions testified to the fact that the idea of copyright as the right of the author was not absent from Renaissance England” (original emphasis), there is little evidence in *The Schollers Purgatory* that Wither willingly embraced or even advocated such an idea. Wither did not want to be recognized as an author independent of the Stationers’ Company; he wanted to work with them and enjoy the customary rights of his collaborators. What Erne identifies as authorial rights could only be secured through a mutually beneficial relationship with a stationer. Samuel Daniel, for one, was only able to secure protection for himself and assert his rights by having his original publisher, Waterson, secure it indirectly for him. The stationers’ right to copy did much to advance this relationship, since the more secure the publisher’s investment was, the more he could afford to pay an author. So too did privileges which were intended toward the end of Elizabeth’s reign to benefit the common good by honouring the craftsmen’s contribution to the welfare of the state. Bacon defined “one kind of monopoly” accordingly:

> If any man out of his own Wit, industry or indeavour finds out anything beneficial for the Common-wealth, or bring in any new Invention, which every subject of this Kingdom may use; yet in regard of his pain and travel therein, her Majesty perhaps is please to grant him a Priviledge to use the same only by himself or his Deputies for a certain time.

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119 Erne 8.
120 Ibid., 10.
121 Kirschbaum, “Author’s” 52.
122 Ibid., 64, 77. The relationship between Daniel and Waterson is treated at length by Loewenstein, *Due* 94 ff.
123 Pollard, “Company” 18, 24-7.
The crown here respects the patentee’s “pain and travel” (travail) rather than an initial investment of capital, both of which are a long way from intellectual property. However, an author who held such a privilege and was in a position to be his own publisher could treat his own labour as capital, whereas previously it belonged to the publisher. He could enjoy the whole benefit of his labour without having to supply publishers with materials minus a fair share in the profit.

To have written in the public interest was also a longstanding authorial stance. Stationers would have been more interested in their financial capital as businessmen than in their cultural capital, although the latter might feed back into the former, while authors were primarily interested in the forms of cultural capital that might lead to financial capital in the form of payment, patronage or gifts. Authors of an earlier generation, such as Sir Thomas Elyot, who had no reason to worry about their finances, could concentrate their efforts on cultivating their cultural capital rather than concerning themselves with the politics of the book trade. J.W. Saunders, who attributes this disinterest to a distaste toward print among Tudor courtiers, has argued that printers could accordingly “take unscrupulous advantage of a Court poet by piracy which could not with dignity be prevented.” But Elyot shows no concern that such piracies should be prevented. Instead, in the preface to his *Image of Governance* (1541), Elyot agrees with those who regard his literary labours as unprofitable,

sayinge in derision, that I have nothing wonne therby but the name onely of a maker of bokes, and that I sette the trees, but the printer eateth the fruites [; . . .] they saye truly: for yf I wold have employed my study

That a printer might benefit financially from printing Elyot’s work does not concern him because he labours primarily to be known as author, and to increase his influence at court, not to make money. The only right Elyot would be concerned with would be the right to be identified with his work; it is his name at stake, not his finances. Conversely, publishers were more concerned with financial profits than with more symbolic forms of capital. As John Marriot notes in “The Book-Seller to the Reader,” for example, which prefaces his edition of Robert Gomersall’s Poems: “TO praise the worke, were to set my selfe to sale, since the greater its worth is, the more is my benefit, & not the Authors: He good man may have an Ayery [the air], but I a reall profit.”

The stationers’ right insured these profits, while the poet’s intangible properties were governed by moral accusation of plagiarism.

Wither may have been compelled against his will to act independently, but it was very difficult to do so without the kinds of resources available to one of Elyot’s standing, especially in a society which had yet to recognize modern notions of individuality, authorship, and copyright. In the seventeenth century it was very difficult for one man to act as both author and publisher of a work. By the time of the accession of James I, publishing had become “a complex capitalist venture that required large financial outlays and elaborate business organization.” The time had passed when men like Caxton and De Worde could function as publisher, bookseller and, in the case of Caxton, also as

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127 Poems (London, 1633), sig. A₃r.
128 Miller, 139.
author. Subsequent to the eventual division of labour between publisher and author, publishers came to dominate the book trade, and by 1603 this power was confirmed with the establishment of the English Stock, which granted the company a corporate monopoly on many profitable patents previously enjoyed by individual members of the company. Such monopolies continued to increase “the leverage of capital over labour,” making it increasingly difficult for authors to enjoy “a fair share in the profits” even if they held potentially profitable patents of their own. This problem was further exacerbated by the fact that while there was a “boom in Jacobean monopolies,” there were very few patents granted during his reign. One of the few ways that authors could guarantee their right to benefit from the book trade was to secure a mutually beneficial agreement with a stationer who was willing to have the copy entered in his name on the author’s behalf, surrender the copy in the author’s name, or print the book for the author to be sold as his or her discretion.

Given the increasingly complex nature of printing at the beginning of the seventeenth century, authors needed stationers as much as stationers needed authors, a fact that Wither himself seems to have recognized on at least one occasion. In the preface to his edition of Wither’s *Fedila* (1617), the first edition of which had proven an unsuccessful early experiment in subscription publishing, George Norton states that

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130 Loewenstein, *Due* 121.
131 Ibid., 92; McManaway, 201.
132 Examples of several types of arrangements are provided by Kirschbaum, “Author’s” 52-58 and drawn from Edward Arber, ed. *A Transcript of the Registers of the Company of Stationers of London, 1554-1640 A.D.*, vol. 4 (London, 1877), 282, 295, 270 and STC 23061, just to name a few.
Wither gave over the rights of his work to him in an act of good faith. In Norton’s words, “it hath pleased him that I should publish it to my own benefit so long as I shall in the imprinting thereof carefully respect his credit which as I never intend to fail of on my part.” If Norton can be trusted, then his arrangement with Wither is a rare example of how an author and a publisher could reach a mutually beneficial agreement that allowed them to share profits. Norton promises not only that the text will be attributed to Wither, or that the author will receive credit for the work, but also to do right by the maker in the quality of his workmanship, so that no one has to take Wither’s reputation on credit. These are the same courtesies that Wither demands of the Stationers’ Company as a whole. Wither has provided Norton with an opportunity to benefit financially, so long as Norton makes a good impression – both literally and figuratively – for Wither. Mutual respect for the stationer’s and the author’s proprieties, in this case, allows both Norton and Wither to benefit from their discrete labours.

In other instances, such as the Hymnes and Songs, where Wither sought to publish directly to his own benefit by investing in the production of the book itself, his interests were much more in line with Norton’s: financial security. Only in the same way that Mychell wished for the freedom to make a return on his investment prior to the stationers’ right-to-copy, then, can Wither be seen as the harbinger of authorial “copyright” avant le lettre. The idea of intellectual property implied by modern notions of copyright is different from the right to benefit from one’s labours in the seventeenth century. Intellectual property is by definition intangible (OED). In the seventeenth

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133 O’Callaghan.
135 Compare with the example of Heywood. Thomas, “Eschewing” 283-84.
century, however, both the products of an author’s labour (the manuscript) and a printer’s labour (the book) were tangible. What Wither endeavoured to make explicit was not the incorporeal rights that some scholars have attributed to authors in the seventeenth century but the rights he deserved from his more material contribution to the book trade. This material investment was one of the reasons that the stationers objected to the terms of his patent in the first place. One of the implications of Wither’s patent, for example, was that stationers could no longer flourish from having to pay only a minimal sum to an author for the right to copy his manuscript. For Wither, the paper in his hands was everything. Once it left his hands he was nothing, unless he could profit from its distribution.

The Last Word for the Stationers

The stationers had good reasons for their complaint against Wither, and in the The Schollers Purgatory, he even anticipates that the company would employ one of their “hyreling Authors” to make “some foolish libel” against him or an “impudent reply to [his] Apology.” And they did. Among the papers at the British Museum there is an undated reply addressed to Wither “written in the Staconers behalfe,” which appears to have been written only one year after the publication of The Schollers Purgatory. In this “Letter to George Wither” (hereafter “Letter”), the anonymous author’s stated intent

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136 Wither would later remark of his Britain’s remembrancer (London, 1628), that it costs more to publish than to write: “it is above two years since I laboured to get this Booke printed, and it hath cost more mony, more pains, and much more time to publish it, then to compose it.” Qtd. Kirschbaum, “Author’s” 72-3.
137 Carlson, 212.
138 Ibid., H2r.
139 British Museum MS. Add. 18, 648, Fol. 22’ as quoted by Pritchard 29. Hereafter cited by signature provided by Pritchard. It is possible to date the Letter due to an indirect reference to James I, Fol. 21’.
was “spetially to deale in those things, that concerne the Staconers,”\textsuperscript{140} although he later confessed he was not a member of the company but was “very conversant, and often amongst them.”\textsuperscript{141} The contents of the “Letter” provide valuable insight on the issue of Wither’s patent, balancing his biased view with that of the stationers. Its argument is also difficult to refute.

The “Letter” concerns itself with the same issue as the piece that occasioned it: the right to receive the due benefit of one’s labour. Writers in the seventeenth century, according to the author of the “Letter,” tended to not only overestimate their abilities, promising to be profitable to the stationer, but also expected more than they deserved while the stationer were left with unsold copies of their book.\textsuperscript{142} The core of the author’s argument against Wither’s criticisms of the Stationers’ Company is summed up in the following passage and is similar to the stationers’ defense of privileges in 1586 in its focus on capital and commodities:

\begin{quote}
The profession of a Staconer is to buy and sell, and to gaine by it if hee can, as all other trades doe; They labour to deale in such commodities, as are most vendible; that will turne money readily, wherby they may live; But theire case is worse then other Trades, for if sometimes they light upon a vendible Booke, theire gaine is counted, talk’d off, and envied. But theire Charge, theire huge piles of waist paper, and theire losses, are never once thought upon or considered; and oftentimes they are enioyned to printe bookees, that lie on their handes, and are a greate hindrance vnto them.\textsuperscript{143}
\end{quote}

The author concludes his point with a laconic challenge: if authors wanted to take the financial risk of producing an edition for themselves, then they were free to do so. This

\textsuperscript{140} Anon. Fol. 16\textsuperscript{r}
\textsuperscript{141} Ibid., Fol. 20\textsuperscript{v}. Based on the nature of the “Letter” there is no reason to believe this was not the case, although the circumstances behind it remain unknown. The author may have been paid to write it after all, meaning that he was about as impartial a witness of the book trade as Wither himself.
\textsuperscript{142} Anon., Fol. 18\textsuperscript{r}.
\textsuperscript{143} Ibid., Fol. 18\textsuperscript{r}.
was a safe challenge to make, since only a few authors had sufficient capital to do so, such as Savile who advanced an astounding £8,000 to subsidize his edition of the works of Chrysostom.\textsuperscript{144} Again, what was made clear was that authors needed stationers as much as publishers needed authors. The author of the “Letter” also had little sympathy for Wither’s complaint about unsold copies of his \textit{Hymnes and Songs}, informing him as a matter of business, “you have bene something too forward to print soe many, before you knew howe to vent them.”\textsuperscript{145}

In much the same way as it continues to today, the success of the English book trade in the seventeenth century depended upon a satisfactory agreement between publisher and author.\textsuperscript{146} The existence of the Stationers’ Company depended upon authors, while authors depended upon the resources of the company in order to have their works printed. However, it is an anachronism to view this relationship as mutually beneficial, since in the seventeenth century the power leaned in the favour of publishers. Given the strength of the stationers’ position, it was difficult for authors to enjoy the benefit of their labours. As such, Daniel’s patent, Markham’s revisions and Wither’s audacity are rare examples of the kind of business tactics employed by authors in this struggle, although each in their own context made an important contribution towards balancing the relationship between labour and capital. Yet for these authors to have contributed to the overall “Jacobean construction of intellectual property” that Loewenstein attempts to trace leading up to the Statute of Anne of 1710,\textsuperscript{147} would have

\textsuperscript{144} Loewenstein, \textit{Due} 95. For further examples of authors who paid for the printing of their own works see \textit{Due}, 50.
\textsuperscript{145} Anon, Fol. 20r.
\textsuperscript{146} The necessity of this relationship was recognized by the author of the “Letter” (Fol. 18r), Pritchard 35.
\textsuperscript{147} Loewenstein, \textit{Due} 138.
required the assistance of much more capital, business savvy, and truly powerful allies than they in reality possessed.

However much literary historians may want to advocate the rights of early modern authors, there is, as John Feather notes, very little evidence upon which to build a strong case. “It would be perverse to claim that authors’ rights were widely recognized in pre-revolutionary England; it would be more accurate, although still perhaps a slight exaggeration, to suggest that they were dimly perceived.”

What is unique about Wither’s dealings with the stationers was not his ability to perceive something not yet fully realized in the form of authorial copyright, but his need to imagine an interior space within himself where he was free to act according to his own set of proprieties. These proprieties were closely modeled upon those he saw reflected in the Stationers’ Company, and it was only as a foreign of the company that authors such as Wither were able to define themselves as authors in opposition to it. This attentiveness to who is inside and who is outside, as well as Wither’s use of corporeal metaphors such as bloodsucking, are also characteristic of John Donne’s proprietary interest in manuscript circulation as an alternative to print.

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Chapter 5
“The meate was mine”

Propriety, n: Individual character or essence (OED 1), a landed estate or property (3), ownership (4), disease (4c), idiomatic language (5a), appropriateness to circumstance (6), and conformity to accepted standards of behaviour (7).

Literary critics have in the past identified John Donne’s poetry with the poet himself. In the early twentieth century, for example, T.S. Eliot famously theorized that Donne possessed an historical sensibility that, uniting the poet’s mind and body, enabled Donne to write in his own voice.¹ However, while Eliot and others looked to Donne to theorize properties of voice, they overlooked the fact that Donne’s poetry never legally belonged to him in his lifetime: as a result, they missed the many ways in which Donne attempted to identify voice as property in the absence of authorial copyright laws. These attempts would have been more meaningful to those writing before such laws were introduced in the eighteenth century. When Alexander Pope set out to imitate Donne in 1713, for instance, he choose neither the latter’s more popular lyrics nor his religious satire (as one might have expected), but singled out the whole of Donne’s Satyre 2, with its visceral denunciation of those “who (beggarly) doth chaw / Others wits fruits.”² With his own professional interest in safeguarding his verse from plagiarists, and writing just three years after the Statute of Anne instituted authorial copyright in England, Pope was

uniquely situated to appreciate the conflation of poetic and legal rhetoric in Donne’s original. *Satyre 2* was more than a model satire for Pope; it was one of the earliest attempts of an English poet to articulate an inchoate conception of literary property. Such properties might have seemed remote to authors in the seventeenth century who continued to regard Donne’s voice as something alienable and ephemeral, but Donne’s poetry demonstrates clearly that the threat of misappropriation predates the reification of authorial property in the eighteenth century. The prospect of theft was very real to Donne and prompted him to assert his presence throughout his poetry, for as Thomas Carew rightly suspected, in Donne’s absence “Libertines” would “stuffe their lines” with verses he had worked so hard to refine.

Donne’s poetry is a fruitful place from which to trace the prehistory of proprietary authorship in England because of the figurative language with which Donne reveals his alertness to the threat of misappropriation. Donne not only adopted a different vocabulary from his contemporaries, Hall and Jonson, who as we have seen are credited as the first to anglicize Martial’s use of the Latin legal term ‘*plagiary*’ as a metaphor for literary misappropriation; he did so with greater sophistication and urgency. At the Inns of Court, where clever young men like Donne strove to distinguish themselves from their peers and relied upon voice to do so, Donne’s need to benefit from his literary labours was as urgent as his talent was vulnerable to misappropriation. Yet while the Inns provided the impetus to safeguard his voice, they also equipped him with the means to do

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so by training him to “think[... ] with the laws of property.” As a result, Donne was not only more sensitive than most to the threat of misappropriation, but also better able to make a case for the author’s right to benefit from his or her own voice. Donne’s earliest poems, written during his residency at Lincoln’s Inn in the 1590s, often display a concern for the vulnerability of his voice. In his lyric “The Triple Foole,” for example, the speaker censures himself both for loving and “for saying so,” since after publicizing his pain some male other will inevitably co-opt it, “his art and his voice to show” (13). However, many of these poems also proactively address the poet’s lack of legal recourse in such cases. In Satyre 2, for example, Donne does not cede control of his labours but attempts to overcome the absence of a legal definition of literary property figuratively by substituting material properties, such as meat, for the immateriality of poetry. The first half of this epistolary satire abounds in similes and metaphors pertaining to the abuse of poetry and manners in England, and at the Inns specifically – from invading “Spaniards,” “ Pestilence,” “Papists,” “ideot actors,” “Puppits,” “Pistolets,” and “singers at doores for meat” (1-30) to the outdoing of “Dildoes,” “Jewes,” and “the Letanie” (31-38). The second half is similarly thorough in its critique of legal abuses, denouncing those who woo “in language of the Pleas, and Bench,” practice law “for mere gaine,” and cheat clients by manipulating contracts (39-112). However, despite their abundance, these figures have yet to be discussed at length in the context of proprietary authorship, since most scholars are hesitant to make anachronistic claims for the seventeenth century, a

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period which may safely be regarded as the “ur-conception,” “prehistory” or “gestation period” of literary property in England.6

Because Donne never uses the more recognizable word ‘plagiary,’ his more visceral contribution to the rhetoric of proprietary authorship in Satyre 2 – the misappropriated as “Rankly digested [. . .] excrement” (28-30) – is often overlooked in favour of those who do; it is either glossed as an overly zealous condemnation of acts resembling plagiarism, “the poem venting its spleen,”7 or is sometimes passed over on the grounds that, as a coterie poet, Donne was not interested in exerting any form of control over his words. Most scholars focus instead on Jonson, who drew extensively upon Martial’s metaphor in Poetaster and “To Prowl the Plagiary,” and whose obsessive regard for authorial control is often regarded as distinctive of print culture. Yet Donne’s attempts to oversee the private circulation of his manuscript poems, reserving what Jonson described as “Rare poemes” for equally “rare friends,”8 reveals an interest not unlike Jonson’s in preserving the integrity of both author and poem. Compared with what one scholar has termed Jonson’s “bibliographic ego,” “a specifically early modern authorial identification with, and concern for the transmission of the printed word”

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6 Hammond, 21, 43. Similar themes to those traced within this chapter have been well documented for the eighteenth century. Woodmansee, 55; Rose, Authors 114, 125. However, these studies perpetuate the post-structuralist thesis that it was only with the emergence of the author in the commercial arena that ideas came to be valued as private property. Barthes, “Death” 143-8; Michel Foucault, “What is an Author?” Contemporary Literary Criticism: Literary and Cultural Studies, eds. Robert Con David and Ronald Schleifer (New York: Longman, 1998), 364-76; Hammond, 83; Mallon, 3-4. A notable exception is Randall, 15.


(emphasis mine),

Donne’s attention to manuscript circulation exhibits an equally significant codicological ego, a strategically metaphoric relationship with, and concern for the integrity of the written word. Both poets belonged to a generation of writers that felt threatened by the dissemination and disembodiment of their works in print and were “groping for terms” to safeguard communication in the absence of a legal vocabulary.

A difference between Donne and Jonson, however, is that while Jonson oversaw the publication in print of his body of work in 1616, Donne circulated his in manuscript form among those with whom he lived in physical proximity.

This chapter presents Donne’s example as further proof that plagiarism, though never a legal offence, has been a moral concern governed by “meta-legal” and “poetic” vocabularies. First, this chapter defines literary misappropriation in terms of metaphor through a close reading of Donne’s figures of digestion in Satyre 2. Second, it attributes the reemergence of legal metaphors such as plagiarary to the context of the Inns of Court in which the proprietary rhetoric of Satyre 2 is set. Third, and finally, it proposes that manuscript circulation offered Donne possibilities for safeguarding his literary property every bit as equal to (and as problematic as) those available to Jonson in print.


Unlike terms such as ‘plagiary’ that are no longer recognized as figurative, its cognate *plagiarism* now denoting simply “intellectual theft,” Donne’s understanding of literary property in *Satyre 2* continues to be sensible only as metaphor.\(^{13}\) In the absence of any direct statement concerning his literary property, literary historians cannot know what Donne thought apart from the fact that he thought differently about it from those of us with the benefit of hindsight. It is possible, however, to substantiate what Donne was capable of imagining by examining his use of metaphors.\(^{14}\) Metaphor enabled Donne to speak of something for which there was no word available in the seventeenth century, just as it allows us to identify the concept he was speaking about as literary property. This reading may (mis)appropriate Donne’s meaning, as any reading of the imaginative works of the past inevitably does, but it is consistent with the classical definition of metaphor outlined in chapter three.

Plagiary was not the most appropriate metaphor available to Donne, although the image of man-stealing as a violation of the author’s person was similar to his own understanding of the interpersonal dimension of proprietary authorship. In *Satyre 2*, Donne not only describes misappropriation metaphorically, he understands it as metaphor, in this case as giving a name to literary labours that belong to someone else. What the ancients said about the abuse of metaphor can be said about the plagiarist: out of his own poverty and deficiency as a poet, he borrows from others; he takes passages


that properly belong to another and places them in the context of his own work; and his actions are inappropriate precisely to the extent that they remain out of place there. In Satyre 2, the various degrees of propriety are compared to a man eating rather than man-stealing, since consumption more than theft enabled Donne both to speak of the possibility of successful appropriation, incorporating the other fully into oneself, and to distinguish misappropriation from creative imitation based on a degree of assimilation.

As Seneca had affirmed, in a passage often invoked throughout the English Renaissance in the context of proprietary authorship, food that “retains its original quality” remains a “burden” to the stomach, while that which nourishes the writer’s “higher nature” does not “remain unchanged” but becomes part of him through digestion.15 This same image also enabled Donne to articulate a distinction between those outside his intimate circle, whom he presents as “singers at doores for meat,” and those on the inside who enjoy their meat together. This meat would have been that of an animal which had itself gone through several stages of digestion, as both subject and social object, before being served to the speaker’s companions. However, in further distinguishing his meat from another’s, the speaker also implicitly invokes the inappropriateness of the cannibal, or man-eater, which provides Donne with an opportunity to refine his position on sameness. The message here is simple. In turning upon those who act inappropriately, Donne’s satire seeks to chew them up and spit them out; for a poet of Donne’s standing would never turn to an inferior for any other reason. Those who looked to him as their superior for something of material value, on the other hand, had to incorporate whatever they took thoroughly into their own poetry or risk revealing their own inferiority. However, by no

15 Seneca, Epistulae 2.279-81 (Epistle 111).
means should a poet ever take from his equal, which is precisely what Donne could expect of his more desperate peers at the Inns of Court.

In the opening lines of Donne’s Satyre 2, the speaker expresses his contempt for people outside his social circle in terms of contagion, absence, and xenophobia. The satire begins as a letter addressed politely to an unnamed intimate (“Sir”), such as his long-time friend and correspondent Henry Goodyere, but quickly establishes itself as a Juvenalian satire when the speaker’s pious gratitude for the town “(I thanke God for it)” is by the end of the first line undercut by “hate.” From here the speaker’s loathing extends to “one state” that excels in “ill things” (2-3); detesting it is justified, because it “breeds pity toward the rest” (4). However, as Stanley Fish observes, the stated “perfection” of the speaker’s “hatred and the distance it implies are compromised […] when he specifies it more precisely: he hates those who wield words, and he hates especially poets, and among poets he hates those who have transferred their verbal arts to the public sphere in order to manipulate the law.” In short, he hates himself, as his satirical attack upon others compels him to interrogate the status of his own words. 16

Poetry is “a sinne” that prevents him from his social obligations and thereby impoverishes the nation (“brings dearths”), which “Spaniards” subsequently threaten to fill (5-6). It is also a plague, which “Ridlingly” can only be removed through further lack: it “doth remove / Never, till it be sterv’d out” (8-9). Therefore, since the speaker’s own satura medley cannot fill this void, but only disarms and impoverishes him, this state is “not worth hate” (10). The speaker continues to be frustrated, however, by the

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fact that those without anything of value to say, wretches who “cannot reade” and “ideot actors” (11-16), still manage to profit from their “labor’d sceane,” while those who would “move Love by rimes” cannot compete with the material innovations of the Spanish (16-20).

The “worst” among those without anything of their own to say are saved for last (25): plagiarists. In *Satyre 2*, Donne situates his anxiety regarding misappropriation within both a legal and moral context, since for most of his life he paradoxically participated in the legal culture associated with the Inns of Court and defined himself in opposition to legal discourse,17 which is perhaps one reason why he abandoned the legal resonance of plagiary for a more poetic vocabulary. Such opposition is reflected in *Satyre 2* when the speaker distinguishes the instrumental reading habits of the Inns of Court (examined below) from the assimilative reading practices of Seneca and Quintilian; in Jonson’s words, the difference between “a Creature, that swallowes, what it takes in, crude, raw, or indigested” and one “that feedes with an Appetite, and hath a Stomacke to concoct, divide, and turne all into nourishment.”18 Donne’s portrait of this creature begins with a critique of the socio-political economy of the Inns of Court and then proceeds, significantly, to consumption by those with only professional advancement in mind. The speaker first establishes “meat” as an object of exchange:

And they who write to Lords, rewards to get,
Are they not like singers at doores for meat?  
(21-22)

18 “Timber, or Discoveries,” 638.
Flatterers seeking preferment are no better than beggars who seek to exchange cultural capital, in this case their ability to write or perform, for material commodities such as meat. They are also the most likely to “lard their leane bookes with the fat of others Workes,” according to Robert Burton, for those who do “either write from vainne-glory, need, to get mony, or as Parasites to flatter and collogue with some great men.”\textsuperscript{19} The “singers” exist in a symbiotic relationship with the “Lords” upon whom they rely for food, for their patrons also feed socially on their talent; however, whereas the patron is celebrated for his generosity, the poet is rewarded simply by having his daily needs met. The problem at a place like the Inns of Court was that “a great part” of England’s lawyers were “almost starved” for meat and all the more “ready to devoure their fellowes,” especially at a time when, as Francis Bacon observed, “more are bred Scholers, then Preferments can take off.”\textsuperscript{20}

Satyre 2 similarly attributes the problem of misappropriation to the problem of lawyers turning upon each other. Just as in Donne’s critique of legal practices in Satyre 5 “the officers / Are the devouring stomacke, and Suitors / The excrements, which they voyd,” and suitors are blamed for willingly fuelling those trained to exploit them (“For they do eate you now”),\textsuperscript{21} in Satyre 2, lawyers (and poets) are criticized for turning their greedy hunger inward and reducing their peers’ meat (and poetry) to excrement. The instrumental reading and writing practices of aspiring courtiers are exacerbated when

\textsuperscript{19} Burton, 1.9.
\textsuperscript{20} Ibid., 1.312. Bacon, “Of Seditions And Troubles,” 47.
\textsuperscript{21} John Martson understood excrement differently again in the context of misappropriation: in The Scourge of Villanie, he chides “this Eccho, that doth speake, spet, write / Naught but the excrements of others spright” (3.9.90-1). These lines are often cited as possible sources of, or derivations from Donne’s Satyre 2. The corrupting effects of excrement, as understood by Jonson, have been discussed by Richard S. Peterson, Imitation and Praise in the Poems of Ben Jonson (New Haven: Yale UP, 1981), 15-6.
these same beggars take the quick and easy route of turning on each other for substance in their writing.

And they who write, because all write, have still
That excuse for writing, and writing ill.
But hee is worst, who (beggarly) doth chaw
Others wits fruits, and in his ravenous maw
Rankly digested, doth those things out-spue,
As his owne things;’ and they are his owne, ’tis true,
For if one eate my meate, though it be knowne
The meate was mine, th’excrement is his owne.

(23-30)

The literal meaning of “meate” here ranges from the begged-for sustenance of animal flesh to the flesh or substance of a fruit (OED 5) when the speaker observes how the produce of creative enterprise, “others wits fruits,” are misappropriated by those starved for matter. But it also functions figuratively for Donne, first as metaphor for his body of work and second as synecdoche for his body itself. Meat implies the presence of a consumer, who is himself also made of meat. As Donne remarks in a sermon delivered at Lincoln’s Inn in 1618, every man has a physical appetite for “some kind of meates,” in his “spirituall Diet; a man may have a particular love towards such or such a book of Scripture,” and whatever a man consumes, he would remind his colleagues two years later, becomes an integral part of him, “As my meat is assimilated to my flesh and made one flesh with it.” The meat is Donne’s even before it becomes a part of his body, because of the proximity of the meat to his body. According to the norms of dining,

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where each man is entitled to the food in front of him, everyone recognizes that the meat
before the speaker in Satyre 2 is properly his.  

What begins as the fruit of his thinking (speech), the food in front of him
(sustenance), and the flesh of his body (substance), is aligned with the source of wit, the
diner who guards his meal, and the physical integrity of the man: “my meate.”
Ownership changes only when the physical properties of the meat change. So long as it
remains meat it belongs to the speaker, either as the food on the table or the soon to be
flesh of his body; however, once it passes through the body of another without being
assimilated to his flesh it becomes a new property that the speaker (like Martial) is no
longer willing to possess. This property has been reduced and contaminated by other
substance that are not recognizable with the speaker himself, who as the other either
vomits or defecates after dinner is also no longer present to claim it even should he wish
to do so. The speaker can subsequently conclude that the carnivorous reader does him
“no harme” (31), since throughout this process his essential “mee” remains unaltered
(31). The would-be poet has proven that he cannot digest a poet’s sustenance and that he
is no match for the author’s substance. The Juvenalian speaker maintains his own
integrity in the midst of this ill writing, while in proceeding to list the many sins of others

24 Mealtime was an important part of Inns life. Although the daily activities varied from Inn to Inn, a
schedule recorded by Edward Waterhous in 1663, which was reported to him by his “worthy friend Mr.
Langford,” a member of Gray’s Inn called to the bench in 1657, allowed members two hours for each meal
to “Eat seasonably, moderately, and allow time to digest” and a total of five hours to “Carry on harmless
acts of manhood” and “Visit civilly your friends” and only three hours in the morning to “Read the law
carefully and understandingly.” Wilfrid R. Prest, The Inns of Court under Elizabeth I and the Early Stuarts:
1590-1640 (London: Longman, 1972), 139-40. For a survey of table manners in this period, and their
connection with civility, see Norbert Elias, The Civilizing Process: Sociogenetic and Psychogenetic

25 A number of Martial’s epigrams have bearing upon this passage, notably Epigrammata 1.29, 38, 52, 53,
at the Inns of Court suggesting that they do themselves more harm than good (31-39). In
the end, by taking responsibility for his own meat, the speaker posits an implicit threat to
others: if you take my work, you can keep it; but if you do, know that everyone will
recognize you as a second-rate poet. This threat is only meaningful, however, to the
extent that the speaker is physically present to enforce it. As Martial maintained, an
author’s words were only safe from misappropriation at two extremes: if they never left
his hand, so that no one was “the wiser,” or if they were widely known to be his, for “A
well-known book cannot change its author.”26 Since the risks increase the further the text
proceeds from the author, it would have been strategic for Donne to keep his texts as
close at hand as possible where he could be sure to make his authorship known,
beginning with the Inns of Court where ambitious young men would like nothing more
than to capitalize on his success.

*Impropriety at the Inns of Court*

Satirists in the 1590s were especially alert to the risks of misappropriation at the Inns of
Court, where Donne was admitted in 1592 and where many of his manuscripts would
have been circulating when *Satyre 2* was most likely written, and the Inns figure
prominently in the development of the metaphor *plagiary* in English. First, the demands
of a legal education provoked poets, like Donne, to distinguish between the industrious
and the indolent. In Hall’s *Virgidemiarum*, as we have seen, the speaker satirizes a
farmer’s son’s efforts first “to learne Law” at the Inns without reading as far as the
“second line” of Littleton’s *Tenures* (53-60), and second “to make amendes for his

26 Ibid., 91 (Epigrammata 66).
meane parentage” by establishing a fictitious pedigree to disguise his “fathers odious name” (4.2.56, 80). According to the speaker, the son’s shame will be made public in the same way that the London authorities seize upon “a Bankrupots sleeue” (82), or “Petrarchs spright” uncovers the “Plagiarie sonnet-wright” (83-4). The indebted young man is subsequently revealed through satiric comparison to be socially inferior to those genuinely deserving the status he seeks. Second, the Inns provided poets with a recognized vocabulary with which to make such distinctions. Jonson’s satiric comedy Poetaster, for example, dramatizes the career of Ovid, an Inns of Court gallant who endeavours to “new dresse the law / In sprightly poesies habillaments” (1.3.14-15), which Tibullus later accomplishes when he pronounces Crispinus a “plagiary,” or man-stealer. Comparing unassimilated borrowing to a capital offence worthy of death (4.3.87-8), Jonson did more than put Marston in his place in the poet’s war; he advanced a new reading of Roman law in the same way that “inventive pleaders” in England spoke of emerging concepts using metaphors in the common law.27

Concerns for plagiary at the Inns of Court highlight the ways in which emerging reading practices at the end of the sixteenth century facilitated misappropriation. Lolio’s son’s attempt to capitalize on reading only the first line of the Tenures is just one example of the reading habits of “litigious idiots” who, according to Robert Burton, were trained by the law in “an illiterate and a barbarous study.”28 Such training, as we have seen, can be traced to the humanist push in sixteenth-century education toward preparing

28 Burton, 1.4 and 312.
young men for bureaucratic service and the subsequent adoption of new models of reading.

These reading habits were directly opposed to those of the meditative tradition in which Donne participated.\(^{29}\) For critics of the Inns, such as Hall and Donne, misappropriation was the logical outgrowth of a bureaucratic application of humanist pedagogy which threatened to overtake a more self-reflective tradition of reading and writing rooted in classical sources. However, whereas Donne directs his criticism of legal practice in *Satyre 2* to the fictional lawyer Coscus, Hall clearly targeted their contemporary Marston, a longtime member of Middle Temple and model for Jonson’s Crispinus.\(^{30}\) For conservatives such as Hall, no less than for liberals like Donne, proper imitation involved treading with a “higher and wider” step, thereby demonstrating mastery over one’s source rather than servile copying.\(^{31}\) But it also had spiritual implications. Hall, like Donne, also promoted meditative reading practices in the church, in the context of which he both criticizes a “Plagiary Priest” for stealing “whole passages” and objects to the hasty skimming of scripture: “Our diligent and frequent reading,” Hall writes in *The Devout Soul*, “must be attended with our holy meditation: we feed on what we reade, but we digest only what we meditate of: What is in our Bible is Gods; but that which is in our hearts is our own.”\(^{32}\) In this spiritual context, whatever remains outside the reader belongs to an other, so that undigested reading constitutes a

\(^{29}\) The best discussion of Donne’s affinities with this tradition remains Louis L. Martz’s *The Poetry of Meditation* (New Haven: Yale UP, 1962).

\(^{30}\) For a history of the Marston-Hall conflict and a selection of Marston’s attacks on Hall, see Davenport’s “Introduction” to Hall’s poems xxviii-xxxiv and Appendix 2 of the Poems, pages 281-92.

\(^{31}\) See Davenport’s commentary on Hall’s Poems at 259-60. For further examples of this view see G. W. Pigman III. “Versions of Imitation in the Renaissance,” *Renaissance Quarterly* 33 (1980):1-32.

\(^{32}\) Joseph Hall, *The devout soul. Or, Rules of heavenly devotion. Also The free prisoner, or, The comfort of restraint* (London, 1644), E.\(^7\).
form of theft, while whatever is fully incorporated becomes the reader’s individual property. This definition of literary property, depending as it does on occult processes of digestion, is premised as much upon interiority as it is upon the language of otherness and corporeality.

The importance of meditative reading for Donne and his contemporaries was that it contributed to the development of the inner life, whereas instrumental reading was concerned only with the immediate needs of the body. Digestion required readers both to read carefully and to take time and reflect upon what they read. Imitation was simultaneously a spiritual and corporeal exercise, a variation of the sacramental theology surrounding consubstantiation, for as Donne remarks in the sermons “All that the soule does, it does in, and with, and by the body.” In other words, “Good digestion brings always assimilation.”33 The figure of the body was for Donne the visible manifestation of a continual process of self-examination, but it remained only the outward sign of an inward possession. The effects of good digestion, according to Seneca’s and Quintilian’s distinction between the image and assimilation of a model, were to be indistinguishable from the consumer and consequently invisible to others. Proper imitation involved an occult transfer between model and student, while improper imitation was detectable only as the failure to assimilate one’s master, or in Jonson’s words to “grow very Hee: or, so like him, as the Copie may be mistaken for the Principall.”34 For Donne, the imitator must accordingly avoid all appearance of evil, just as conversely Hall’s “Plagiarie sonnet-wright” could not hide his guilt from “Petrarchs spright.” As Donne states in the

34 Ben Jonson, “Timber, or Discoveries” 638.
preface to *Biathanatos* (quoting Pliny), failing “to giue every man his due,” not only constitutes a deliberate act of theft but is also “obnoxij animi, et infelicis genij,” proof of a mean spirit and unfortunate disposition.\(^{35}\) Plagiarism exists when poets fail either to assimilate or cite their model, but it is also a sign of either the poet’s or model’s absence. As Donne observed in “Sapho to Philænis,” providing Dryden with his famous description of Jonsonian plagiarism, “Men leave behinde them that which their sin showes, / And are, as theeves trac’d, which rob when it snows” (39-40).\(^{36}\) The marks of sin serve an outward sign of an inner failure. In the absence of either due credit or proper digestion, the very ink upon the page is proof enough to convict the poet of theft.

The importance of interiority to ownership was recognized by more than religious figures outside the Inns of Court. The law also began in Donne’s lifetime to recognize intentional conceptions of interiority related to property with the judgment in the early seventeenth-century lawsuit known as “Slade’s case” (1597-1602); this case extended promissory liability into areas which previously had not been actionable in common law and marked a transition toward more modern principles of contractual obligation that can be traced in Donne’s later works.\(^{37}\) In the prefatory epistle of *Metempsychosis*, for example, Donne promises to record any literary debts he may have incurred in legal

\(^{35}\) Qtd. *Biathanatos*, ed. Ernest W. Sullivan, II (Newark: University of Delaware Press, 1984), 32. Due to the sensitivity of its subject, Donne’s *Biathanatos* (a philosophical investigation of suicide) was distributed to only two of Donne’s friends in his lifetime, and is just one example of how Donne closely regulated the circulation of his manuscripts. Peter Beal *In Praise of Scribes: Manuscripts and their Makers in Seventeenth Century England* (Oxford, 1998), 33; Harold Love and Arthur Marotti, “Manuscript transmission and circulation,” *The Cambridge History of Early Modern English Literature*, eds. David Loewenstein and Janel Mueller (Cambridge: Cambridge UP, 2002), 69. One of the two extant copies of *Biathanatos*, which appears to have been prepared by a professional scribe, also contains marginal corrections in Donne’s hand, demonstrating that Donne carefully oversaw its production (Beal, *Scribes* 36).

\(^{36}\) “He [Jonson] was not only a professed imitator of Horace, but a learned Plagiary of all the others; you track him every where in their snow.” Dryden, *Of Dramatick Poesie* 50.

terms. Donne was never fully able to separate himself from the law, and having publicly
censured the faults of others in his satires, he prepares himself in the preface to receive as
good as he had given (*quid pro quo*), which if Jonson can be believed seems to have been
just what he got: the poem fell out of favour and was never finished. However, Donne
remains confident in the beginning of *Metempsychosis* that “none writes so ill” – himself
included – that his poem cannot serve some use. Part of this confidence is due to the fact
that the preface situates the author in the pre-lapsarian world of the poem, a sort of legal
fiction that exonerates him from any wrongdoing. The rest is due to his intimate
knowledge of the law. Following the decision in Slade’s case that the making of a
contract was simultaneously the making of a promise (*assumpsit*), Donne recognizes his
legal obligation to intention. When he begins “this booke” he declares “no purpose to
come into any mans debt” so as not to be held liable for nonfeasance. He cannot control
what others do: although he admits to having researched the subject of his poem, he
cannot foresee whether his “stocke” will either waste away or increase.38 But he
promises to do as much as he can: if he does “borrow anything of Antiquitie,” he will
both “make account” that he “pay it to posterity, with as much and as good,” and
“acknowledge it,” going so far as even to “thanke” not only the one who “hath digg’d out
treasure” for him, but also the one who directed him “to the place.”39 Donne here makes
a contract with his sources, and the reader witnesses it. However, Donne knew as well as
his contemporaries that the action of debt on a contract was difficult to prove, since even

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39 Ibid., 26.
in a public contract a private transaction might be made to satisfy the debt. The fact that he nowhere explicitly acknowledges his many sources in the poem suggests that, as far as Donne was concerned, just such a transaction had occurred: the poet had sufficiently digested and incorporated his sources and so made them his own. As he later elaborates in the poem itself, the transmigration of souls is imperceptible to the eye.

These new conceptions of interiority may have been embraced by the law, but Donne’s attitude toward property in *Satyre 2* continued to be informed by more traditional moral obligations to social status. Donne’s assertion of self through the presence of his body at table in *Satyre 2*, and his desire to limit his audience to a select community, can be seen as an attempt to exclude both those from outside the Inns, as well as the weaker members within it, from the status of author. Although the speaker admits that at the Inns “all write” (23), few apart from the speaker are recognized as authors in the poem; the truly ill writers are figured instead as readers, those who could potentially contaminate and cannibalize but never originate or compose. Similarly, it is on these grounds that Donne distinguishes between his own imitations and the limitations of those he condemns in *Satyre 2*, distinctions that were often made in the seventeenth century according to “the cultural location of the text and the [subject] position of the author.”

That the speaker imagines himself as an author is evident in his claims to his meat and, in the second half of the poem, in both his claims to gentility and his interest in land ownership. The respectability of his verse would be confirmed by the circumstances

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41 Don Wayne, as quoted by Wilson, 143.
of their private circulation. Donne’s poems were intended to be embraced by his peers, just as Jonson presented copies to the Countess of Bedford, and according to this plan, he was to be given the benefit of the doubt as author, unlike the disenfranchised who were often accused of plagiarism. Simply put, “authors don’t plagiarize.” Such distinctions were not unique to Donne but were rooted in English law where gentlemen enjoyed privileges denied other men. “A poor sheep-stealer is hanged for stealing of victuals, compelled peradventure by necessity of that intolerable cold, hunger, and thirst, to save himself from starving,” Burton observed in the 1620s, “but a great man in office may securely rob whole provinces.”

Donne’s assertion of his physical presence in the first half of the poem establishes a division between gentlemen and the commons that continues, in the second half, to advance an early form of possessive individualism: he is an author as well as a gentlemen at the Inns, whereby he gains both the right to self-ownership and, as the result, the privileges of private property. However, at the same time, he continues to disavow the duties of the lawyer and positions himself outside of the community of professionals through an attack on Coscus, “a Lawyer, which was (alas) of late / But a scarce Poët” (43-44). Scholars have yet to identify Coscus convincingly with an historic personality, which he need not have been, but his pretensions as a poet and lawyer had precedent in the sonnet collection Zepheria (1594) whose conflation of poetic and legal discourse Donne may have parodied in his description of Coscus’ failed attempts to seduce a lady “in language of the Pleas, and Bench” (48). Nonetheless, the speaker fears more harm

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43 Randall, 23. See also 26-8.  
44 Burton, 1.48.  
from Coscus than from either carnivorous readers or those who would outdo him in ritual performances of the male body (31-38), for unlike those who do him no harm “the insolence of Coscus onely breeds” the speaker’s “just offense” (39-40). Although it remains unspecified, this offence is unlike the breaches of propriety previously labelled “just,” and therefore in the speaker’s mind prosecutable, both provoking and justifying his satirical offensive. On a trajectory with the poem’s own from poetry to property law, Coscus in every other way proceeds opposite to Donne, turning from a bad career as a poet to a worse career as a lawyer who practices “for meere gaine” (63), although the speaker’s contempt for Coscus, like his hatred of poets, is again a reflection of his own desire to have the law attribute to him the benefit of his own labours. The speaker takes issue with lawyers such as Coscus not for their baseness (31-8), behaviour associated with the Inns culture of which Donne himself was part,46 but for their accumulation of land (65-112). Coscus is an ill writer who, worse than exchanging cultural capital for meat, exchanges words for property; he is “the embodiment of an expanding corporeality” in the poem, a physical presence that threatens to overwhelm the nation.47 He is not so much physically present in the poem as he is in his words, which supply the impetus to conflict, the tension between poetry and legal discourse, and the potential of property. For Donne, legal discourse offers both to conceptualize literary property and, adversely, to misappropriate it by encouraging undigested readings that dismember the writing of others.

Having prompted the need for this proprietary rhetoric, the Inns also enabled Donne to substitute the rhetoric of real property for unfamiliar forms of literary property. There, talented young hopefuls whose careers, like Donne’s, depended upon their ability with words sought preferment and property through verbal manipulation. However, depending on one’s perspective and social standing, the relationship between words and property was something either to be wished for or feared, just as in *Virgidiemiarum* Hall invokes the anxieties concerning enclosures to satirize Lolio’s attempts to “hedge in all the neighbour common-lands” through the manipulation of words (126). As he intended with Littleton’s *Tenures* (first published in 1481), a heavily annotated and frequently reprinted legal text in Renaissance England, Lolio aims to further his private interests by appropriating common property. The speaker in Donne’s *Satyre 2* fears that, as the old aristocracy gives way to the new bureaucracy, the practice of upstart lawyers like Coscus will “compasse all our land” (77, emphasis mine) the possession of an aspiring gentleman like Donne (77-112). Whereas some manuscripts read simply “all the land,” the author (whether Donne or a copyist) here signals his own sense of entitlement by substituting the possessive for the definitive article, thereby claiming ownership reserved for the landed gentry, although he later criticizes Coscus for doing the same: “when he seels or changes land, he’impaires / His writings (97-98). Coscus similarly accumulates and manipulates words in order to obtain property. The “parchments” he draws up are “as large as his fields” (87-90); they are equal in words to what they inscribe as property. They also reaffirm the necessary consumption of meat in the development of property, in

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48 See Corthell, “Coscus” 29.
49 Hester, 45; Marotti, *Coterie* 40.
this case the hides of the animals who fed in those fields are branded with Coscus’ claims of ownership. The problem is that Coscus does not have to invest his own labour in drafting these documents, in which case the speaker might recognize his claims upon the land that comes with them, for “These hee writes not; nor for these written payes” (91).

In the second half of *Satyre 2*, Donne again highlights the ways in which the ill writing of lawyers does not subscribe to norms of composition but supports a habit whereby texts may be freely appropriated. Coscus, unlike the poet, has neither to be concerned with paying scriveners nor with being abused by stationers, both of whom were popularly condemned as cannibals. The lawyer’s reading and writing habits give him a distinct advantage over the poet in the war of words and property: because he can produce more, amassing property quickly and cheaply through an excess of words, he threatens to overwhelm not only the poem but also the poet. Burton leveled a similar critique at the legal community when he remarked that although “there is much more certainty in fewer words,” contemporary law demanded that lawyers increasingly consume the land, its residents and their property: “now many skins of parchment […]; he that buys a house must have a house full of writings, there be so many circumstances, so many words, such tautological repetition of all the particulars.” This glut of words would also mean that certain key words might be omitted without being missed, as Coscus does when he “(unwatch’d) leaves out” the rightful owners in contracts, glosses

50 Hester, 45. Interestingly, both scriveners and stationers were condemned as cannibals. “A Scrivener,” wrote Wye Saltonstall, “is a Christian Canniball that devouers men alive.” Quoted in Beal, *Scribes* 6. Scriveners offered a necessary service but were often accused of manipulating words for their own gain (op *cite*), prompting the author of “A Tale of a Citizen and his Wife” (sometimes attributed to Donne) to equate their services with other profitable and ill-reputed “City trades” such as the “Bawd, Tavern-keeper, [and] Whore” (lines 45-6). See also Wither’s comments in the previous chapter.

51 Burton, 73.
over hard words, and omits precise terminology in order to obscure meaning (97-102). Coscus, like the plagiarist, fails to attribute ownership according to traditional codes of propriety. In taking possession of land through an extension of his personality, he like Hall’s Lolio also threatens to construct a false title and authority for himself through words. If “Property alone can confer the noble title of an Author,” as Edward Young argued in the eighteenth century, then Donne could not help but identify with Coscus’ own attempts to achieve the status of gentleman, owner, and author. Land is another example of how Donne, in the absence of a suitable vocabulary, both substitutes “something that already has material standing in the world” for “the immateriality of language,” and exemplifies the kinds of propriety that would later be reinscribed by the cultural economy of literary property.

Anxiety of Circulation

The parchment that Coscus impairs in the second half of Satyre 2 implies a concern as much with the abuse of specific media as with misappropriation more generally. At line thirty-nine, Donne has moved from thinking about the author’s due to the vulnerability of his own preferred means of distribution: manuscript circulation. The recognition that certain media are more conducive to misappropriation was not unique to the English Renaissance. In the second century, the invention of the codex, for example, worried many of the same authors from whom Donne drew the proprietary metaphors that appear

52 Qt. Rose, Authors 117-18.
54 Rosenthal, Playwrights 23; Groom, 15 and 74.
in Satyre 2. Some were in favour of the invention. Quintilian, for one, believed that the increased availability of texts made possible by the codex would assist individual readers with digestion in their reading. However, others, such as Martial, feared that putting texts into the hands of more readers would only increase the risk of unassimilated borrowings. It is as perverse to conclude that “our basic sense of plagiarism” was “born in the seventeenth century,” as it is to argue that authors’ rights originated in the same period, especially since both arguments are premised on the belief that print “changed everything.” It is more accurate to place definitions of plagiarism on a continuum with classical precedent. The institution of privileges and patents, the assignment of literary properties, and the affirmation of le droit d’auteur may all be connected with the development of print in Europe but they do not prove that it was “only after printing” that the term ‘plagiarism’ meant anything to authors. Instead, print only heightened the anxiety of authors like Donne who were already anxious about making their work public. As Sir Thomas Browne observed, and as we saw in the last chapter, “Plagiarie had not its nativitie with printing, but began in times when thefts were difficult, and the paucity of books scarce wanted that invention.” Donne, I suggest in conclusion, endeavoured to make such thefts difficult by trusting in the rarity of his texts, even though as most scholars now recognize this trust was ill placed. As Peter Beal notes, Donne’s poems

55 Quintilian, 4. 261.
were originally copied “by or for friends” and “only for their personal use,” but as his popularity increased these poems inevitably reached “people quite unknown to Donne at the Universities and Inns of Court.”

That the speaker in Satyre 2 is careful to place himself in close proximity to his meat can be read as one way in which Donne reveals an aversion to the disseminating powers of print, a technology that promised to place his works in the hands of readers unknown to him but could not guarantee that these works would be attributed to him.

As evident in Donne’s well known letter forbidding his friend Sir Robert Ker to either publish or destroy his poems, print did not hold the same promise for Donne as it did for Jonson. Manuscript circulation might also have posed threats to proprietary authorship, but print was less intimate than coterie circulation and only separated the author further from his readers. The consensus for many years that meaning is closed off in print but remains open in manuscript does not account for the fact that new texts can just as easily be made from printed texts as from manuscripts. The extent to which authorial control is possible in either medium remains difficult to determine and problematic to theorize. Editors have long lamented that Donne did not take full advantage of print to “make

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60 Hester, 50.
durable, unchanging artifacts of his verse,”63 and just as often noted that Donne’s work in manuscript form escaped his “authorial control.”64 However, many of these same scholars also admit that manuscript transmission sometimes “allows an author ongoing control of a work,”65 and that “Donne could control somewhat the form in which his poems were first received in manuscript by coterie readers,”66 since “authorship in the scribal medium was in every sense more intimate” than print.67 Even those who note that “more transcripts of Donne’s poems were made than of the verse of any other British poet of the 16th and 17th centuries,”68 recognize that Donne preferred handwritten rather than print copies of his poems, since he regarded manuscripts as having a personal significance not found in print.69 “What is writ by hand we reverence more,” Donne wrote to Dr. Andrews, a friend whose own copy of Donne’s poem had been torn up by his children. “A book that with this printing-blood is dyed / On shelves for dust and moth is set aside, / But if’t be penned it wins a sacred grace.”70

Donne clearly took a proprietary interest in his work that circulated in manuscript. However, he recognized too that authorial control would never be perfect in any medium. As Donne realizes in “A Valediction: of the Booke,” every new reader makes a new text no matter how hard he tries to organize his manuscripts into something

68 Beal, Index 245.
of a lasting significance. Donne’s rhetorical response in his poetry to the threat of misappropriation was, this chapter has argued, to assert his physical presence through corporeal images and figures of embodiment, which as Wendy Wall has argued more generally, “mark the text […] to protect against the ‘participatory poetics’ (in Ong’s description of manuscript textuality) that necessarily de-emphasizes textual singularity and thus blurs authorial distinction.”

Donne’s preferred metaphor for making this distinction was digestion. The image of the meat-consuming body in Satyre 2 illustrates Donne’s intended object and manner of consumption, for just as he claims to “deliver this paper as my Image” in a letter to George Villiers, the speaker demands that his labours be accorded the same reverence as his body. To this end, he is also careful to make it “knowne” that the meat is his (29), presenting a portrait of Jonson’s creature from the perspective of the consumed. For Seneca and Jonson, the body referred to is always that of the reader; it is the reader who ingests food that subsequently becomes part of his or her body. But in Satyre 2, the meat belongs to the speaker; it is his meat that is consumed. This reversal is important in the context of coterie circulation at the Inns where the body figures as the site of interpersonal relationships and is both the product and object of social relations. Referencing the body, and claiming it at his own, Donne privileges the interpersonal over the intertextual qualities of his writing in anticipation of two kinds of would-be-plagiarists: first, those who eat his meat, despite the fact that they know it is his; and second, those who eat his meat without recognizing that it is generally known to be his. In either case the meat is his; what readers do with it

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73 Qtd. Scarry, 75.
belongs to them. Donne’s physical proximity to this meat is one example in Satyre 2 of his effort to assert ownership over his texts, just as his decision to remain in close proximity to his readers as a coterie poet enabled him, as much as it was in his power, to speak for his texts, since (as was well known) writing cannot answer for itself. The allure of controlled manuscript circulation for Donne would have been the opportunity to answer for his work among those he knew to possess copies, and whom he would have seen on a semi-regular basis, although in reality he could not prevent his poems from misappropriation. Even the corporeal imagery with which he marks his presence was not immune to the negative influence of others.

While bodies in Satyre 2 present both the possibility of possession and control, the speaker also recognizes that physical proximity to other bodies has the potential for decay and violence. In addition to Donne’s voice, critics have long interpreted Donne’s fascination with the body as a sign of self-absorption or egotism: “a powerful assertion of self, motivated by a great desire for control,” and an attempt to “abolish the borders of verba and res” and “assert ultimate control over his own meaning.” But as Nancy Selleck has recently argued, the body was also recognized by Donne and his contemporaries as being both the product of consumption and liable to the exterior threat of “subjection to other bodies and minds.” Disease, for one, was no longer thought of as originating solely from within, but also from without, thereby further threatening

75 Wollman, 88-91.
78 Selleck, 150.
individual control over the body.\textsuperscript{79} Accordingly, although the speaker in \textit{Satyre 2} attempts to assert control over his meat, he also recognizes that the subjection of his body to others also places him as risk. Donne was as equally fascinated with disease as he was with digestion and the body,\textsuperscript{80} and foreign bodies like “Pestilence” and “Spaniards” figure prominently in the opening lines of \textit{Satyre 2} as contributors to the decay of English culture. The poem subsequently concerns itself not only with decay in language,\textsuperscript{81} but also with the effects of such decay on authors, which R.A. Shoaf, writing about the relationship between the body and text in Chaucer’s \textit{Canterbury Tales}, has usefully termed the “anxiety of circulation.”\textsuperscript{82} Someone like Donne who wished to avoid contamination and to remain in control of his meaning would have to refrain from associating with others; he would also have to shun the popular market for printed books, which George Chapman attributed with the spreading of “Poeticall Diseases” at the beginning of the seventeenth century,\textsuperscript{83} and which continued throughout the century to be associated with grotesque, cannibalistic bodies.\textsuperscript{84}

That Donne’s corporeal figures may have failed to mitigate the risk of contamination did not, however, prevent him from also acknowledging the appeal of publication. If print had its disadvantages, it also had its advantages: the opportunity to reach a larger audience quickly was something Donne could not easily ignore, any more

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\textsuperscript{79} Ibid, 151. \\
\textsuperscript{80} Scarry, 72-3, 98n.6. \\
\textsuperscript{81} Hester, 33-53. \\
\textsuperscript{83} George Chapman, “To his Ingenious, and much lov’d Friend, the Author,” in Christopher Brooke’s \textit{The ghost of Richard the Third} (London, 1614), A2. See Alexander Sackton, “Donne and the Privacy of Verse,” \textit{Studies in English Literature} 7 (1967), 70. \\
\textsuperscript{84} Rosenthal, \textit{Playwrights} 35.
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than he could avoid coming into contact with others while walking London’s streets. However, like many of his contemporaries, he continued to question the benevolence of print even in those few instances where he could be persuaded to embrace it. In one of the few poems to be published in his lifetime, the mock-panegyric “Upon Mr. Thomas Coryats Crudities,” for example, Donne celebrates the author’s ability to traverse borders in ways which would make the speaker in Satyre 2 uneasy, but mockingly equates him with Coscus as someone whose expanding corporeality exceeds even the proper limits of panegyric. The author of the Crudities is “Sesqui-superlative” (2): he is not content with having discovered the “vast lake” of Venice, but is continuously in search of “Some vaster thing” (3-4) – seas, wells, guls of wine (4-6) – which swells his book beyond the size of any then produced (8). In the end, Coryat’s book is so long “That none can study it to any end” (10), and so comprehensive that Donne suspects the author of wanting to “exceed the world” (18). Its size is not without problems. Like Sebastian Munster’s The Cosmography of the Universe and Konrad von Gesner’s The Library of the Universe, Coryat’s Crudities endeavours to be at once both cosmopolitan – encompassing both towns and authors – and familiar to its readers (21-26). However, as with all printed volumes, its success depends upon the uncertain reception of an unknown public. Already confident that Coryat’s book will be ridiculed (13-16), Donne advises the author to be absent – “Go bashful man” – rather than witness the reception of his book, although in doing so he first presupposes the author’s invested presence in the text: “lest here thou blush to looke / Upon the progresse of thy glorious booke” (emphasis mine, 27-28). As Donne knew too well, its better for an author to take control of where he goes
if his book is going to progress away from him anyway, introducing him to readers who
in Coryat’s case remain as far away from him as the East is from the West.

One of the symptoms of misappropriation as contamination for Donne and his
contemporaries was the competing intentions and sign systems of their readers, which as
with all contaminants would have been compounded with increased circulation. As
works disseminated more broadly their author could be less certain that readers outside
of his familiar circles would either respect or properly construe his purposes. Those few
whose reception one could be certain of Donne relegates to the past tense in Coryat’s
Crudities: their approval in Coryat’s case is spent “upon the presse” and has merely paid
for the publication of the book (30-31). The rest are uncertain at best. Like Burton, who
in the Anatomy of Melancholy equates the misuse of texts with the overproduction of
printed books in the marketplace; and Jonson, who in “Inviting a Friend to Supper”
imagines a private meal where the host unwittingly serves pastries enclosed in discarded
print sheets of his own poems; Donne warns Coryat that those in the East are likely to
return his in the form of precious spices wrapped in the leaves of his book, which
“magnifies thy leav’s” (35). As Elaine Scarry points out, the pages in Donne’s satire take
on the imprint of an organic presence that challenges the disembodiing effects of
commercialism, although while coming into contact with consumer goods they fail to
become themselves a form of stable property. That these organic pages also function as
a form of skin wrapped around food stuffs also implicates them in human consumption.
In “Coryats Crudities,” however, Donne prepares Coryat for the likelihood of his book

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85 Burton, 9.
86 Lines 24-26. See Joseph Loewenstein, “The Jonsonian Corpulence, or The Poet as Mouthpiece,” ELH 53
87 Scarry 76-7.
being used for less nobler purposes closer to home by stressing the impermanence of
print. Although the offence is strong “if they stoope / To neighbour wares,” dividing vast
sums into small parcels, and worse

If they stoope lower yet, and vent out wares,
Home-manufactures, to thick popular faires,

the author is to take comfort in the fact that his work has, in its parts, become all things to
to all people, since as Browne observed the paucity of book makes thefts more difficult. In
the absence of the whole, Donne continues, critics will have little to condemn:

Nor shall wit-pirates hope to finde thee lye
All in one bottome, in one Librarie.
Some leaves may paste strings there in other bookes,
And so one may, which on another lookes,
Pilfer, alas, a little wit from you,
But hardly much; and yet I thinke this true.

As his work enters the international waters of trade and commerce where pirates abound,
plagiarists are reduced to a spectre. The absence of Coryat’s book cannot admit their
presence; it is safe from harm because it cannot be found in its entirety in any one
location. They cannot even hope to find him, though he lies in wait for them, since parts
of his book are already bound with other books. Only the book as a whole (“All in one”)
can be associated with the author (“thee”); its dismembered parts are nothing more than
disembodied commodities. But Coryat has little to fear in the absence of the whole,
Donne concludes jokingly: certainly, anyone who looks upon his work can
misappropriate it, but Coryat (unlike Donne) offers them little worth taking.

In the end, the efforts of Donne and his contemporaries to have their words
recognized as property may ultimately have been less successful than a lawyer’s ability
to obtain property through words, but the proto-legal vocabulary they developed in
poems such as *Satyre 2* not only responded to a shift in reading practices in England at the turn of the seventeenth century; it also attempted to articulate an early form of literary property. While others were negotiating their rights with stationers, for instance, Donne was creating his own terms to exert control over his texts in a system of manuscript circulation in an attempt, like Jonson’s Ovid, to address matters of the law in the language of poetry. It is no coincidence then that Pope chose to imitate *Satyre 2* at the height of legal debates surrounding literary property in the eighteenth century. Donne’s own concerns with the moral implications of misappropriation are clearly expressed in his portrait of the carnivorous writer, although he acknowledges the limitations of his legal rights in the conclusion of *Satyre 2*. Apart from encapsulating the decay of verse, recording the plaint of the alienated intellectual, and protecting the satirist from censorship, the concluding couplet documents Donne’s frustration with the lack of any legal safeguards for his literary labours; for as broad as many statutory laws were in the seventeenth century, they did not yet encompass poetry. In Donne’s words, society endorses lawyers’ “vouch’d texts” and “shrewd words” that bring them property in the form of land and riches, “but my words none drawes / Within the vast reach of th’huge statute lawes” (111-12).

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88 Hester, 34.
89 Marotti, *Coterie* 3.
Epilogue
Returning to Ourselves

Nay, wee so insist in imitating others, as wee cannot (when it is necessary) returne to our selves.¹

Plagiarism means different things to different people.²

So far I have only touched briefly upon the vast literature on plagiarism and proprietary authorship currently in print, and only then in the footnotes, but its arguments deserve attention, especially in light of the early modern context traced above and recent interest in “plagiarism studies.”³ Modern readers and writers are fascinated by plagiarism, and new books and articles about it appear seemingly every day. There is even an online journal dedicated entirely to the subject, Plagiarism, which “features research articles and reports addressing general and specific issues related to plagiarism, fabrication, and falsification.”⁴ Looking to the origins of the term in the English Renaissance, it is not difficult to imagine why the topic fascinates modern readers and writers so much. The rhetoric of literary propriety determines who is in and who is out, and no one wants to be excluded from the club. Those who are most likely to have read this dissertation may in some capacity be the gatekeepers of their profession, but a professor’s and graduate student’s sense of belonging is often just as precarious as that of the students they supervise. At present, there is not much job security in the humanities, and efforts among

¹ “Timber, or Discoveries,” 597.
http://www.english.heacademy.ac.uk/explore/publications/newsletters/newsissue13/terry.htm
humanists to govern themselves are slipping into the hands of administrators from a wide range of departments with an equally wide range of different priorities and proprieties. Plagiarism presents itself as the most objective of the educator’s tasks. Plagiarism seems deceptively easy to detect and control, although educators often work from different assumptions about it. The function of how plagiarism in characterized in higher education, as Neil Hertz has argued, has been “first to misrepresent a threat and then to respond, more or less aggressively, to that misrepresentation.”

Those who teach literature have particularly strong feelings about plagiarism whether they acknowledge them or not, as evidenced by the fact that students are not, as a rule, taught (or sometimes even exposed) to the works of plagiarists. Plagiarists are excluded from the canon because they are plagiarists, and they are “plagiarists” only because they do not reflect the values of the canon in question. No one self-identifies as a plagiarist. Educators identify plagiarists according to their own sense of propriety. For some researchers and teachers this means not talking about plagiarism at all. One would not want to suggest that Shakespeare plagiarized any given phrase, passage or plot since that might detract not only from his value as a dramatist but also one’s ability to appreciate the Bard’s individual merit. Canonical authors do not plagiarise. Others are keen to assert their power of over another writer’s reputation, and are forever sniffing out influences and plagiarisms with the same enthusiasm that students of Renaissance drama had hunted for possible parodies and parallel passages in the seventies. These scholars,

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6 “The Sniffer’s nickname, which he hates, is a newspaper joke. He writes criticism of modern plays in which it is his delight to detect ‘influences,’ and his way of introducing such influences as put-downs for new writers is to say […] ‘Do we sniff an influence from Pinter (or Ayckbourn, or Ionesco, or even
myself included, are no different than the critics that Agnes Lockwood Pratt complained of at the turn of the nineteenth century: “Dullards, whose death of originality is only excelled by their consuming mania to be thought literary” and their desire to “advertise their own names” by accusing “such writers as Caine, Kipling, and even Shakespeare of plagiarism.” Finding proof of plagiarism in those more original than one’s self sometimes helps literature professors (those who teach) feel better about their own inferiority by bringing the other (those who can) down to their level. In so doing, we own our subject; it does not own us. Regardless of one’s motives, however, educators should never be so narrow-minded as always to judge everyone by their own standards.

The literary history of proprietary authorship from 1590-1640 offers a precedent for the kinds of “context-sensitive” understandings of plagiarism which compositional theorist have promoted in recent years. When one looks to the past for reasons other than to discredit it one is reminded that plagiarism means different things to people in different circumstances; it has not always involved an intent to deceive. These differences exist both in time and place. British institutions of higher learning were not only different in early modern England; they differ now from North American

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9 Cf. Shaw, 327.
universities. Likewise, Asian schools do not share the same literary proprieties as their Western counterparts. In Japan, for example, students are taught to imitate form in much the same way as students in the English Renaissance. However, neither the differences of four hundred years nor the distance of four thousand miles should not distract scholars in the West from the fact that plagiarism can mean different things to people in the same place historically and geographically. Those who share a lot in common will sometimes themselves seek out differences through accusations of plagiarism. In the introduction, I mentioned the example of politicians, and in chapter two we saw how satirists attempted to out-imitate each other. Historians in the United States are currently locked in a similar battle. Two of North America’s leading historians, Stephen Oates and Stephen Ambrose, have both been accused of misappropriation by their peers in the popular media, although as Ron Robin has argued these accusations are, again, only “a pretext for debating issues of far greater cultural complexity.” What is

10 As Stephen Leacock noted in good humour, professors at McGill put their students through the wringer, while professors at Oxford blew smoke at theirs; or as a former professor of mine more recently summed up the difference for doctoral candidates: “in England they give you a library card, in North America they give you a class to teach.” My Discovery of England, New Canadian Library 28 (Toronto: McClelland and Stewart, 1961), 72-96.


13 Ron Ronin, Scandals & Scoundrels: Seven Cases that Shook the Academy (Berkeley: University of California Press, 2004), 32. Bill Marsh has coincidently (or otherwise) come to the same conclusions about
really at issue is that both writers in their commercial success have “commodified” what those in the academy view as “an inherently non-commercial intellectual artefact.”

These conflicting proprieties are apparent in Oates’ refusal to recognize the authority of the *American Historical Association*, of which he is not a member, and Ambrose’s excuse that his omission of quotations marks was “a matter of methodology and not wrongdoing.” Ambrose did not have to adhere to the academic standards by which he was being measured because, in his own words, “I tell stories. . . . I don’t discuss my documents. I discuss the story. . . . I am not writing a Ph.D. dissertation.”

The narcissism of small differences is no worse than the endeavour to maintain manifest differences. Those with less in common will sometimes also endeavour to keep it that way. Students and teachers may at times occupy the same space on campus, but they are differently entitled. A professor may benefit greatly from the collaboration of her or his peers, whether anonymous reviewers of journal articles or the students enrolled in their course, in ways that student are forbidden. One professor I know even openly responded to a student’s comment in class, “Great idea. I’ll use that for a paper I’m

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14 Ronin, 53-54.
15 Ibid, 39. Oates also ignored the judgments of those outside his discipline (*op. cite.* 40).
16 Qtd. Ronin, 47.
17 Qtd. Ibid., 48.
18 Carol Peterson Haviland and Joan Mullin argue that these differences are due to rites of passage, a strategic knowledge of the rules, and an unfortunate amnesia on the part of many professors. “Writing Centers and Intellectual Property: Are Faculty Members and Students Differently Entitled?” *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*, eds. Lise Buranen and Alice M. Roy (New York: State University of New York Press, 1999), 169-81. For examples and a discussion of faculty attitudes toward plagiarism see Alice M. Roy, “Whose Words These Are I Think I Know: Plagiarism, the Postmodern, and Faculty Attitudes,” *Perspectives on Plagiarism and Intellectual Property in a Postmodern World*, eds. Lise Buranen and Alice M. Roy (New York: State University of New York Press, 1999), 155-61.
The reason most often given for such differences, of course, is that professors have proven themselves and know how responsibly to adapt and improve upon the ideas they take or are given. Students, on the other hand, are merely novices and are assumed to be too weak to properly assimilate what they read, which is why after all she or he enrolled in the course. Those who plagiarize are often vilified as lazy. Tenured writers collaborate; students plagiarize.

Professors are in more ways than one judged by different standards because of the privileged position they occupy in the academic community. They are free to assign derivative exercises that require students to develop original answers to unoriginal questions. They are also exempt from the rule pertaining to “work made in the course of employment” in the Canadian Copyright Act, which stipulates that an employer is entitled, “in the absence of any agreement to the contrary,” to the rights of everything that her or his employees produce. Most universities in Canada and abroad honour an agreement that, consequently, establishes academics as “knowledge owners” rather than “knowledge workers.” By virtue of the intellectual property laws underwriting this status academics “constitute and control the market of expertise, and thereby sustain a ‘monopoly of competence’” (original emphasis). Professors have nothing to fear from non-experts, such as students. This closed system is even perpetuated through citation

19 It is not uncommon for professors to plagiarize graduate students, in particular. For documented cases see Rebecca Moore Howard, “Plagiarizing (from) Graduate Students,” Pluralizing Plagiarism: Identities, Contexts, Pedagogies, eds. Rebecca Moore Howard and Amy E. Robillard (Portsmouth: Boynton/Cook, 2008), 95-97.
23 McSherry, quoting Magali Larson, 108. Original emphasis.
practices themselves, since professors more often than not quote each other. The footnote, as Anthony Grafton points out, is “bound up, in modern life, with the ideology and the technical practices of a profession.” The arguments that the “cultural location of the text and the subject position of its author” was the basis of proprietary authorship in early modern England is as true today as it was then. The “legitimate author” is a “successful appropriator” rather than an “originator,” and has a reputation for competence that is underwritten by his or her accumulation of cultural capital.

Student-plagiarists do not always see (or understand) what they are doing as cheating, and it is not surprising that they would wish to hold themselves to their own standards. The resentment students feel toward their teachers is understandable, though still regrettable, given the power teachers have over them. Those responsible for prosecuting accusations of plagiarism should recognize the vulnerability of the accused as less senior members of the community and steward their power accordingly; it is to this end that this project has stressed the origins of plagiarism as a policing mechanism within humanist pedagogy. Students and teachers often have conflicting understandings of plagiarism due to their different roles in the classroom. Professors are the enforcers of the Academic Codes of Conduct because they are the ones that assign and grade the student’s work. Students, on the other hand, have to manage the workload of numerous

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27 Ibid., 21.
courses and sometimes regard plagiarism as a legitimate means of meeting their deadlines, which is one reason why professors are encouraged to devise new assignments each year. These problems are not new. In the nineteenth century, as Sue Carter Simmons has documented, when oral evaluation gave way to written assignments and examination, students advised each other in the most expeditious forms of “cribbing” and “theme-copying.” As the character in one short story from the period remarked, students “never stopped to argue fine ethical points” in such matters but blamed their teachers for compelling them to resort to cheating. They may have a point.

Students often receive mixed messages about plagiarism, which is due in part to the many mixed metaphors used to define it. The language surrounding plagiarism is unclear at best, and it does not help when teachers reference its Latin etymology and use by Martial without understanding the interpersonal implications of such metaphors. The fact that the meaning of many of these metaphors has changed over time also enables changes in policy oftentimes to pass unnoticed and subsequently unchallenged by those they concern the most. Another source of confusion is the Academic Code of Conducts to which students are introduced at the beginning of most university courses. These documents are themselves many times plagiarized, since as with Renaissance

30 Qtd. Simmons, 45.
33 In 1980, the University of Oregon was forced to apologize to Stanford University for quoting its definition of plagiarism without acknowledgment. Mallon, 100. For further examples see Hertz, 156-57
dictionaries there are only so many ways to define plagiarism. They are also often at odds with the lessons of the course for students of literature, creative writing or critical theory. When applied as the letter of the law, disregarding the fact that plagiarism cannot be quantified, these documents have the potential to kill the kinds of creativity and collaboration one would hope to find in a post-secondary institution.

The origins of plagiary and the rhetoric of proprietary authorship in early modern England should help educators both to recover the spirit of these codes of conduct and, subsequently, to communicate it responsibly to their students. Students need to be taught the conventions which professors take for granted, as much as they need to know the conflicts that arise from different proprieties. Teachers should also remember that they are responsible for more than producing another generation of students and professors, especially when, once again, “more are bred Scholers, then Preferments can take off.” Teachers have a responsibility to prepare their students for the world ahead, which regardless of whether it be another or the same will be characterized by conflicting customs, and one way to equip them for these challenges is to highlight the importance of place and of propriety in the classroom and how these rules may apply differently (or not at all) in their chosen profession. By learning how to accommodate to different proprieties, students are getting more than content; they are learning about form.


34 This point is made throughout the literature on plagiarism. See, for example, Marsh 46-47. Gerald Graff, Beyond the Culture Wars: How Teaching the Conflicts Can Revitalize American Education (New York: Norton, 1992); Professing Literature: An Institutional History, Twentieth Anniversary Edition (Chicago: The University of Chicago Press, 2007).

35 Bacon, “Of Seditious And Troubles” 47.
There are many lessons to be learned from the past, but one thing the history of proprietary authorship should clarify is an important distinction between plagiarism and imitation. Students learn best through imitation. Imitation may be a tool for interpellation and ideological subjection, but these are after all the inevitable outcomes of any education. The alternative is no less dangerous. *Imitatio* promotes the idea of the uniformity of human experience,” K.K. Ruthvan notes,

and encourages people to emphasize the historical continuity in that seamless web called tradition. The doctrine of originality, on the other hand, exploits the heterogeneity of people in drawing attention to the uniqueness of individual experience.

As celebrated as this uniqueness is, especially by new-historicists, it “leads to a schismatic view of history in which sudden mutations are the norm. Momentous changes are then seen to occur with disarming casualness.”

When Renaissance writers found the language of the past insufficient to describe present phenomena, their present came to be regarded no longer “an incomplete continuation of the past, but as something like a new and heroic beginning.”

But for Mikhail Bakhtin, whose words these are, the momentousness of this change is in the simile: the present is only new in appearance. Whereas the “history of medieval literature and its Latin literature” had been “the history of the appropriation, re-working and imitation of someone else’s property’ – or as we would say, of another’s language, another’s style, another’s word,” in the Renaissance authors identified these things as their own property or voice, but they were

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37 Ruthven, 110. Pigman makes a similar observation about historicism in a characteristically thorough analysis of Renaissance positions on imitation and the repetition of the past in “Reception” 155-77.
still, in the end, appropriations, re-workings and imitations of others.\textsuperscript{39} The same is true today. There have indeed been many changes in the last four hundred years, but when it comes to schooling the methods used are often “the same thing in different circumstances.”\textsuperscript{40} The purpose of schooling has always been to transform students from a novice to an expert. There is no sense pretending that as moderns we have not ourselves imitated those who came before us.

The lesson of history and the theory of intertextuality should also impact how writing is taught. One of the most important developments in composition studies in recent years has also been the widespread recognition of patch writing as a necessary stage in the development from novice to expert.\textsuperscript{41} However, as Rebecca Moore Howard has argued, this subject is also implicated in the power structures of the classroom, since patchwriting is regularly practiced by both novice and experienced writers at the beginning of new project, although only the former are accused of plagiarism.\textsuperscript{42} Professors who practice patchwriting should not penalize students for learning how to write but should instead encourage them toward maturity. By tracing humanist responses to patchwriting in the first chapter, and the power dynamics that inform them in the second, I hope to have established a precedent for such practices for those scholars who object to the post-structuralist theory with which its defence is often associated.

\textsuperscript{39} Bakhtin, 69.
\textsuperscript{40} Nicholas Orme, Medieval Schools: From Roman Britain to Renaissance England (New Haven: Yale UP, 2006), 3.
\textsuperscript{42} Howard, “Plagiarisms” 87-96.
Humanists made allowances for this practice long before post-structuralists, and their example will I hope provide researchers and educators with a means of thinking about the spirit of proprietary authorship in ways that are different but still relevant. Their response, though cautious, did not bring about the kinds of problems modern teachers fear. Instead, it enabled the kinds of writing that is still celebrated today. When students are asked to write essays, they should have the benefit of following their example.43

The humanist pedagogy that gave rise to the earliest accusations of plagiarism of English should prompt post-structuralists in theory to ask whether they are post-structuralists in practice. The earliest plagiarisms qua misappropriations in English were not clear-cut cases of theft, as the metaphor suggests, but were relative to particular points of view. Plagiarism may have always been a moral issue, governed by meta-legal sanctions, but it was not always clear who was in the right and who was in the wrong. The same applies to the classroom today. Those who are suspicious of post-structuralism also have a lot to learn from the past, where many of these same ideas were already prevalent. Although we may live in another world, it is still much the same as that of early modern England. In the context of the classroom, a professor need not relinquish her monopoly on competence to her students since it is her mandate to equip them with the same skills she enjoys. Students deserve the benefit of their own labours as much as anyone. Such recognition is all they really seek. They do not want their own rights; they do want to share ours. And there is no good reason to exclude them. A professor might be training his students to someday take over his own positions, and this may be cause

43 Especially Montaigne’s, since he invented the essay, though he was not, of course, an English writer. See, for example, Marsh 77-86 and 105-110. Pierre Bayard also offers a humorous, though insightful, account of Montaigne’s reading and writing habits and their implications for today. How to Talk About Books You Haven’t Read, trans. Jeffrey Mehlmann (Vancouver: Raincoast Books, 2007), 47-57.
for some anxiety whether he recognises it or not, but he should treat his students as though they are already his colleagues. No one gains anything from excluding them. Rather than regarding their manuscripts as works-in-progress in which no one has any proprietary rights, as scholars depict the system of manuscript circulating the English Renaissance, one should treat another’s manuscripts as one would wish one’s own to be treated. In a world of conflicting proprieties, this is the only golden rule.
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